

§ 20.1

- 20.22 Certification of compliance.
- 20.23 Documentation: Approval by OJARS.
- 20.24 State laws on privacy and security.
- 20.25 Penalties.

**Subpart C—Federal System and Interstate Exchange of Criminal History Record Information**

- 20.30 Applicability.
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- 20.32 Includable offenses.
- 20.33 Dissemination of criminal history record information.
- 20.34 Individual's right to access criminal history record information.
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APPENDIX TO PART 20—COMMENTARY ON SELECTED SECTIONS OF THE REGULATIONS ON CRIMINAL HISTORY RECORD INFORMATION SYSTEMS

AUTHORITY: 28 U.S.C. 534; Public Law 92-544, 86 Stat. 1115; 42 U.S.C. 3711, et seq.; Public Law 99-169, 99 Stat. 1002, 1008-1011, as amended by Public Law 99-569, 100 Stat. 3190, 3196.

SOURCE: Order No. 601-75, 40 FR 22114, May 20, 1975, unless otherwise noted.

**Subpart A—General Provisions**

SOURCE: 41 FR 11714, Mar. 19, 1976, unless otherwise noted.

**§ 20.1 Purpose.**

It is the purpose of these regulations to assure that criminal history record information wherever it appears is collected, stored, and disseminated in a manner to insure the completeness, integrity, accuracy and security of such information and to protect individual privacy.

**§ 20.2 Authority.**

These regulations are issued pursuant to sections 501 and 524(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1973, Public Law 93-83, 87 Stat. 197, 42 U.S.C. 3701, et seq. (Act), 28 U.S.C. 534, and Public Law 92-544, 86 Stat. 1115.

**§ 20.3 Definitions.**

As used in these regulations:

(a) *Criminal history record information system* means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation or dissemination of criminal history record information.

(b) *Criminal history record information* means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system. State and Federal Inspector General Offices are included.

(c) *Criminal justice agency* means:

- (1) Courts;
- (2) A government agency or any subunit thereof which performs the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice.

(d) The *administration of criminal justice* means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information. State and Federal Inspector General Offices are included.

(e) *Disposition* means information disclosing that criminal proceedings have been concluded, including information disclosing that the police have elected not to refer a matter to a prosecutor or that a prosecutor has elected not to commence criminal proceedings and also disclosing the nature of the termination in the proceedings; or information disclosing that proceedings have been indefinitely postponed and also