



To: New Account Users

Ref: Fingerprint Submission Process

On September 24, 2018, Colorado Bureau of Investigation (CBI) launched the Colorado Background Applicant Services (CABS) program. This program was initiated after the approval of Senate Bill 17-189 which allows third party vendors, approved by CBI, to electronically capture and transmit to CBI an applicant's fingerprints for the purpose of obtaining a fingerprint-based criminal history record check. After a rigorous selection process, CBI partnered with two companies, IdentoGO and Colorado Fingerprinting.

In order for an agency to have access to the results of a fingerprint-based submission, CBI will continue to setup accounts. These accounts will be created to provide you with access to our Secure Document Delivery System (SDDS) to view and download results. Previously, CBI also setup accounts for billing. Billing will no longer be handled by CBI, our vendors will be responsible for collecting the fees associated with CBI and FBI (if applicable) processing as well as their fee for providing fingerprint capture services.

Once your account has been established with CBI, CBI will share your information with our approved vendors. IdentoGo and Colorado Fingerprinting will each send you an informational packet which they call "collateral". Within these packets, you will receive information in regard to setting up a billing account, service code or unique ID, as well as additional information to assist you and your applicants as they navigate through this program.

Please refer to the following links for additional resources:

Frequently Asked Questions:

<https://www.colorado.gov/pacific/cbi/identification-faqs>

CBI Website:

<https://www.colorado.gov/pacific/cbi/employment-background-checks>

IdentoGo Websites:

<https://uenroll.identogo.com/>

Colorado Fingerprinting Website:

<http://www.coloradofingerprinting.com/>

For additional assistance, please contact CBI at 303-239-4208



COLORADO

Bureau of Investigation

Department of Public Safety

Biometric Identification and Records Unit
690 Kipling Street, Suite 4000
Denver, CO 80215
303-239-4208

February 21, 2019

To All Civil Submission Agencies,

The FBI conducted an audit of civil submissions on fingerprint based background checks. This audit identified three categories of compliance issues associated with applicant notification and record challenges. The three categories are:

1. Applicants were not notified in writing that their fingerprints would be used to check FBI criminal history records.
2. Applicants were not provided the opportunity to complete or challenge the information in the FBI identification record.
3. Applicants were not advised of the procedures for obtaining a change, correction, or an update of an FBI identification record.

The FBI made the following recommendations with CBI's concurrence. Officials at the governmental institutions and other entities authorized to submit fingerprints and receive FBI identification records under this authority must provide written notification to the individuals fingerprinted that the fingerprints will be used to check the criminal history records of the FBI. The officials making the determination of suitability for licensing or employment shall provide the applicants the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. These officials also must advise the applicants that procedures for obtaining a change, correction, or update of an FBI identification record are set forth in Title 28, Code of Federal Regulations (CFR), Section 16.30 through 16.34. Officials making such determinations should not deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record, or has declined to do so. (Title 42, United States Code (USC), Section 14616, Article IV(c); Title 28, CFR, Section 50.12(b); Privacy Act of 1974, Title 5, U.S.C., Section 552a (e)(3)).

CBI appreciates your cooperation in this effort. This cooperation will enable our state policies to comply with the FBI's policies and procedures.

If there are questions or concerns please do not hesitate to contact us at [303-239-5794](tel:303-239-5794) or email CDPS_CBI_Ident_TAQC@state.co.us

Respectfully,
John Camper, Director
Colorado Bureau of Investigation

By: Teresa Mucha
Manager
Biometric Identification and Records Unit





Colorado VECHS Program Application
Colorado Volunteer and Employee Criminal History Service

Business/Organization Name:					
Account Number / CONCH Number (Existing Customers Only):					
Mailing Address:		City:	State:	ZIP:	County:
Billing Address: <input type="checkbox"/> Same as Mailing					
Business Phone:			Fax:		
Name of SDDS Administrator: Same as POC (refer to User Agreement)			Name of Audit Administrator:		
Contact Phone: <input type="checkbox"/>			Contact Phone:		
Email Address of SDDS Administrator:			Email Address of Audit Administrator:		
Legal Type of Entity (Select One): <input type="checkbox"/> Governmental (Public) <input type="checkbox"/> Private - Non Profit <input type="checkbox"/> Private - Profit					
Please check all appropriate areas below that apply to the service(s) provided to children, the elderly, and/or the disabled. A "child" is any person, regardless of physical or mental condition, under eighteen years of age. A "disability" is a mental or physical impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings.					
Type of Person(s)	Care or Treatment	Education, Training, or Instruction	Supervision	Recreation	Care Placement
Child					
Elderly					
Disabled					
Please provide a mission statement below. Please attach an additional sheet if needed.					
PLEASE NOTE: Entities that are required to obtain state and federal criminal history background checks under other statutory provisions, on all or specific applicants must continue to comply with those statutes and the procedures that specifically apply to them. Requests for these required criminal history record checks may not be processed through the Colorado VECHS Program.					
Signature of Entity Head:				Date:	
Please submit completed application, User Agreement and a copy of your registration from the Secretary of State to: Colorado Bureau of Investigation 690 Kipling St, Suite 4000 Lakewood, CO 80215 (303) 239-4208					
CBI USE ONLY					
Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No					



COLORADO

Bureau of Investigation

Department of Public Safety

IDENTIFICATION UNIT | 690 Kipling Street, Suite 4000 | Denver, CO 80215 | (303) 239-4208 | www.colorado.gov/cbi

VECHS

Account Application Form: Acknowledgement

Please read and sign below or your request will be returned as incomplete.

Your account number(s) will be assigned by the CBI and provided to you. It is essential that you use this number when submitting applicant requests.

Initials

By setting up an account, you agree to keep your information with us current. Any time there is a change to your organization's name, address, phone number, e-mail address, primary contact, etc., an updated version of this form must be submitted.

Initials

An amendment to Colorado law requires that the CBI deny access to arrest records unless and until the person requesting same has signed a statement which affirms that such records shall not be used for the direct solicitation of business for pecuniary gain. In setting up an account, you agree to these terms with your signature below.

Initials

I certify that the information I have provided on this form is true and complete, and that I have read and understood the statements above.

Authorized Signature

Date

Printed Name

Title

VECHS WAIVER AGREEMENT AND STATEMENT

Volunteer and Employee Criminal History Service

For criminal history record information pursuant to the *National Child Protection Act of 1993 (NCPA)*, as amended by the *Volunteers for Children Act (VCA)*, and the *Adam Walsh Child Protection and Safety Act of 2006*

Pursuant to the National Child Protection Act of 1993 (NCPA), as amended by the Volunteers for Children Act (VCA), this form must be completed and signed by every current or prospective applicant, employee, volunteer, and contractor/vendor, for whom criminal history records are requested by a qualified entity under these laws.

I hereby authorize _____

Name of Qualified Entity

to submit a set of my fingerprints to the Colorado Bureau of Investigation (CBI) for the purpose of accessing and reviewing state and national criminal history records that may pertain to me. By signing this Waiver Agreement, it is my intent to authorize the dissemination of any Colorado and national criminal history record that may pertain to me to the qualified entity.

I understand that, until the criminal history background check is completed, the qualified entity may choose to deny me unsupervised access to children, the elderly, or individuals with disabilities. I further understand that, I may obtain a timely determination as to the validity of my challenge before a final decision is made.

____ Yes, I have (OR) ____ No, I have not been convicted of or pled guilty to a crime.

If yes, please describe the crime(s) and the particulars:

I am a current or prospective (circle one): Applicant / Employee / Volunteer / Contractor or Vendor

Signature _____ Date _____

Printed Name _____

Address _____

Date of Birth _____ SSN _____

To Be Completed By Qualified Entity:

Entity Name _____

Address _____

Telephone _____

Note: This document must be retained by the agency / qualified entity for audit purposes.



**Colorado Bureau of Investigation
Identification Unit
Colorado VECHS User Agreement
Colorado Volunteer and Employee Criminal History Service**

Agency Name (Please Print or Type on the above line)

Agency Address

City, State and Zip Code

Point of Contact (POC) Name (Please Print or Type)

Agency Telephone Number

FAX Number

Email Address

This agency hereinafter shall be known as "Authorized Recipient (AR)".

The AR's Originating Agency Identifier (ORI) and OCA, if applicable, is: _____

I. PURPOSE

This User Agreement is used to provide access to criminal history record information to authorized employers requesting fingerprint-based criminal history records for screening current and/or prospective applicants who have or may have unsupervised access to children, the elderly, or individuals with disabilities for whom the AR provides care. The AR is a public, private, for profit, or not-for-profit entity operating within the State of Colorado with a physical operating address in Colorado.

Fingerprint-based criminal history record information must be explicitly mandated or allowed by law. National criminal history record information must be authorized by federal law or a state statute approved by the U.S. Attorney General. If the requesting agency is regulated by a Colorado Revised Statute (CRS), they are not permitted to set up a VECHS account and will have to set up an account based on their regulating (CRS).

Enter the law(s) requiring or allowing the receipt of criminal history record information, if known:

II. THE PARTIES AGREE AS FOLLOWS:

The CBI Identification Unit will:

1. Provide criminal history record information in response to fingerprint-based background checks to the AR.
2. Notify the AR of subsequent arrests within the state of Colorado.
3. Provide assistance to the AR in interpreting criminal history record information.
4. Work to ensure the completeness and accuracy of the criminal history record information.
5. Conduct audits to assure compliance with this Agreement, state and federal laws, and pursuant to the Federal Bureau of Investigation (FBI) Office of Information Security (OIS), Security Policy (most *current version*.)
6. Cease providing criminal history record information to the AR if this Agreement is violated or if the AR is suspected of violating this Agreement.

The AR will:

1. Abide by the terms and conditions identified in this Agreement.
2. Comply with state and federal laws, rules, procedures, and policies, including those adopted by the state, CBI, FBI OIS Security Policy, and the National Crime Prevention and Privacy Compact (Title 42, United States Code 14611-16) regarding the receipt, use, and dissemination of criminal history record information.
3. Use criminal history record information only for the purpose for which it was requested.
4. Make the eligibility determination on applicants based on the receipt of the criminal history record information. Determine whether the current or prospective applicant has been convicted of, or is under pending indictment for, a crime that bears upon his or her fitness to have access to or contact with children, the elderly, or individuals with disabilities. The term "applicant" applies to employees, volunteers, contractors, vendors or persons that have or may have access to children, the elderly or individuals, with disabilities for whom AR provides care, pursuant to the NCPA/VCA.
5. Obtain a completed and signed Waiver Agreement and Statement from every applicant for whom the AR submits a request for a criminal history record check. Retain waiver for a minimum of three years or until a successful compliance audit has been assessed by CBI.
6. Ensure that "NCPA/VCA VECHS VOLUNTEER" or "NCPA/VCA VECHS EMPLOYEE" is entered in the "reason fingerprinted" field for each criminal history record request, i.e., *the National Child Protection Act, as amended by Volunteers for Children Act (NCPA/VCA); the Adam Walsh Child Protection and Safety Act, Section 153 (Adam Walsh Act)*.
7. Pay all fees for criminal history record information provided by CBI and FBI.
8. Once an applicant no longer has a need to be flagged, the AR will be responsible for notifying CBI to remove the flag for subsequent arrest notification.
9. Provide for the security of any criminal history record information received.

This includes, but is not limited to:

- a. Designate an employee who will be responsible for ensuring compliance with security procedures and this User Agreement.
- b. Download completed report from the Secure Document Delivery System.
 - a. The report will only be available to download for 90 days from the date the original report is completed.
- c. Ensure that all personnel with access to criminal history record information are aware of the rules and responsibilities with regard to criminal history record information, pursuant to the most current version of the FBI Criminal Justice Information Services Security Policy.
- d. Restrict access to physical or electronic copies of criminal history record information to authorized personnel. Physical copies shall be maintained in a controlled, secure environment such as a locked cabinet in a room not accessible to all staff and visitors. Electronic copies shall be protected with at least 128-bit encryption or individually password protected. The relevant federal encryption standard is FIPS 140-2.
- e. Restrict dissemination of criminal history record information and log all authorized dissemination. Logs shall include, *at a minimum*, the date, the name of sending agency, name of applicant receiving record, record shared, means of dissemination, and name of person who disseminated said record.
- f. Track and report information security incidents such as the theft or loss of physical records or the penetration of electronic systems.
- g. Dispose of records securely. Physical media should be cross-shredded at a minimum, and electronic records should be deleted and repeatedly overwritten.
- h. Understand that this data is based on criminal history record information received at the state repository and through the systems of the FBI. If a person could be adversely affected by this data, the person must be given the opportunity to challenge and correct a record.
- i. Retain audit records for at least three years or until AR has received a favorable compliance rating from a CBI Audit. Once the minimum retention time period has passed, the AR shall continue to retain audit records until they are no longer needed for administrative, legal, or audit purposes.
- j. Allow CBI to conduct audits to assure compliance with this Agreement.

III. CRIMINAL HISTORY RECORD INFORMATION LIMITATIONS

The AR understands the criminal history record information has the following limitations:

1. Criminal history record information is defined and has three parts as follows:
 - a. The arresting agency's name and crime class under which the person was arrested. The arrest data submitted includes the mandatory field of name, race, sex, and date of birth. All arrests are accompanied by fingerprints.
 - b. The charge(s) issued by the prosecutor.
 - c. The name of the court that tried the case and the ultimate disposition of

the case.

2. Criminal history record information and custody information is compiled from information submitted to CBI from law enforcement agencies, prosecutors, courts, Department of Corrections (*hereinafter referred to as contributing agencies.*) Although CBI makes reasonable efforts to ensure all information is submitted as required by law, it is not responsible for omissions from contributing agencies.
3. Before releasing information on individuals or taking adverse action against an individual listed on the criminal history record, the person in question must be afforded the opportunity to dispute and correct the record.
4. Criminal history record information is constantly being updated as new arrests and other information are entered into the system by contributing agencies. The record released is only valid as of the date the criminal history record check was performed.
5. Certain statutes allow for the suppression or deletion of records, and this information is not provided.
6. CBI retains records for the state of Colorado only. Most fingerprinting reasons include a check through the FBI, which CBI will request on the AR's behalf as a normal part of the criminal history record check, if allowed by law.

This Agreement commences on the date the last signature is obtained below and continues until terminated by either party. This Agreement may be terminated sooner by one or both parties upon 30-days written notice or immediately upon violation of the terms of the Agreement.

Compliance with this Agreement is voluntary; however, failure to complete this Agreement may result in denial of request.

NONCRIMINAL JUSTICE AGENCY

Agency Representative and Title (Please Print or Type)

Signature of Agency Representative

Date

COLORADO BUREAU OF INVESTIGATION/ IDENTIFICATION UNIT

CBI Representative

Signature Of CBI Representative

Date



COLORADO
Bureau of Investigation
Department of Public Safety

Identification Unit
690 Kipling Street, Suite 4000
Denver, CO 80215
303-239-4208

NOTICE TO APPLICANTS

As an applicant for a position requiring fingerprints to be submitted to the Colorado Bureau of Investigation, and the Federal Bureau of Investigation, **YOUR FINGERPRINTS WILL BE SUBMITTED TO THESE AGENCIES TO CHECK STATE AND FBI RECORDS.**

Discrepancies on your Colorado record can be challenged and corrected by contacting the Colorado Bureau of Investigation at 690 Kipling St., Suite 3000, Denver, CO 80215, or by calling the Identification Unit at (303) 239-4208. Additional information is available from CBI's website at www.colorado.gov/cbi.

Discrepancies on records from the FBI or relating to another state can be challenged through the FBI. Information, including that listed below, can be found at their website at www.fbi.gov.

The [U.S. Department of Justice Order 556-73](#) establishes rules and regulations for the subject of an FBI Identification Record to obtain a copy of his or her own record for review. The FBI's Criminal Justice Information Services (CJIS) Division processes these requests.

How to Request a Copy of Your Record

The FBI offers two methods for requesting your FBI Identification Record or proof that a record does not exist.

Option 1: [Submit your request directly to the FBI.](#)

Option 2: Submit to an [FBI-approved Channeler](#), which is a private business that has contracted with the FBI to receive the fingerprint submission and relevant data, collect the associated fee(s), electronically forward the fingerprint submission with the necessary information to the FBICJIS Division for a national criminal history record check, and receive the electronic record check result for dissemination to the individual. Contact each Channeler for processing times (this result cannot be used for licensing).

AGENCY INSTRUCTIONS: To comply with federal law, provide a copy of this document to each applicant fingerprinted.



NONCRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification¹ that your fingerprints will be used to check the criminal history records of the FBI.
- 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.²
- 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 for 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.³

You have the right to expect that 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 Council.⁴

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 from 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.)

¹ Written notification includes electronic notification, but excludes oral notification.

² <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>

³ See 28 CFR 50.12(b).

⁴ See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).

AGENCY PRIVACY REQUIREMENTS FOR NONCRIMINAL JUSTICE APPLICANTS

Authorized governmental and non-governmental agencies/officials that conduct a national fingerprint-based criminal history record check on an applicant for a noncriminal justice purpose (such as employment or a license, immigration or naturalization matter, security clearance, or adoption) are obligated to ensure the applicant is provided certain notice and other information and that the results of the check are handled in a manner that protects the applicant's privacy. These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, and Title 28, Code of Federal Regulations (CFR), Section 50.12, among other authorities.

- Officials must provide to the applicant written notification¹ that his/her fingerprints will be used to check the criminal history records of the FBI.
- Officials must ensure that an applicant receives, and acknowledges receipt of, an adequate Privacy Act Statement when the applicant submits his/her fingerprints and associated personal information.²
- Officials using the FBI criminal history record (if one exists) to make a determination of the applicant's suitability for the employment, license, or other benefit must provide the applicant the opportunity to complete or challenge the accuracy of the information in the record.
- Officials must advise the applicant that procedures for obtaining a change, correction, or update of an FBI criminal history record are set forth at 28 CFR 16.34.
- Officials should not deny the employment, license, or other benefit based on information in the criminal history record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
- Officials must use the criminal history record solely for the purpose requested and cannot disseminate the record outside the receiving department, related agency, or other authorized entity.³

The FBI has no objection to officials providing a copy of the applicant's FBI criminal history record to the applicant for review and possible challenge when the record was obtained based on positive fingerprint identification. If agency policy permits, this courtesy will save the applicant the time and additional FBI fee to obtain his/her record directly from the FBI by following the procedures found at 28 CFR 16.30 through 16.34. It will also allow the officials to make a more timely determination of the applicant's suitability.

Each agency should establish and document the process/procedures it utilizes for how/when it gives the applicant notice, what constitutes "a reasonable time" for the applicant to correct or complete the record, and any applicant appeal process that is afforded the applicant. Such documentation will assist State and/or FBI auditors during periodic compliance reviews on use of criminal history records for noncriminal justice purposes.

¹ Written notification includes electronic notification, but excludes oral notification.

² See <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>

³ See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article IV(c); 28 CFR 20.21(c), 20.33(d), 50.12(b) and 906.2(d).