

## Backcountry Horsemen of California

### Custodian of Records (COR) Policy and Procedures

This policy including the procedures to follow have been developed to meet the requirements of the State of California, Department of Justice (DOJ), Division of California Justice Information Services, for any agency that receives Criminal Offender Record Information (CORI).

The overall responsibility for the administration of this rests with the Primary Custodian of Records (COR)-

The purpose for receiving and evaluating a CORI is for the sole purpose to evaluate eligibility for BCHC members to participate within the BCHC Volunteer Youth Program working with minors.

Upon retrieving the BICA 8016 form from the BCHC website the applicant is notified by visual notice that upon submitting for the background check they agree to their fingerprints being retained by the CA DOJ and searched against other fingerprints on file, including latent fingerprints.

#### 1. Record Security:

Viewing the CORI files may only take place when the following conditions are met. You are on a secured data device that is protected from malware, you are in a secured room where no unauthorized person may view the computer screen, and the entry to the room is secured to protect no unauthorized access while viewing files.

No CORI files will be downloaded for the purpose of storage. A CORI will only be printed for the intent to be mailed to the applicant if they fail the evaluation process.

You must change access codes and passwords to access the DOJ portal frequently and when advised by DOJ on moment's notice.

Any questions regarding the release, security, and privacy of Criminal Offender Record Information (CORI) are to be resolved by the BCHC-COR and the current BCHC President.

#### 2. Record Destruction: It is recommended that the state summary of CORI obtained for certification purposes be destroyed once a decision is made to certify the subject of the

record. Retention beyond this time should be based on legitimate business need.

All CORI's are viewed online through the DOJ Portal

3. No longer interested (NLI)

If the purpose for the CORI access no longer applies, due to removal from the youth program for expired membership or violation of the rules, the agency must notify the DOJ within 5 days that BCHC is no longer interested (NLI) in receiving subsequent arrest and disposing notifications and, consistent with the regulation, destroy any CORI in such a manner that the identity of the subject can no longer be ascertained. Secure disposal or destruction of physical media, including shredding or incineration, minimizes the risk of unauthorized access or use of CORI.

Once the applicant has passed the background check portion of the requirement for the BCHC Volunteer Youth Program the VP of membership is notified for verification of membership and placed on a membership expiration date watch list. If at any time the applicant's membership lapsed the COR notifies the DOJ with the NLI. The member is given several notices of upcoming expiration date with explanation of impending removal from program. Once removed, the member must reapply to be placed back into the program and in the DOJ criminal record monitoring system.

4. Record Dissemination/Use of CORI:

CORI shall be used only for the purpose for which it was requested from the DOJ. It can only be viewed by the COR. The information in the CORI will not be discussed with anyone including the applicant.

CORI may only be disclosed as specifically authorized by law. It may not be reproduced for secondary dissemination, transferred to, or shared with any other employing, licensing, or regulatory entity, or in response to Public Records Act request. Unauthorized access, disclosure and /or misuse of CORI is a criminal offense.

5. Record Storage: The BCHC-COR will not retain the CORI file in hard copy or be stored on any electronic media, CD's, Hard drives, or USB flash drives. Once the CORI has been evaluated online, it no longer needs to be accessed unless there is an update with additional records. It is the BCHC policy to only have a physical copy of the CORI summary if the applicant fails to meet the standard set to be granted into the BCHC youth program. The CORI is to be mailed to the applicant via certified mail with instructions on how to obtain a full record and dispute any inaccuracies.

The CORI summary will be temporarily stored in a secured locked file box accessible only by the COR located in a secured location with limited access until such time that it is mailed to the applicant.

6. Data Security

The COR's computer that is used to access the AAJC and view CORI files must be VPN secured, have device security against viruses, malware, spyware, ransomware, and other online threats. It must have ID theft protection and identity lock to secure passwords from unauthorized use such as a password manager vault.

7. Record Reproduction: CORI shall not be reproduced for secondary dissemination to any other employment or licensing agency. However, the requesting agency must provide a copy of the DOJ applicant response to the subject of the record if they fail to meet the

background check requirements for the youth program.

8. Mobile and wireless devices: It is prohibited to use any mobile devices, for the purpose of accessing, processing, storing, or transmitting CORI. It is prohibited to authorize monitor, and control wireless access to information systems that access, process store, or transmit CORI in accordance with section 5.13 of the Criminal Justice Information Services (CJIS) Security Policy

9. Incident Response and Reporting

In the case of an accidental viewing of the CORI report. Make note in the incident report log with full description of details. Send the report to the Head of agency BCHC President for his assessment, act on any actions that need to be taken against the COR and any recommended changes in procedure to prevent from happening again.

10. Audit procedure

A weekly scan of computers for security breach will be conducted and logged of any events or actions taken to repair damage. Audit of BCHC membership of active participants in the youth program is taken the first of every month to maintain legal participation in the DOJ monitoring system. Print a monthly NLI report and keep it on file.

11. Training:

The current BCHC-COR shall:

- a. Understand and enforce this policy.
- b. Be fingerprinted and have a criminal history clearance.
- c. Have on file a signed copy of the attached *Employee Statement Form* (which is itself a part of this policy) which acknowledges an understanding of laws prohibiting misuse of CORI. (Penal Code sections 502, 11142, and 11143).
- d. BCHC-COR must receive training and counseling on the handling of criminal offender record information.
- e. Shall receive level 2 CJIS Security Awareness Training within the first 6 months and every 2 years thereafter. This is done through the DOJ portal site.

12. Penalties: Misuse of CORI is a criminal offense. Misuse of CORI may result in criminal or civil prosecution and/or administrative action up to and including loss of access to information maintained by the DOJ.

If at any time the COR fails to comply with the duties of a COR and follow all the safety procedures to keep confidential information secure, they will be removed by the BCHC president, and another will be appointed. The DOJ will be notified immediately of all changes and the proper forms and background checks that are required will be submitted.

13. User fee (Fingerprint Processing fee)

It is the responsibility of the applicant for the BCHC Youth program to pay the processing fee for the live scan background check. BCHC units may provide for the cost at their own discretion.

14. BCHC-COR's must not divulge or share criminal record history information, including responses that no criminal record history exists, with anyone including the applicant.

15. The BCHC-COR is responsible for receiving, evaluating and the destruction of the CORI file.

16. The BCHC-COR will evaluate the CORI and make the determination if the applicant meets the requirements as listed in the BCHC Youth Policy.

17. BCHC-COR will only correspond with the applicant regarding results via US mail or email.

**BCHC Custodian of Records Training - Counseling**

The BCHC-COR is required to read and sign the following documents:

1. CRIMINAL OFFENDER RECORD INFORMATION SECURITY REQUIREMENTS -  
Use of Applicant Criminal Offender Record Information
2. CRIMINAL OFFENDER RECORD INFORMATION POLICY
3. Use of Applicant Criminal Offender Record Information -  
CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION
4. EMPLOYEE STATEMENT - Use of Applicant Criminal Offender Record Information
5. BCHC Background Check Requirement Policy - #1019-1
6. BCHC Youth Activities Policy -#1018-2a
7. BCHC Custodian of Records Policy -#1019-2
8. Level 2 CJIS Security Awareness Training within the first 6 months of being appointed and accepted by DOJ and every 2 years thereafter. This is done through the DOJ portal site.

The primary BCHC-COR is to keep these signed records on file as long as the BCHC-COR are is active

**Handling of Criminal Offender Record Information (CORI)**

1. Only the Primary Custodian of Records may collect any hard copy criminal of record information (CORI) and BCIA 8016 forms from the secured mailbox
2. Once the CORI is evaluated and a decision is made on qualification, as per the Youth Policy, the record will be handled as follows:
  - a. If the evaluation of the **CORI meets the requirements** of the Youth Policy standards, a letter of acceptance will go to the applicant with further instructions on how to become Mandate Reporter certified.-
  - b. If the evaluation of the **CORI does NOT meet the requirements** of the Youth Policy standards, a letter of denial, to include their CORI, a copy of the Department of Justice (DOJ) Fingerprint and background check process – Discrepancies “How to obtain your full criminal records report.”, They will also receive notice that they will be given the opportunity to challenge the accuracy and completeness of their CORI and to submit any inaccuracies before any final determination is made on their eligibility for the program. This will go out to the applicant by way of certified mail to the last known address on the application.

3. The CORI is only used in compliance with the BCHC Youth Policy for working with minor members

The BCHC President shall appoint the BCHC Custodian of Records (COR) to sit on the BCHC Education Fund, Inc. board (501c3) for a 4-year term (which may be extended by the current BCHC President)

### **Definitions**

BCHC – Backcountry Horsemen of California

DOJ – California Department of Justice

BCHC-COR – Custodian of Records as appointed by the BCHC President (also known as Primary COR)

The Custodian of records is charged with determining the suitability for participation in the BCHC Youth Program. He is the individual designated by the agency as responsible for the security, storage, dissemination, and destruction of CORI furnished to the agency, and serves as the primary contact for the DOJ. The DOJ must be notified when the designated custodian of records no longer serves in the capacity for BCHC.

NLI – No longer interested, is used in the monitoring process of files.

AAJC – Applicant agency Justice Connection – Electronic responses. A web portal has been established for agencies to retrieve CORI responses. Access to ORI is restricted to the Agency’s COR to ensure security and confidentiality.

CORI – Criminal Offender Record Information. CORI means records and data compiled by criminal justice agencies for the purpose of identifying criminal offenders. For each offender, CORI may include a summary of arrest, pretrial proceedings, the nature and disposition of criminal charges and information pertaining to sentencing, incarceration, rehabilitation, and release. Criminal justice agencies throughout the state provide this information to the DOJ, which in turn is required to maintain it in a statewide repository. CORI is privileged and confidential and may not be disclosed except as specifically authorized by law.

CJIS: Criminal Justice Information Services, which includes the system used to process, store, or transmit CJI.

CJI: Criminal Justice Information, such as hot file data (stolen cars, etc.) and criminal history data

CHRI – National and state CJIS systems contain Criminal History Record Information (CHRI)

A Non-Criminal Justice Agency is defined as: An entity or any submit hereof that provides services primarily for purposes other than the administration of criminal justice.

Approved by Executive Board August 1, 2019

Approved by the Board of Directors October 2019

Amended Policy approved by the Executive Committee August 2023

Amended Policy approved by Board of Directors October 2023