

STATE OF HAWAII (EMPLOYING DEPARTMENT & ADDRESS)	<u>C O N F I D E N T I A L</u> REQUEST, CONSENT AND NOTIFICATION FOR FINGERPRINT CLEARANCE FOR STATE CIVIL SERVICE, NON-CIVIL SERVICE AND EXEMPT EMPLOYMENT
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TO BE COMPLETED FOR EACH APPOINTMENT TO A NEW POSITION

PART I – APPLICANT DATA

Applicant – Please print (black ink) or type all requested information in Part I. This information is now REQUIRED from each applicant for which fingerprints are submitted to the Hawaii Criminal Justice Data Center and the Federal Bureau of Investigation. Carefully read the certification statement, relevant section of the Code of Federal Regulations, and Privacy Act Statement, then sign and date Part I.

Applicant's First, Middle, Last Name:		Aliases/Former Names, Including Birth Name:	
Mailing Address (PO Box or No. & Street, City, State, Zip Code)		Email Address:	
Social Security No:	Date of Birth:	Place of Birth:	Sex (Check box): <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> X
Citizenship:		Race:	
Height:	Weight:	Eye Color:	Hair Color:
Position Title & Position Number (Hiring Department's HR to provide below information):			

NOTE: Personal information on this form is to be used for this purpose only. Individuals are responsible for ensuring that their personal information provided to the State is properly updated.

CONVICTION OF A VIOLATION OF LAW

Pursuant to HRS §78-2.7, the State is required to ensure the reputable and responsible character of applicants and employees, which shall include a criminal history record check. To determine a selectee's employment suitability, the Department of Human Resources Development shall conduct an evaluation, which may include reviewing information from the Hawaii Criminal Justice Data Center (HCJDC) and the Judiciary Information Management System (JIMS).

Convictions shall not necessarily bar you from employment. Factors such as age at the time of the offense, date of the offense, seriousness and nature of the violation, and rehabilitation may be considered, provided that the conviction record bears a rational relationship to the duties and responsibilities of the position.

INSTRUCTIONS

In answering the question on page 2, you **DO NOT** need to report the following:

- Arrests not followed by convictions;
- Convictions which were annulled or expunged;
- Offenses for which you were tried as a minor or juvenile;

- Convictions after which a period of ten (10) years has elapsed since the date of the conviction or fulfillment of incarceration for that offense.

You **MUST** report all convictions that occurred in the most recent ten (10) year period, plus all convictions for which your incarceration falls within the most recent ten (10) year period. This includes:

- All State, out-of-State, federal, military, international and other convictions;
- All convictions of **FELONY**, and **MISDEMEANOR** offenses (including **PETTY MISDEMEANOR, DRIVING UNDER THE INFLUENCE (DUI), CONTEMPT OF COURT, etc.**)

As an example: If today is 4/15/2020,

Then the 10-year look-back period = 4/15/2020 to 4/15/2010	
If convicted 1/15/2008 with no incarceration	Then you <i>do not</i> need to report the conviction; it is outside the 10-year look-back.
If convicted 1/15/2008 with 4-year incarceration (2008 to 2012)	Then you <i>must report</i> your conviction as instructed. The period of incarceration occurred during the 10-year look-back and adds additional 4 years to the 10-year period.

Have you been convicted of a violation of law in the recent ten (10) year period, excluding the period of incarceration?	Yes <input type="checkbox"/> No <input type="checkbox"/>
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If you answered "Yes" to the above question, complete the fields below, including the "Disposition/Sentence" box. (Attach additional sheet if more space is needed.)

DATE	LOCATION (CITY/STATE/ COUNTRY)	CHARGE	SEVERITY (petty misdemeanor, misdemeanor, felony, etc.)	DISPOSITION/SENTENCE (include circumstances of the conviction and current status)

I, the undersigned, hereby authorize the Department/Division listed above to submit a set of my fingerprints to the Hawaii Criminal Justice Data Center (HCJDC) and the Federal Bureau of Investigation (FBI) for the purposes of accessing and reviewing state and national criminal history records that may pertain to me. I understand that my fingerprints will be retained by the HCJDC and the FBI for all purposes and uses authorized for fingerprint submissions, which may include participation in the state and national rap back program.

I understand that I have the right to challenge the accuracy and completeness of the results of my fingerprint-based criminal history record check. Should the Department/Division policy not allow a copy of the results to be given to me, I may obtain a copy of my criminal history record by submitting fingerprints and fees directly to the HCJDC and/or FBI. I understand that the procedures for obtaining a change, correction, or updating of my criminal history record are set forth in Title 28, Code of Federal Regulations, Section 16.34.

I acknowledge that I have read, understand, and agree to the FBI Privacy Act Statement.

I also certify that all answers and statements made on this HRD 329b form are true and correct to the best of my knowledge, and I agree and understand that any misstatements of material facts herein may cause forfeiture of all rights to any employment in the State of Hawaii including, but not limited to, disqualification from employment consideration.

Applicant's Signature:	Date:
Print Name:	

PART II – FINGERPRINTING DATA

(To be completed by HCJDC or the HCJDC approved fingerprinting agency, other than Fieldprint)

Fingerprinting agency:	Phone No.:
Type of I.D. checked:	I.D. #:
By: _____ Signature: _____	Date: _____

§ 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.

[Order No. 1134-86, [51 FR 16677](#), May 6, 1986, as amended by Order No. 2258-99, [64 FR 52226](#), Sept. 28, 1999]

FBI Privacy Act Statement

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.

Social Security Account Number (SSAN). Your SSAN is needed to keep records accurate because other people may have the same name and birth date. Pursuant to the Federal Privacy Act of 1974 (5 USC 552a), the requesting agency is responsible for informing you whether disclosure is mandatory or voluntary, by what statutory or other authority your SSAN is solicited, and what uses will be made of it. Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.

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.

Additional Information: The requesting agency and/or the agency conducting the application-investigation will provide you additional information pertinent to the specific circumstances of this application, which may include identification of other authorities, purposes, uses, and consequences of not providing requested information. In addition, any such agency in the Federal Executive Branch has also published notice in the Federal Register describing any system(s) of records in which that agency may also maintain your records, including the authorities, purposes, and routine uses for the system(s).

Non-Criminal 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 a job or 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.
- If you have a criminal history record, the officials making a determination of your suitability for the job, 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 updating 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 job, license, or other benefit based on information in the criminal history record.²

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.³

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 <http://www.fbi.gov/aboutus/cjis/background-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.)

Endnotes

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

2 See 28 CFR 50.12(b).

3 See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), (d) and 906.2(d).