



Burney Water District Criminal Offender Record Information Policy

Purpose:

To meet the requirements of the State of California, Department of Justice, Division of California Justice Information Services, for the Burney Water District when it receives Criminal Offender Record Information.

Scope:

This Policy applies to the District Manager and Office Clerk II.

Policy:

Burney Water District recognizes the necessity to ensure the suitability of individuals accessing confidential criminal history records, anyone with access to Criminal Offender Record Information shall be fingerprinted and processed through the California Department of Justice.

1. Record Security: Any questions regarding the release, security and privacy of Criminal Offender Record Information is to be resolved by the Burney Water District Manager and in his/her case of absence it will then go to the Office Clerk II.
 - a. All Criminal Offender Record Information obtained from the California Department of Justice is confidential, and access to the information must be limited to those individuals who have a “need to know”. This may include, but not be limited to, hiring managers and staff, staff submitting the Criminal Offender Record Information, and staff charged with processing job applications. The Burney Water District must maintain and keep a current list of each individual authorized to have access to, or view, Criminal Offender Record Information.
2. Record Destruction: It is recommended that the state summary of Criminal Offender Record Information obtained for employment, licensing or certification purposes be destroyed once a decision is made to employ, license or certify the subject of the record. Retention beyond this time should be based on legitimate business need or statute.
3. Record Dissemination: Criminal Offender Record Information shall be used only for the purpose for which it was requested.
 - a. Use of Criminal History in Background Screening: Criminal Offender Record Information used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.
 - b. Verifying a Subject’s Identity: If a criminal record is received from the California Department of Justice, the information is to be closely compared with the information of the Criminal Offender Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant. If the information in the Criminal Offender Record Information record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the Criminal Offender Record Information record and documents provided by the applicant.

- c. Inquiring about Criminal History: In connection with any decision regarding employment, volunteer opportunities, or professional licensing, the subject shall be provided with a copy of the criminal history record, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.
- d. Determining Suitability: If a determination is made, based on the information as provided in section 3b of this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:
 - i. Relevance of the record to the position sought;
 - ii. The nature of the work to be performed;
 - iii. Time since the conviction;
 - iv. Age of the candidate at the time of the offense;
 - v. Seriousness and specific circumstances of the offense;
 - vi. The number of offenses;
 - vii. Whether the applicant has pending charges;
 - viii. Any relevant evidence of rehabilitation or lack thereof; and
 - ix. Any other relevant information, including information submitted by the candidate or requested by the organization.

The applicant is to be notified of the decision and the basis for it in a timely manner.

- e. Adverse Decisions Based on Criminal Offender Information Record: If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the Burney Water Districts Criminal Offender Information Record policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the Criminal Offender Record Information record. Subjects shall also be provided a copy of the California Department of Justice's Information Concerning the Process for Correcting a Criminal Record.
- 4. Record Storage: Criminal Offender Record Information shall be securely maintained and accessible only to the District Manager and Office Clerk II, committed to protect Criminal Offender Record Information from unauthorized access, use, or disclosure.
 - 5. Record Reproduction: Criminal Offender Record Information shall not be reproduced for secondary dissemination to any other employment or licensing agency. However, the requesting agency may provide a copy of the Department of Justice applicant response the subject of the record.
 - 6. Training: **The District Manager and Office Clerk II Shall:**
 - 1. Understand and enforce this policy.
 - 2. Be fingerprinted and have a criminal history clearance.

3. 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 the misuse of Criminal Offender Record Information.
7. Penalties: Misuse of the Criminal Offender Record Information is a criminal offense. Misuse of Criminal Offender Record Information may result in a criminal or civil prosecution and/or administrative action up to and including loss of access to information maintained by the Department of Justice.