CRIMINAL HISTORY RECORDS INFORMATION (CHRI)
Authority and Intended Use | Review of Applicant's Criminal History |
Non-Criminal Justice Applicant's Privacy Rights | Privacy Acknowledgment Attestations

AUTHORITY AND INTENDED USE OF CHRI:
As an Applicant for licensure, the LSBEP is authorized and empowered to determine that you meet the criteria under LA R.S. 37:2356 including that you are "of good moral character" that you are not "in violation of any of the provisions" of Title 37, Chapter 28. *Psychologists*, specifically R.S. 37:2356.2.A and 37:2359.B (1), (4), (5), (11), (12), (13) and (14), and that you are physically and mentally competent to render psychological services with reasonable skill and safety to patients and that you are not afflicted with a disease or condition, either physical or mental, which would impair his competency to render psychological services (R.S. 37:2356.2.B). A national fingerprint-based criminal history record check (Criminal Background Check (CBC)) is required as a part of your application under the authority of La. R.S. 37:2356.1, and will be used to check the criminal history records of the FB I to determine your eligibility for licensure under La Revised Statutes, Title 37 §§2351 – 2360 and the board's rules respecting any such health care provider as set forth in LAC 46:LXIII. Providing your fingerprints and associated information is voluntary, however failure to do so will affect the completion and approval of your application. The results of your criminal background check must be received before your status as a candidate for licensure will be considered.

REVIEW OF APPLICANT'S CHRI: The Board shall consider the following in reviewing an applicant's criminal background:

1) The nature and seriousness of the offense.
2) The amount of time that has passed since the conviction and the age of the person at the time of the crime.
3) The specific duties and responsibilities for which the license is required (i.e. the nexus between the criminal conduct and the prospective duties of the applicant when licensed).
4) The facts relevant to the circumstances, including any aggravating or mitigating circumstances or social conditions surrounding the commission of the offense.
5) Evidence of rehabilitation or treatment undertaken by the person since the conviction, including but not limited to:
   a. Completion of, or active participation in, rehabilitative drug or alcohol treatment.
   b. Voluntary entry into a first-offender, diversion or post-conviction program.
   c. The subsequent commission of a crime by the applicant.
   d. Any affidavits or other written documents, including character references.
   e. Prison, jail, probation, parole, rehabilitation, and employment records of the applicant since the date the crime was committed.

NONCRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS:
An applicant for licensure, subject to a national fingerprint-based criminal history record check for a noncriminal justice purpose, you have certain rights to privacy and expectations related to your Criminal History Record Information (CHRI) explained below:

- You must be provided, and acknowledge receipt of, an adequate Privacy Act Statement when you submit your fingerprints and associated personal information. This Privacy Act Statement should explain the authority for collecting your information and how your information will be used, retained, and shared. You may access the Privacy Act Statement on the LSBEP website and at this link:PrivacyActStatement.pdf
- You must be provided written notification that your fingerprints will be used to check the criminal history records of the FBI.
- If you have a criminal history record, the officials making a determination of your suitability for the employment, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures of obtaining a change, correction, or update of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the criminal history record.
- You have the right to expect that the officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Counsel. [see also Privacy Act Statement available on the LSBEP website and at this link: Privacy Act Statement.pdf
- If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at https://www.fbi.gov/services/cjis/identity-history-summary-checks.
- If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication form that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34)

Privacy Act Statement

This privacy act statement is located on the back of the FD-258 fingerprint card.

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

As of 03/30/2018

See Page 2 for Spanish translation.

Declaración de la Ley de Privacidad

Esta declaración de la ley de privacidad se encuentra al dorso del FD-258 tarjeta de huellas digitales.

Autoridad: La adquisición, preservación, e intercambio de huellas digitales e información relevante por el FBI es autorizada en general bajo la 28 U.S.C. 534. Dependiendo de la naturaleza de su solicitud, la autoridad incluye estatutos federales, estatutos estatales de acuerdo con la Pub. L. 92-544, Órdenes Ejecutivas Presidenciales, y reglamentos federales. El proveer sus huellas digitales e información relevante es voluntario; sin embargo, la falta de hacerlo podría afectar la terminación o aprobación de su solicitud.

Propósito Principal: Ciertas determinaciones, tal como empleo, licencias, y autorizaciones de seguridad, podrían depender de las investigaciones de antecedentes basados en huellas digitales. Se les podría proveer sus huellas digitales e información relevante/ biométrica a la agencia empleadora, investigadora, o responsable de alguna manera, y/o al FBI con el propósito de comparar sus huellas digitales con otras huellas digitales encontradas en el sistema Next Generation Identification (NGI) del FBI, o su sistema sucesor (incluyendo los depósitos de huellas digitales latentes, criminales, y civiles) u otros registros disponibles de la agencia empleadora, investigadora, o responsable de alguna manera. El FBI podría retener sus huellas digitales e información relevante/biométrica en el NGI después de terminar esta solicitud y, mientras las mantengan, sus huellas digitales podrían continuar siendo comparadas con otras huellas digitales presentadas a o mantenidas por el NGI.

Usos Rutinarios: Durante el procesamiento de esta solicitud y mientras que sus huellas digitales e información relevante/biométrica permanezcan en el NGI, se podría divulgar su información de acuerdo a su consentimiento, y se podría divulgar sin su consentimiento de acuerdo a lo permitido por la Ley de Privacidad de 1974 y todos los Usos Rutinarios aplicables según puedan ser publicados en el Registro Federal, incluyendo los Usos Rutinarios para el sistema NGI y los Usos Rutinarios Generales del FBI. Los usos rutinarios incluyen, pero no se limitan a divulgación a: agencias empleadoras gubernamentales y no gubernamentales autorizadas responsables por emplear, contratar, licenciar, autorizaciones de seguridad, y otras determinaciones de aptitud; agencias de la ley locales, estatales, tribales, o federales; agencies de justicia penal; y agencias responsables por la seguridad nacional o seguridad pública.

A partir de 30/03/2018

Read, check each item and sign below to affirm and demonstrate understanding:

☐ I have read the NONCRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS herein as well as the National Crime Prevention and Privacy Compact Counsel's Privacy Act Statement, which are also available on LSBEP's website at: https://lsbep.org

☐ I understand that pursuant to La. Revised Statute 15:588, an individual can obtain a certified copy of his/her personal criminal history record as maintained by the Louisiana State Police Bureau (LSP). However, LSBEP is prohibited from sharing the criminal history record with other agencies and/or positions in which you may be applying.

☐ I understand the authority of the LSBEP to collect and handle fingerprints and associated information, as well as the Board's intended use of my Criminal History Record Information (CHRI).

☐ I understand that Criminal History Record Information (CHRI) received by the Board in conjunction with an application or other authorized use, is deemed confidential and is not a public record pursuant to La. R.S. 44:4(29); is reviewed and discussed in Executive Session; is not subject to subpoena by any person or other state or federal agency pursuant to LAPA §956(8)(a); and is further exempt from public records under La. R.S. 37:2356.1 of the Psychology Board Practice Act which specifically exempts criminal history record information obtained by the Board.

☐ I understand that there are exceptions/limitations to the confidentiality of CHRI and/or association information submitted to the LSBEP as part of my application for license, that may cause my CHRI to become public record pursuant to the provisions of Louisiana Public Records Law, La. R.S. 44:1, et seq., including: exercising my right under La. R.S. 42:17.A(1) to require that the Board's discussion of my application be held in open meeting.

☐ I understand that CHRI may be disclosed as part of the adjudication process, during a hearing conducted in accordance with La. 37:2351 et al, that is open to the public following proper notification and based on a formally established requirement; you are not prohibited from being present at the hearing; and CHRI will not be disclosed during the hearing if the applicant withdraws from the application process or otherwise relinquishes a license, if licensed.

☐ I understand that CHRI may be disclosed if it is required to be filed with a court of competent jurisdiction, as part of a judicial review of a Board decision and/or disclosure is otherwise ordered by a court of competent jurisdiction.

☐ I understand that procedures for obtaining a change, correction, or updating of an FBI identification record are set forth in 28 CFR 16.34 for information reported to the Board that is believed to be inaccurate or incomplete are as follows: Make application directly to the Department of Public Safety, Bureau of Criminal Identification and Information, Attn: Applicant Processing, P.O. Box 66614 (Mail Slip A-6), Baton Rouge, LA 70896 AND/OR direct your challenge as to the accuracy or completeness of any entry on your record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will forward the challenge to the agency which submitted the data requesting that agency verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

☐ I understand that in accordance with LAC:46:LXIII.1207.B., the submission of an application for license to the board shall constitute and operate as an acknowledgment and authorization by the applicant for the board's utilization of criminal history record information to determine his or her suitability and eligibility for licensure, and whether just cause exists for the board to refuse to issue, suspend, revoke, or impose probationary or other terms, conditions, or restrictions on any license held or applied for by an applicant in the state of Louisiana for violation of any of the causes specified by R.S. 37:2359 or 37:2360, and the board's rules respecting any such health care provider as set forth in LAC 46:LXIII.

☐ I understand that LSBEP receives expunged records.

Print Name:

SIGNATURE