



U.S. DEPARTMENT OF JUSTICE

Federal Bureau of Investigation
Criminal Justice Information Services Division
Identification and Investigative Services Section

APR 09 2002

Date MAR 29 2002 13

APR 02 2002 4 31 2

The enclosed fingerprints and/or correspondence are being returned to you because of the reason(s) indicated below:

- Incomplete descriptive data on fingerprint card
- Date of birth not given or unclear
- Rolled impressions of all ten fingers plus plain impressions not on fingerprint card
- Fingerprint card not translated to English
- Fingerprint impressions not original inked (no copies accepted)
- Fingerprint card shows previous processing - must have no markings around finger impressions
- Fingerprints illegible - Form 1-17A attached - submit new fingerprint card
- Current fingerprint card must be submitted - maximum 1 year from date of fingerprinting accepted
- Check or money order is invalid for one or more of the following reasons:
 - Stale (expired) date of issuance
 - Not United States currency
 - Check or money order has been altered
 - Not payable to U.S. Treasury
 - Amount of fee is incorrect - (Must be \$18)
 - No personal checks accepted
- Fee has been processed and will be waived upon resubmission of fingerprints
- Proof of indigency is not provided
- Third party request - Authorization by subject required **SEE ATTACHED SAMPLE**
- Insufficient submission - Lacks one of three necessary items for processing:
 - Fee of \$18 in the form of a certified check or money order is not provided for each request
 - Completed fingerprint card
 - Letter stating reason for request
- Other

After making appropriate changes and/or additions, please resubmit to the address provided below. Your cooperation is appreciated.

FBI
CJIS Division
Special Correspondence Unit
1000 Custer Hollow Road
Clarksburg, WV 26306
304-625-3878

Rules and Regulations

[ORDER 556-73]

Title 28 CFR Part 16 - Production or Disclosure of material or information

Subpart-C Production of FBI Identification Records in Response to Written Requests by Subjects Thereof

By order dated September 24, 1973, the Attorney General of the United States directed that the Federal Bureau of Investigation, hereinafter referred to as the FBI, publish rules for the dissemination of arrest and conviction records to the subjects of such records upon request. This order resulted from a determination that 28 U.S.C. 534 does not prohibit the subjects of arrest and conviction records from having access to those records. In accordance with the Attorney General's order, the FBI will release to the subjects of identification records copies of such records upon submission of a written request, satisfactory proof of identity of the person whose identification record is requested and a processing fee.

Since the FBI Criminal Justice Information Services (CJIS) Division is not the source of the data appearing on identification records, and obtains all data thereon from fingerprint cards or related identification forms submitted to the FBI by local, state and federal agencies, the responsibility for authentication and correction of such data rests upon the contributing agencies. Therefore, the rules set forth for changing, correcting or updating such data require that the subject of an identification record make application to the original contributing agency in order to correct a deficiency.

The relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation and delay in effective date are inapplicable because the material contained herein relates to the interpretation of 28 U.S.C. 534 as allowing the granting of an exemption to subjects of identification records and relief of prior administrative restrictions on dissemination of such records to them. Furthermore, it is deemed in the public interest that there be no delay in effective date of availability of identification records to the subjects thereof.

By virtue of the order of the Attorney General, dated September 24, 1973, and

pursuant to the authority delegated to the Director, FBI, by 28 CFR 0.85(b), 28 CFR Part 16 is amended as follows:

§ 16.30 Purpose and scope

This subpart contains the regulations of the Federal Bureau of Investigation (FBI) concerning procedures to be followed when the subject of an identification record requests production of that record to review it or to obtain a change, correction, or updating of that record.

§ 16.31 Definition of Identification record

An FBI identification record, often referred to as a "rap sheet," is a listing of certain information taken from fingerprint submissions retained by the FBI in connection with arrests and, in some instances, includes information taken from fingerprints submitted in connection with federal employment, naturalization, or military service. The identification record includes the name of the agency or institution that submitted the fingerprints to the FBI. If the fingerprints concern a criminal offense, the identification record includes the date of arrest or the date the individual was received by the agency submitting the fingerprints, the arrest charge, and the disposition of the arrest if known to the FBI. All arrest data included in an identification record are obtained from fingerprint submissions, disposition reports, and other reports submitted by agencies having criminal justice responsibilities. Therefore, the FBI Criminal Justice Information Services Division is not the source of the arrest data reflected on an identification record.

§ 16.32 Procedure to obtain an identification record

The subject of an identification record may obtain a copy thereof by submitting a written request via the U.S. mails directly to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. Such request must be accompanied by satisfactory proof of identity, which shall consist of name, date and place of birth and a set of rolled-in-inked fingerprint impressions placed upon fingerprint cards or forms commonly utilized for applicant or law enforcement purposes by law enforcement agencies.

§16.33 Fee for production of identification record

Each written request for production of an identification record must be accompanied by a fee of \$18 in the form of a certified check or money order, payable to the Treasury of the United States. This fee is established pursuant to the provisions of 31 U.S.C. 9701 and is based upon the clerical time beyond the first quarter hour to be spent in searching for, identifying, and reproducing each identification record requested as specified in § 16.10. Any request for waiver of the fee shall accompany the original request for the identification record and shall include a claim and proof of indigency. Subject to applicable laws, regulations, and directions of the Attorney General of the United States, the Director of the FBI may from time to time determine and establish a revised fee amount to be assessed under this authority. Notice relating to revised fee amounts shall be published in the Federal Register.

§ 16.34 Procedure to obtain change, correction or updating of identification records

If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her 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 then forward the challenge to the agency which submitted the data requesting that agency to 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.

Published in the Federal Register on 11/28/73; amended on 10/27/78, 10/27/81, 8/8/83, 5/6/86, 5/17/91, 1/3/95, and 9/28/99.

100-1-14332