



March 10, 2008

TECHNICAL AND OPERATIONAL UPDATE (TOU) 08-2

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SECTION 1 -- MESSAGE TO CJIS SYSTEMS OFFICERS

Section 2.1 of this TOU contains information concerning expansion of the III Sealing Program to allow additional states to seal records at the national level. Section 2.1 adds a new Section 5 to Chapter 7 of the *III/National Fingerprint File (NFF) Operational and Technical Manual* (December 2005).

Section 2.2 provides information on the establishment of a new III Purpose Code R for use by the FBI in processing DO 556-73 record requests to obtain an NFF state's criminal history record information. Section 2.2 adds a new Section 2.12 to Chapter 2 of the *III/NFF Operational and Technical Manual* (December 2005).

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Users are reminded that any questions concerning the *NCIC 2000 Operating Manual*, the *NCIC 2000 Code Manual*, or the distribution of TOUs should be directed to the Crime Statistics Management Unit at (304) 625-4995.

TOUs are also available via the Internet on the Law Enforcement Online (LEO) at www.leo.gov/lesig/cjis/cjis_pub/programs/ncictous.html. Users with questions concerning access to the LEO should contact the LEO Program Office at (888) 334-4536 or via e-mail at <leoprogramoffice@leo.gov>.

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SECTION 2 -- SYSTEM CHANGES

2.1 EXPANSION OF THE INTERSTATE IDENTIFICATION INDEX (III) SEALING PROGRAM TO AUTHORIZED III PARTICIPATING STATES

AFFECTED BY CHANGE: **III**

EFFECTIVE DATE: **July 6, 2008**

Background

In 1993, the FBI implemented a III system change providing NFF states with the ability to seal state-maintained records in the III. This functionality also allowed NFF states to seal records at the national level and limit dissemination under specific purpose codes as established by the NFF states.

The FBI's CJIS Division is proceeding with the expansion of the III Sealing Program to any III state with statutory authorization or requirement to seal an entire criminal history record for a particular purpose.

At its December 2005 meeting, the CJIS Advisory Policy Board recommended expanding the III Sealing Program to also allow sealing of a single arrest cycle and to submit a single-cycle sealing request via criminal fingerprint submission. The CJIS Division is developing the protocol to implement both of these recommendations; when finalized, the details will be forwarded to state identification bureaus via a future TOU.

The following should be added as Section 5, in Chapter 7 of the *III/NFF Operational and Technical Manual* (December 2005).

SECTION 5—III SEALING PROGRAM

5.1 INTRODUCTION

The III Sealing Program is being expanded to any III state with statutory authorization or requirement to seal an entire state-maintained III record at the national level, thus limiting the record's dissemination under a specific purpose code(s), as established by the III state.

Operationally, a state-maintained III record will be sealed through the submission of a III Entering Supplemental Identifiers (EHN) maintenance message. The EHN will be modified from its regular III format to include an additional field which flags the record as sealed.

Prior to sending EHN messages to seal criminal history records for a particular purpose, the III state must coordinate with the CJIS Division to schedule III software changes to allow the state to electronically seal records.

5.2 SYSTEM DESIGN

The III Sealing Program is expanded to include III program participants.

State agencies need to make software changes to allow them to electronically seal state-maintained III records.

State agencies need to make software changes so that they can receive a new III unsolicited message to notify a state of activity on a sealed record.

The III Sealing Program system design sets flags in the III when a state's entire criminal history record is not available for dissemination for a specific purpose code(s). This design incorporates two flags into the system. The FBI and the III Sealing Program participants use the flags to maintain the status of the records; however, the flags are not visible to the requesting states. The seal flags are:

Y- Indicates the state's criminal history record is sealed

N- Indicates the state's criminal history record is unsealed

The III Sealing Program participant sets a seal value of "Y" whenever a state has a criminal history record that is unavailable for dissemination for a specific purpose code(s). The III Sealing Program participant sets a seal value of "N" whenever a state maintains a criminal history record that may be disseminated for all purpose codes. The FBI provides a data field in this system design for use in an update transaction for setting or deleting the seal flag. The Seal Field (SEL) will be followed by a "Y" or an "N."

5.3 RECORD RESPONSE PROCESSING

Responses Resulting from Fingerprint Submissions

Today, when a current fingerprint submission identifies to a non-NFF state-maintained record, the FBI responds with the FBI Identification Record. When a fingerprint submission is identified with a record that contains a seal flag of "Y," the CJIS Division will not respond for the exempted sealing purpose. If a fingerprint submission identifies to a single source record, the CJIS Division will send the fingerprint contributor a NO RECORD (non-identification) response. For multi-source records, the CJIS Division will respond with the FBI Identification Record containing all unsealed records as well as any NFF state record(s).

Terminal Inquiries

When an authorized agency forwards a QH name inquiry to the III for a record that contains an SEL flag of "Y" and the purpose of the inquiry is for an exempted sealing purpose, the III will not inform the inquirer of the existence of a sealed record. For single-source records, the III will send the inquirer a NO IDENTIFIABLE RECORD ON FILE response. For multi-source records, the III will only advise the inquirer of the existence of the record from sources other than the sealing state.

Example:

2L0112345XXXXHEADER.QH.MO0000001.FBI/9022000.PUR/I.ATN/TEST.

Response:

NL0112345XXXXHEADER
MO0000001
NO IDENTIFIABLE RECORD IN THE NCIC INTERSTATE IDENTIFICATION INDEX (III) FOR
FBI/9022000.PUR/I.

When an authorized agency forwards a QR record request to the III for a record that contains a seal flag and the purpose of the request is for an exempted purpose, the III will not send a \$.A.CHR message to the sealing state. For single-source records, the III will send a NO IDENTIFIABLE RECORD ON FILE response. For multi-source records, the III will send a \$.A.CHR message to all sources of the record other than the sealing state(s). The requester will receive a record from only those sources.

5.4 INITIAL SETTING AND MAINTENANCE OF SEAL FLAGS

Under the III Sealing Program, the CJIS Division sets the SEL flag value to “N” to indicate that the records in the III (newly established or updated) are available for dissemination. The sealing state must modify the seal flag when the record is not available for dissemination.

The state identification bureau will need to make programming changes to allow for use of the EHN message to set sealing flags (at a minimum, the addition of the SEL message field code to the EHN maintenance message format). To initially set SEL flags in the III to restrict the dissemination of a sealed record, the state may submit a computer medium of EHN messages. States anticipating becoming a sealing participant should notify the III staff at least 3 months in advance to advise the CJIS Division for which purpose codes the sealed records can be disseminated. The CJIS Division must modify a software code table to identify a state as a participant and the purpose codes for which the sealed records may be disseminated. If a state attempts online sealing transactions before the software change is made, the following single line reject message will result:

“REJECT ORIGINATING AGENCY IS NOT A SEAL PARTICIPANT”

After the III sets the initial flags, the state may set or delete SEL flags with online EHN messages. A III state will be allowed to set a flag in any record that contains its SID; however, in each case, the III state should ensure that the entire state record, not just part of it, is sealed. The III state must use an EHN update transaction message to set the SEL flag in its record. The EHN message must contain a header, message key (EHN), state bureau Originating Agency Identifier, State Identification Number (SID), FBI Number, and SEL/Y.

The following EHN message format must be used to set and delete SEL status flags. An example of the FBI's response to this type of message is also included.

Example:

```
2L01HEADERXXXX01224.EHN.MD1012600.MD81331911.9015174.SEL/Y(EOT)
```

Response:

```
KL01HEADERXXXX01224
MD1012600
ACCEPT EHN FOR SID/MD81331911
```

After the III state sets the SEL flag, the state may delete the flag by using another EHN message. To cancel a flag using the above example, the state must use an EHN message and change the "SEL/Y" to "SEL/N."

5.5 ADDITIONAL SYSTEM ATTRIBUTES

(1) ZI Responses

Under the III Sealing Program, the III will display a seal value of "Y" or "N" after the Identification for Firearm Sales IFS flag in positive ZI responses for each sealed or unsealed record. An example of this message follows:

```
9L01HEADERXXXX01234
DCFBIWAA2
IDENTIFICATION SEGMENT III RECORD OF FBI/9015174 1995/03/11
ROVER,ROVING R M B MI DOB/19571201 HGT/507 WGT/140
EYE/BLK HAI/BLK
SMT/SC R ARM SOC/045508551 FPC/CODIPMAA151211171913
ADDITIONAL IDENTIFIERS-
DOB/19560307 19560702 19450523
SOC/234523788
SMT/SC L ARM TAT UL ARM
AKA/ROVER,ROVING TEST, JANE
DLU/19950307 DRE/19921222
III FLAGS/C40
MD81331911 (19921222) (IFS/X) (SEL/Y)
```

BASED ON FBI NUMBER ONLY

THIS RECORD CAN BE USED FOR ADMINISTRATIVE PURPOSES ONLY AND CANNOT BE
DISSEMINATED FOR ANY OTHER PURPOSE.
END

(2) Consolidations and Sealed Records

The III \$.A.CON (consolidation) interface message and the ACCEPT message are modified to include the SEL Field when these messages are issued in response to an MRS (Modify Record SID) message.

If the SEL flag is active in both records being consolidated, the SEL flag will remain active. However, if a corresponding FBI-maintained pointer exists in the record being consolidated and the SEL flag is active in only one of the records, the SEL flag will revert to inactive (N) and a caveat will be appended to the \$.A.CON message. The caveat will advise the state to review the consolidated record to determine the correct status flag. If the record should remain sealed, the state must transmit an EHN message to set the SEL flag to a "Y" status.

Consolidation Message with Sealing Caveat:

```
$.A.CON.SID/FL000013.FBI/9093399.NCIC III RECORD CONSOLIDATION  
CANCEL.SID/FL0000235.FBI/9000600.SEAL FLAG DELETED. IF A REVIEW OF THE  
CONSOLIDATED RECORD INDICATES THAT THE SEAL FLAG IS NECESSARY, SUBMIT  
EHN TO SET SEALED FLAG.
```

(3) Assuming Control of a Sealed Record

When a state submits an MRS message to assume responsibility of a record in the III, the III will respond with an ACCEPT message. For those states participating in the III Sealing Program, the ACCEPT message will include the current SEL status for the record on the last line of the ACCEPT message.

MRS Accept Message to Sealing Participant:

```
KL01HEADER111101212  
FL0370100  
ACCEPT SID/FL123456 FOR FBI/9004500  
III RECORD IS SINGLE-STATE  
SEL/N
```

(4) Current Information Posted to a Sealed Record

When a current arrest fingerprint submission from the sealing state is identified to a sealed record or when a want is posted to a sealed record, the III will send an unsolicited message, the Sealed Record Notification, (\$.A.SRN), to notify the sealing state of the current activity and request the state to verify the seal status.

Example:

\$.A.SRN.SID/FL000013.FBI/9093399.RECENT ACTIVITY ON SEALED RECORD. PLEASE
VERIFY SEAL STATUS.

(5) III Synchronization Record Layout

A provision of the III requires participating states to conduct biannual audits of their III records. The FBI provides a copy of the states' data in the III and current III status. The III synchronization medium includes the SEL status flag as one of the data elements for which it checks for discrepancies for states participating in the III Sealing Program. The header title for this position will be "SEL." The SEL status flag is designated in position 86 of the III synchronization record layout. The alphabetic character "Y" is placed in this position if any part of the record is sealed or an alphabetic character "N" is placed in this position if the record is not sealed. If the sealing state detects a discrepancy in the SEL status flag, it must forward an EHN update message to the FBI modifying the flag accordingly. For those states not participating in the III Sealing Program, this position should be ignored.

2.2 ESTABLISHMENT OF A NEW III PURPOSE CODE FOR FBI USE ONLY IN PROCESSING DEPARTMENTAL ORDER (DO) 556-73 RECORD REQUESTS

AFFECTED BY CHANGE:

III

EFFECTIVE DATE:

October 5, 2008

Background

Under the Privacy Act of 1974, the FBI is required to maintain an accurate account of the nature and purpose of each record disclosure. In keeping with this directive, the FBI will establish Purpose Code R for III transactions generated as a result of FBI fingerprint processing authorized by DO 556-73. The DO enables a subject of an FBI identification record to acquire, upon establishing positive identification through fingerprint processing, a copy of that record to review it, or to request a change, correction, or update of that record.

The following should be added as Section 2.12 in Chapter 2 of the *III/NFF Operational and Technical Manual* (December 2005).

2.12 PURPOSE CODE R—DEPARTMENTAL ORDER (DO) 556-73

Purpose Code R is used only by the FBI in III record requests (\$.A.CHRs) to NFF states when DO fingerprints are identified to a record maintained by an NFF participating state. State or local III queries that include Purpose Code R will be rejected as unauthorized.