

## UTAH CONSENT TO BACKGROUND CHECK

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**Name of Background Check Applicant (Please print or type)**

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**Residential Address (Please include city, state, and zip code)**

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**Date of Birth**

I \_\_\_\_\_, understand that my personal information including name, DOB, SSN, and fingerprints will be used for the purpose of conducting a criminal history records search through any applicable state and federal databases.

This information will be used by the Utah Division of Consumer Protection to determine my eligibility, or the eligibility of an individual or entity with which I am associated, for registration in accordance with a statute the Utah Division of Consumer Protection administers and enforces, as listed in Utah Code § 13-2-1. My personal information and fingerprints may be retained for ongoing monitoring and comparison against future submissions to the state, regional or federal database and latent fingerprint inquiries. The Utah Division of Consumer Protection will establish procedures to ensure removal of my fingerprints from applicable state and federal databases when I am no longer under its purview. Those procedures are as follows:

3. The Division will remove an individual from the WIN Database rap back system in accordance with the following procedures:
  - a. **Registration expiration**—The Division will remove all individuals whose fingerprints are registered in the WIN Database rap back system from the WIN Database rap back system within 30 business days of the expiration of the registration of the registrant associated with those individuals.
    - i. If an applicant's registration expires after the applicant submits a renewal application to the Division, but before the application is either approved or denied, the Division will do the following:
      1. If the application is approved and a registration is issued, the individuals associated with the applicant will remain in the WIN Database rap back system. The Division will proceed in accordance with Subsection 3f of this policy with regard to individuals subject to a background check that were disclosed on the application immediately preceding the renewal application but that are not disclosed on the renewal application.
      2. If the application is denied, the Division will proceed in accordance with Subsection 3d of this policy.
  - b. **Registration revocation**— The Division will remove all individuals whose fingerprints are registered in the WIN Database rap back system from the WIN Database rap back system within 30 business days of the issuance of an order revoking the registration of the registrant associated with those individuals. In the event a request for agency review, a request for judicial review, or a motion to set aside or otherwise amend the order is filed prior to the Division's removal of individuals from the WIN Database rap back system,

removal or further removal of individuals associated with that registrant from the WIN Database rap back system will be suspended until:

- i. The revocation is set aside, in which case the Division will not remove or further remove individuals associated with the registrant from the WIN Database rap back system; or
- ii. The revocation is upheld, in which case the Division will proceed in accordance with Subsection 3b of this policy and will regard the order upholding or otherwise affirming the revocation as "an order revoking the registration of the registrant."

Any individual, who is associated with a registrant whose registration is subject to a revocation that is later set aside, and who is removed from the WIN Database rap back system pursuant to Subsection 3b of this policy, will be required to submit a new signed Utah Consent to Background Check waiver in addition to any other information or fee required to effectuate a request that the individual's fingerprints be re-registered in the WIN Database rap back system.

- c. **Registration suspension**—The Division will not remove any individuals from the WIN Database rap back system during the pendency of any registration suspension.
- d. **Application denial**—The Division will remove all individuals whose fingerprints are registered in the WIN Database rap back system from the WIN Database rap back system within 30 business days of the issuance of an order denying an applicant's application. In the event a request for agency review, a request for judicial review, or a motion to set aside or otherwise amend the order is filed prior to the Division's removal, or further removal, of individuals associated with that applicant from the WIN Database rap back system, removal or further removal of individuals associated with that applicant from the WIN Database rap back system will be suspended until:
  - i. The denial is set aside, in which case the Division will not remove or further remove individuals associated with the applicant from the WIN Database rap back system; or
  - ii. The denial is upheld, in which case the Division will proceed in accordance with Subsection 3d of this policy and will regard the order upholding or otherwise affirming the denial as "an order denying an applicant's application."

Any individual, who is associated with an applicant whose application is subject to a denial that is later set aside, and who is removed from the WIN Database rap back system pursuant to Subsection 3d of this policy, will be required to submit a new signed Utah Consent to Background Check waiver in addition to any other information or fee required to effectuate a request that the individual's fingerprints be re-registered in the WIN Database rap back system.

- e. **Receipt of a Request to Terminate Rap Back Form**—The Division will remove an individual whose fingerprints are registered in the WIN Database rap back system from the WIN Database rap back system within 30 business days of the Division's receipt of a complete Request to Terminate Rap Back form that lists the individual.
- f. **Non-disclosure on a renewal application**—A renewal application that fails to disclose individuals subject to a background check that were disclosed on the application immediately preceding the renewal application will be treated as a Request to Terminate Rap Back form for those individuals not disclosed. The Division will proceed in accordance with Subsection 3e of this policy with regard to those individuals.
- g. **Informal requests**—The Division will regard as an informal request any request to remove an individual whose fingerprints are registered in the WIN Database rap back system from the WIN Database rap back system that is made via a method other than those described in Subsections 3e and 3f of this policy. The Division will not remove any individual from the WIN Database rap back system pursuant to an informal request.

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5. In the event an individual who should have been removed from the WIN Database rap back system by the Division pursuant to this policy is not removed in accordance with this policy, and the individual's continued presence in the WIN Database rap back system is brought to the Division's attention by that individual or becomes known to the Division, the Division will take the appropriate steps to remove that individual from the WIN Database rap back system as soon as is practicable.

I understand that I may request to review any results of this inquiry and understand that UCA 53-10-108 does not allow the Utah Division of Consumer Protection to provide a copy of those results to me. Before a determination is made, I understand that I will be afforded a reasonable amount of time to challenge the completeness and accuracy of the record through the procedures established by the Utah Division of Consumer Protection as well as contacting the Utah Bureau of Criminal Identification (Utah Criminal History Results), the State Identification Bureau (SIB) associated with any results that are outside of Utah, or the Federal Bureau of Investigation (Nationwide Criminal History Response Information). Until the completion of the background check, I understand that I, or the individual or entity with which I am associated that is seeking registration, may be denied the privilege in which the background check pertains to.

I have read the attached Privacy Statement and understand my rights according to this statement.

**Background Check Applicant Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## **FBI PRIVACY ACT STATEMENT**

(Written copy must be provided to all applicants submitting fingerprints for an FBI background check. Also located on the back of the FBI Applicant fingerprint card FD-258)

**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. 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).

## **CHALLENGE PROCEDURES:**

### **STATE OF UTAH:**

The Utah Bureau of Criminal Identification is responsible for all arrest and conviction data for the State of Utah. BCI does not have the authority to modify any records from other state or federal databases. In the event that there is incorrect or missing Utah Criminal Data, please be prepared to provide certified copies from any arresting agency or court of appearance.

To challenge State of Utah criminal arrests and disposition data please complete the required application and submit to the Utah Bureau of Criminal Identification. Instructions and applications are located at the following web address:

<https://bci.utah.gov/wp-content/uploads/sites/15/2017/08/ROA-8-24-2017.pdf>

### **FBI:**

<https://www.fbi.gov/services/cjis/identity-history-summary-checks>

#### Challenge of an Identity History Summary

The FBI is responsible for the storage of fingerprints and related Identity History Summary information for the nation and does not have the authority to modify any Identity History Summary information unless specifically notified to do so by the agency that owns the information. If you believe your Identity History Summary contains inaccurate or incomplete information, you have two options for requesting a change or correction:

Option 1: Contact the agency or agencies that submitted the information to the FBI.

#### Missing or Incorrect State (Non-Federal) Information

Most states require that changes to Identity History Summary information be processed through their respective state centralized agency (State Identification Bureau) before any changes can be made to your information. You may contact the respective State Identification Bureau for assistance, and, if applicable, request that they provide the FBI with updates to your Identity History Summary. Contact information for each state is provided on the State Identification Bureau listing.

Several states maintain their own record system. Record updates are made at the state level only, so the FBI cannot change its records. Instead, the FBI accesses the state's system for authorized purposes to review the record. Contact information for states maintaining records at the state level is provided on the State-Maintained Records listing.

#### Missing or Incorrect Federal Information

For federal Identity History Summary updates, the FBI must receive a request directly from the original arresting agency, from a court with control over the arrest data, or from another agency with control over the arrest data.

Option 2: Send a written challenge request to the FBI.

Your written request should clearly identify the information that you feel is inaccurate or incomplete

and should include copies of any available proof or supporting documentation to support your claim. For example, if your disposition information is incorrect or missing, you may submit documentation obtained from the court having control over the arrest or the office prosecuting the offense. The FBI will contact appropriate agencies in an attempt to verify or correct challenged entries for you. Upon receipt of an official communication from the agency with control over the data, the FBI will make appropriate changes and notify you of the outcome.

You may submit an Identity History Summary challenge to the FBI by writing to the following address:

FBI CJIS Division  
Attention: Criminal History Analysis Team 1  
1000 Custer Hollow Road  
Clarksburg, WV 26306