



volunteer  
**IOWA**

**Safer Practices**  
Screening & Selecting Volunteers  
to Serve Vulnerable Persons in Iowa

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## BACKGROUND AND GOALS

On January 22, 2014, Governor Terry E. Branstad announced that the Iowa Commission on Volunteer Service (ICVS) and the Iowa Department of Public Safety Division of Criminal Investigation (DCI) would lead a stakeholder group tasked with developing ways to streamline and improve the background check process for volunteers in organizations and schools serving vulnerable populations throughout Iowa. This stakeholder group was comprised of representatives from organizations across Iowa that engage volunteers to serve vulnerable populations. Through a series of meetings and discussions, the group developed guidance for volunteer organizations who are interested in adopting safer practices in their programs that serve vulnerable populations. The guidance suggests decision making models and provides direction regarding what information is available, how the information could be accessed, and how the information might be used in determining whether a prospective volunteer is a good fit for the vulnerable population being served. The information also can be useful to organizations that serve other populations, but the focus of the stakeholder group was on minimizing risk for vulnerable persons. The guidance is not designed to set any standards for background investigations, or to establish minimum requirements. Each organization is in the best position to determine standards for their own organization. The framework for decision making is designed to assist organizations in making informed decisions regarding their selection of volunteers to serve vulnerable populations.

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## WHAT IS A VOLUNTEER ORGANIZATION AND A VOLUNTEER?

### **Definitions for the purpose of these suggestions for safer practices:**

**Volunteer Organization** - A volunteer organization is a Charitable Nonprofit that has a 501(c)(3) designation from the Internal Revenue Service (IRS), a Veterans Organization with 501(c)(19) designation, a school, an institution of higher education, a governmental entity or any voluntary organization sponsored by or working on behalf of such entities for a defined charitable purpose.

**Volunteer** - A volunteer is an individual who performs services in furtherance of the humanitarian, educational, or service mission of a volunteer organization and is not an employee or independent contractor of the organization as defined by the Fair Labor Standards Act (FLSA) and Internal Revenue Service (IRS).

## WHO IS A VULNERABLE PERSON?

### **Definition for use with this guidance on background checks for volunteers serving with vulnerable populations:**

**Vulnerable Person** - means: 1) a person under 18 years of age; 2) an adult whose ability to perform the normal activities of daily living or to provide for his or her own care or protection from abuse, neglect, exploitation or improper sexual contact is impaired on a short term or long term basis due to a mental, emotional, physical or developmental disability or dysfunction, brain damage, or the infirmities of aging; or 3) a person who is in circumstances that place that person at risk of abuse, neglect, exploitation or improper sexual contact. (See FAQ for examples)

## WHAT DOES THE LAW SAY THAT MY ORGANIZATION MUST DO?

Iowa law does not mandate background checks for the majority of volunteer positions. Some Iowa and federal laws mandate specific screenings for certain state or federally-supported programs or regulated services (such as National Service Programs, child care centers, etc.). The suggestions provided here do not remove or change any requirement prescribed by law, and every volunteer organization has a duty to understand and comply with the requirements for the volunteers who may fit within the state or federal mandates.

Even though Iowa law is silent on background check standards for many types of volunteer positions, many organizations choose to conduct some type of investigation in hiring, because an organization could be held liable for failing to use ordinary care in hiring employees and volunteers, and in many circumstances, the law may view volunteers in the same way as employees. The standards of ordinary care can create a duty to ask questions before allowing a volunteer to serve, and the questions to be asked may depend on what the volunteers would be expected to do during their service. The risks involved with vulnerable populations may increase the types of inquiries that should be made before engaging volunteers. The guidance provided by the stakeholder group is not intended to create a new standard of care or to modify an existing standard of care. Instead, the guidance is designed to provide a structure for decision-making by identifying the factors that an organization might consider in setting policy and implementing practices.

These suggestions focus on initial screening questions, but the obligations of employers and organizations go beyond the initial screening assessment. Monitoring, supervising, auditing and taking action to implement policies and practices designed to ensure safety are at least as important as initial screening assessments. When vulnerable populations are affected, they may be at greater risk of harm and may be less able to advocate for their own interests. The organizations may have a greater obligation to protect the vulnerable populations, and the requirements for both employees and volunteers may be different. Standards of care are not set out explicitly for many volunteer positions. There are, however, some statutory provisions that can provide insight into the screening assessment that may be warranted when a volunteer has contact with vulnerable populations. Each volunteer agency must set its own standards and policies. These statutory requirements may provide guidance for organizations whose employees and volunteers are involved in similar activity.

### Iowa Code § 272.2(17); 282 -20.3(3)

#### Board of Educational Examiners (BOEE) licensees (teachers, administrators, business managers, guidance counselors, etc.) & license renewals

Checks to be Conducted & Frequency	Consideration Policy
<p><b>At application:</b></p> <ul style="list-style-type: none"> <li>• background investigation by the Division of Criminal Investigation of the Department of Public Safety</li> <li>• completed fingerprint packet to facilitate a national criminal history background check</li> <li>• sex offender registry</li> <li>• central registry for child abuse</li> <li>• dependent adult abuse records</li> </ul> <p><b>At renewal:</b></p> <ul style="list-style-type: none"> <li>• sex offender registry</li> <li>• central registry for child abuse</li> <li>• dependent adult abuse records</li> </ul> <p>Licenses are valid for 1-5 years</p>	<p><b>For those convicted of a crime or with founded child abuse, the board shall consider:</b></p> <ul style="list-style-type: none"> <li>• the nature and seriousness of the founded abuse or crime in relation to the position sought,</li> <li>• the time elapsed since the crime was committed,</li> <li>• the degree of rehabilitation which has taken place since the incidence of founded abuse or the commission of the crime,</li> <li>• the likelihood that the person will commit the same abuse or crime again,</li> <li>• and the number of founded abuses committed by or criminal convictions of the person involved.</li> </ul> <p>Certain forcible felonies and sexual abuse offenses involving a child are mandatory disqualifications/revocations.</p>

## Iowa Code § 321.375(2)

### School Bus Drivers

Checks to be Conducted & Frequency	Consideration Policy
<p><b>Prior to hiring:</b></p> <ul style="list-style-type: none"> <li>• Iowa court information system available to the general public</li> <li>• the sex offender registry</li> <li>• the central registry for child abuse</li> <li>• and the central registry for dependent adult abuse</li> </ul> <p>An employer shall follow the same procedure every five years upon the renewal of an employee's or contract employee's school bus driver's license issued by the department of transportation valid for the operation of a school bus.</p>	<p><b>Immediate suspension and termination hearing:</b></p> <ul style="list-style-type: none"> <li>• Commission of or conviction for a public offense as defined by the Iowa criminal code, if the offense is relevant to and affects driving ability, or if the offense includes sexual involvement with a minor student.</li> <li>• Listed in the sex offender registry, the central registry for child abuse information, or the central registry for dependent adult abuse information. A termination hearing for this finding shall be limited to the question of whether the school bus driver was incorrectly listed in the registry.</li> </ul>

## Iowa Code § 279.69

### School cooks, custodians, paraprofessionals, administrators not licensed through the BOEE

Checks to be Conducted & Frequency	Consideration Policy
<p><b>Prior to hiring:</b></p> <ul style="list-style-type: none"> <li>• the Iowa court information system available to the general public,</li> <li>• the sex offender registry</li> <li>• the central registry for child abuse</li> <li>• and the central registry for dependent adult abuse</li> </ul> <p>A school district shall implement a consistent policy to follow the same procedure for each school employee at least every five years after the school employee's initial date of hire.</p>	<p><b>Grounds for the immediate suspension from duties of a school employee, pending a termination hearing by the board of directors of a school district:</b></p> <ul style="list-style-type: none"> <li>• Being listed in the sex offender registry</li> <li>• the central registry for child abuse,</li> <li>• or the central registry for dependent adult abuse. A termination hearing shall be limited to the question of whether the school employee was incorrectly listed in the registry.</li> </ul>

## Iowa Admin. Rule 441-109.6(6)

Child care center employees, volunteers, and others who participate in or otherwise have contact with children receiving services from the center

Checks to be Conducted & Frequency	Consideration Policy
<p><b><i>Before the person's involvement with child care:</i></b></p> <ul style="list-style-type: none"> <li>• Iowa child abuse and criminal records, including the sex offender registry</li> <li>• National criminal history checks based on fingerprints</li> </ul> <p><b><i>Frequency:</i></b></p> <ul style="list-style-type: none"> <li>• Iowa records checks shall be repeated at a minimum of every two years and when the department of human services or the center becomes aware of any possible transgressions</li> <li>• The national criminal history check shall be repeated every four years and when the department of human services or center becomes aware of any new transgressions committed by that person in another state.</li> </ul>	<p><b><i>Mandatory prohibition for:</i></b></p> <ul style="list-style-type: none"> <li>• Founded abuse determined to be sexual abuse.</li> <li>• Placement on the sex offender registry.</li> <li>• Felony child endangerment or neglect or abandonment of a dependent person.</li> <li>• Felony domestic abuse.</li> <li>• Felony crime against a child.</li> <li>• Forcible felony.</li> </ul> <p><b><i>Mandatory time-limited prohibition for five years for:</i></b></p> <ul style="list-style-type: none"> <li>• Conviction of a controlled substance offense under Iowa Code chapter 124.</li> <li>• Founded child abuse determined to be physical abuse.</li> </ul> <p><b><i>Evaluation required for all other transgressions. The evaluation shall consider:</i></b></p> <ul style="list-style-type: none"> <li>• The nature and seriousness of the transgression in relation to the position sought or held.</li> <li>• The time elapsed since the commission of the transgression.</li> <li>• The circumstances under which the transgression was committed.</li> <li>• The degree of rehabilitation.</li> <li>• The likelihood that the person will commit the transgression again.</li> </ul>

**Iowa Admin. Rule 441-119 / Iowa Code § 135c.33**

**Personnel employed by health care facilities and students in educational training programs for nurses and certified nurse aides**

Checks to be Conducted & Frequency	Consideration Policy
<p><b>Prior to employment:</b></p> <ul style="list-style-type: none"> <li>• department of public safety criminal history check</li> <li>• department of human services child and dependent adult abuse record checks</li> <li>• signed acknowledgement of checks and inquiry about convictions or founded abuse in Iowa or any other state</li> </ul> <p>An evaluation is required for those convicted of a crime or founded for abuse under a law of any state.</p> <p><b>Current employees and students- if the entity receives credible information of a record that has not been considered:</b></p> <ul style="list-style-type: none"> <li>• current criminal or dependent adult or child abuse record check (as applicable)</li> </ul> <p>An evaluation is required for those with a criminal conviction (other than a simple misdemeanor) or abuse record if the entity intends to continue the individual's employment/enrollment.</p>	<p><b>Considerations of the evaluation:</b></p> <ul style="list-style-type: none"> <li>• The nature and seriousness of the crime or founded abuse in relation to the position sought or held.</li> <li>• The time elapsed since the commission of the crime or founded abuse.</li> <li>• The circumstances under which the crime or founded abuse was committed.</li> <li>• The degree of rehabilitation.</li> <li>• The likelihood that the person will commit a crime or founded abuse again.</li> <li>• The number of crimes or instances of founded abuse committed by the person involved.</li> </ul> <p><b>Evaluation conclusions may include:</b></p> <ul style="list-style-type: none"> <li>• The person may be employed/enrolled with no restrictions.</li> <li>• The person may be employed/enrolled with restrictions.</li> <li>• The person may be employed/enrolled with restrictions specific to a position.</li> <li>• The person may not be employed by the entity or enroll in the training program.</li> </ul> <p>Restrictions shall be based upon what is necessary for the protection of those receiving care.</p>



## WHY USE SAFER PRACTICES?



### TO INFORM

Safer practices can help organizations make informed decisions on an appropriate level of screening to protect the populations they serve.

### TO ASSESS



Agencies may assess risk based on the level of regular unsupervised contact that volunteers are likely to have with Vulnerable Persons and also may assess the qualifications and motivations of potential volunteers.



### TO QUALIFY

Safer practices can set out clear guidance about the standards that the agency requires or intends that its volunteers meet.

### TO EDUCATE



Safer practices can be used to educate staff, volunteers, parents and guardians, and vulnerable persons on the warning signs of abuse and provide guidelines for appropriate interaction or intervention with vulnerable persons.



### TO REVIEW

Safer practices can enhance the continuity and quality of a program through regular examination of volunteers' qualifications through criminal background checks and subsequent reviews. Additionally, safer practices offer an opportunity to review and update policies and procedures.

# WHAT ARE THE SAFER PRACTICES FOR IMPLEMENTING A BACKGROUND CHECK POLICY FOR VOLUNTEERS?

## **Develop Organization-Specific Policies and Procedures for Background Checks**

Comprehensive and coordinated policies help ensure that potential volunteers are treated fairly and that procedures are used consistently. Policies also help to provide continuity to a program. Your policies might include information about which volunteers will be screened and how volunteers will be screened – whether by application, interview, or a combination – what kind and the minimum number of references that will be required, and whether your organization will require additional information for specific positions. Additionally, organizations should decide whether or how often to re-check their volunteers. You may also want to include your standards for accepting volunteers, including the types of offenses that may disqualify an applicant from volunteering.

Organizations should consider developing specific internal policies regarding who will have access to background check results, who is responsible for maintaining records, and where and how long records are kept. Additionally, the policy should address evaluation, dismissal, separation, and a grievance processes for employees and volunteers. Volunteer-utilizing organizations should consult legal counsel and subject matter experts when developing policies and procedures, so that the policies and procedures match the work being done and the potential risk to the organization and to the clients of the organization.

When applicants for volunteer positions are informed of the background check requirements for their position, and receive a copy of the results from any checks conducted, this can provide the volunteer with an opportunity to dispute or request corrections to records that may have errors due to duplicate names or identity theft. If your organization conducts background checks directly, you can set your own policies about disclosure. If you contract with a vendor for these services, the Fair Credit Reporting Act (FCRA) requirements may be triggered, and you are responsible for ensuring compliance with those requirements. (See Appendix C. “Using Consumer Reports: What Employers Need to Know”).

## **Create Detailed Volunteer Position Descriptions**

Detailed position descriptions allow potential volunteers to determine whether an opportunity fits their interests, skills, and schedule. For organizations, detailed descriptions of volunteer responsibilities are necessary to determine appropriate risk and screening levels, and to ensure that they are applied fairly. Screening standards that are very strict or very lenient can have an impact on how many volunteers the organization determines to be “qualified” to serve. The organization must determine what standards are reasonably required to meet the needs of the population served. Careful development of the screening process can protect vulnerable populations, and also encourage qualified volunteers to give their time to a good cause.

## **Ask Volunteers to Complete an Application**

A thorough written application can be a valuable screening tool. An application may ask for personal information including name, address, phone, e-mail, social security number; emergency contact information; recent employment/ volunteer information; areas of interest and availability; driver’s license/ insurance information when appropriate; medical conditions or special needs; references; inquiries to past criminal offenses; and notification that volunteers may be asked for background or fingerprint checks (in compliance with Iowa law). Asking potential volunteers for their signature to affirm that they have given truthful information may suggest that the organization will follow up on the information, and may take action if false information is provided. An open-ended question about the motivation behind volunteering

for the organization also may provide valuable information in assessing whether the volunteer is an appropriate fit for the volunteer position.

### **Conduct Volunteer Background Checks**

While the law does not mandate that all potential volunteers have background checks, the safer practice may be to make assessments based on clear, reasonable risk and screening levels.

Suggested considerations regarding background or fingerprint checks:

- Decide which positions will require background checks and when you need the information – whether immediately after receiving the application, or just prior to accepting a volunteer into the program.
- Obtain written authorization of potential volunteers before conducting background checks. In some circumstances, the Fair Credit Reporting Act (FCRA) may be triggered. The FCRA may require notification of the applicant s when receiving any written, oral, or other communication of any form by a consumer reporting agency that is expected to be used in whole or in part in establishing the individual's eligibility for employment. One type of report that may be covered under this law is a criminal conviction report. While volunteers are not “employees,” Iowa standards require a signed consent form order to receive the full Iowa criminal history records, and a separate consent is required to obtain the FBI check). There are costs associated with many types of background checks. It is legally permissible for the employer to cover the cost of the background check, or to require a volunteer to pay for the cost of the background check. The agency can make the policy determination of whether to ask volunteers to pay or to commit agency resources to the payment of the background check cost.
- Under Iowa law, organizations are not allowed to share criminal history information from DCI or FBI with other organizations. This is sensitive personal information and should be stored securely, and should not be shared with persons who are not authorized to have the information.
- Review the results of the background checks and consider whether the findings will enter into your decision on the applicant's eligibility for the volunteer position.
- Organizations may consider developing a policy that outlines additional criteria to be considered when evaluating an applicant's criminal history, such as evidence of rehabilitation, evidence of success in other similar volunteer positions, etc.

### **Conduct Interviews**

Conducting interviews can be especially helpful when placing volunteers interested in positions requiring an ongoing, unsupervised relationship with a child. Effective interviewing techniques include open-ended questions, good listening skills, and a clear understanding of the questions interviewers are permitted to ask under existing federal and state regulations. In-person interviews generally are the most effective way to learn about the person. Telephone interviews do not always reveal the more subtle cues that can lead to a better informed decision. Of course, cultural differences may be more noticeable in an in-person interview, and the interviewer should not allow cultural bias to enter into the assessment of the volunteer applicant. Consultation with or training from subject matter experts is optional, but can provide valuable guidance in making assessments about a volunteer's interactions with vulnerable populations.

### **Ask for References and/or Endorsements**

References can help organizations confirm personal and professional information provided by the potential volunteer and may offer an objective opinion of that person's qualifications. References who are not related to the applicant may be more likely to provide objective assessments of the applicant, and references who can articulate the nature, length and consistency of their contact with the applicant may provide better context for assessing the applicant. Document all contacts with the applicant's references. This information also may be sensitive and confidential, and should be shared only with persons who are authorized to have the information, and should be stored in a secure location.

## HOW DO WE DETERMINE WHICH SAFER PRACTICES & SCREENING LEVELS TO APPLY TO OUR AGENCY & VOLUNTEER POSITIONS?

Organizations utilize volunteers to serve vulnerable populations in a wide range of situations, from those that place volunteers in situations where they have regular unsupervised access to vulnerable persons to those that may only provide incidental or non-predictable contact to any vulnerable population. Even when your programming may not call for unsupervised activities with vulnerable individuals, there may be exceptions (e.g., a volunteer tutor removing a child from a noisy classroom). The safest practice is to recognize all levels of possible contact when considering the screening practices your organization uses.

Keep in mind that volunteer positions may present risks in other areas of organizational management, such as for volunteers with access to agency finances or volunteers providing transportation services. While this guidance does not address those areas of risk, organizations should be aware that different risk management protocols for those areas may be warranted.

It may not be possible for every organization to use all of the suggested safer practices but a failure to provide adequate screening assessments may put vulnerable populations at risk, and may put the organization at risk for civil liability.

To help assess which safer practices might be applied to your program:

- Evaluate each of your organization's volunteer positions to determine the potential or expected level of contact that each volunteer is likely to have with vulnerable persons.
  - Is contact predicted (such as a classroom or mental health facility volunteer) or would it be just incidental (for example, park clean up or clerical volunteering with no expected access)?
  - Is contact regular/recurring (sustained with same vulnerable persons) or is it one time only?
  - Does the contact occur under supervision, or are there situations when a volunteer may be alone with the vulnerable individual?
  - Does the position give access to the vulnerable individual which exceeds the access available to any member of the public? Does the position give access to information about the individual that could be useful to someone with predatory intent?
- Based on the results of your evaluation, assign a "risk level" for each volunteer position providing access to vulnerable persons. When the risk is greater, the safer practice is to provide a more comprehensive screening process. Keep in mind that management practices may enhance initial screening assessments, and that a failure to provide adequate supervision may result in civil liability.
- Assess the screening practices you currently use and whether they meet your needs.

## RISK & SCREENING LEVELS

In setting up a decision-making structure, it may be best to set up a structure for assessing risk, and separately set up a decision making structure to identify the appropriate screening level. There are no established rules for determining risk levels for most volunteer positions, nor are there any established requirements for screening for most volunteer positions. Each organization should examine its own activities and determine risk levels and assess what type of screening is warranted, given the capacity to supervise volunteers who spend time with vulnerable populations.

## Risk

In considering questions of risk, the volunteer organization that serves vulnerable populations may want to consider several factors:

- What are the specific vulnerabilities of the population? Some vulnerable persons are able to care for themselves, some cannot. Some vulnerable persons are able to communicate clearly, some are unable to communicate all, and some have limited communication skills. Some vulnerable persons are at special risks at certain times or in certain circumstances. Some vulnerable persons are seldom or never able to report breaches of trust, and sometimes vulnerable persons have reasonable opportunities to report breaches of trust. Identifying the specific vulnerabilities of the population served can highlight the times, places, and circumstances when risk can reasonably be expected to be highest.
- What are the most likely forms of violations of trust for the vulnerable population served? Some people are at risk for physical or sexual abuse, others are at greater risk for financial abuse.
- What types of supervision, monitoring, or accountability are present or reasonably available? Sometimes volunteers will work exclusively or primarily with employees. In some circumstances, there may be video or audio surveillance or recording of activities. Sometimes there are multiple persons present while serving the vulnerable population. Sometimes other caretakers are present. Sometimes multiple vulnerable persons are regularly present and may be better able to report unusual activities. If volunteers' activity will be regularly monitored or supervised, the level of risk to the vulnerable population may be reduced. If volunteers' activity is regularly evaluated, the level of accountability of the volunteer service may be higher and the risk may be lower.

A valid risk assessment will take into account the particular vulnerabilities of the population served, in order to determine the depth of background investigation that is warranted in the specific circumstances.

## Screening

Procedures and policies for screening should reflect the assessment of risk to the vulnerable population.

In general, the higher the risk, the more demanding the screening process.

Screening can include the collection and interpretation of several types of information:

- Official computerized criminal history (CCH): provides documentation of actions taken by official government agencies – arrest, conviction, or other disposition in a court case. Iowa information is available from the Division of Criminal Investigation (DCI) at the Iowa Department of Public Safety. National records checks may be obtained from the Federal Bureau of Investigation (FBI), when authorized by law. Organizations must work with the Iowa Department of Public Safety to determine their eligibility for and to gain access to FBI records. There is a fee for access both the Iowa and FBI records.
  - For more information contact the Criminal History Record Dissemination Unit of the Division of Criminal Investigation at the Iowa Department of Public Safety.
  - See Appendix G. for a copy of the State of Iowa Criminal History Record Check Request Form
  - See Appendices H and I for the User and Waiver Agreements from DCI for National Criminal History Record Checks by Qualified Identities.
  - Official state criminal history records from other states may be available by contacting the other state's criminal records repository. Organizations operating in border states or screening a volunteer who recently relocated from another state may wish to secure the other state records.
  - Some vendors offer national searches of public arrest records or court records that may catch low-level dispositions not contained in the results from DCI. Keep in mind that some checks may not distinguish persons with similar names.

- Official child abuse registry and dependent adult abuse registry information: provides documentation regarding reports investigated by the Iowa Department of Human Services. There may be a fee associated with these records. Some authorized users may be able to access Iowa abuse records and criminal history records through the Single Contact Repository (SING).
  - Department of Human Services forms for requesting child and dependent adult abuse registry information can be found here under the “Background Checks” section or as Appendices D and E.
  - Find out more about the Single Contact Repository (SING) here.
- Official sex offender registry information is maintained by the Iowa Department of Public Safety and provides information about convicted sex offenders who are currently registered as sex offenders on the Iowa registry. The National Sex Offender Public Registry/Website provides free access to information from all states’ sex offender registries.
  - Iowa Sex Offender Registry: **[www.iowasexoffender.com](http://www.iowasexoffender.com)**
  - National Sex Offender Public Website: **[www.nsopw.org](http://www.nsopw.org)**
- Iowa Courts Online provides access to official court records for all levels of offenses in Iowa. Some information is free. Other information is available for a fee.
  - Iowa Courts Online: **<https://www.iowacourts.state.ia.us/>**
- Other court records from state or federal courts may be available through vendors.
- Professional licensure searches in Iowa can be conducted free of charge via the LicensedinIowa.gov website. The Single Contact Repository (SING) from the State of Iowa also allows for checks of licensure in the public health field.
  - Search **[www.licensediniowa.gov](http://www.licensediniowa.gov)**
  - Find out more about the Single Contact Repository (SING).
- Driving records can be obtained, either free or with a fee. The Motor Vehicle Division of the Iowa Department of Transportation (DOT) maintains and distributes Iowa driving records.
  - For more information on obtaining Iowa driving records from the DOT click here.
  - See Appendix F. for a copy of the Privacy Act Agreement for Request of Motor Vehicle Records from the Iowa DOT.
- Credit history information may be available in some circumstances.
- Insurance claim history may be available in some circumstances.
- International criminal history records can be difficult to obtain and there may be little standardization in the records received from vendors. However, a valid Social Security Number is not required for Iowa DCI or FBI fingerprint checks, so these checks may still be run on citizens of other countries who have been residing in Iowa.

Based on the assessment of risk, the policy can match up the types of screening that best fit the vulnerabilities of the specific population in order to minimize risk. Policies should also be established regarding supervision and monitoring that reduce risk of harm to the vulnerable population. This example of a decision-making matrix illustrates how an Iowa organization might identify risks and develop minimum screening requirements.

	Criteria	Minimum Screening
<b>None</b>	No additional access to vulnerable populations is provided via the volunteer opportunity	None (beyond the organization's standard volunteer application process)
<b>Low Risk</b>	<ul style="list-style-type: none"> <li>No predictable or expected regular contact with vulnerable populations</li> <li>Limited access to vulnerable populations</li> <li>Limited access to personal information</li> <li>Activities held in facilities with public access</li> </ul>	<ul style="list-style-type: none"> <li>Check government issued photo I.D. to confirm identity and date of birth.</li> <li>National Sex Offender Public Registry Check (Annual)</li> </ul>
<b>Medium Risk</b>	<ul style="list-style-type: none"> <li>Predictable non-regular access and contact to vulnerable populations and:</li> <li>Parents or family actively involved</li> <li>Two or more authorized individuals supervising</li> <li>No regular ongoing interaction between volunteer and vulnerable persons</li> <li>No changing of clothing</li> <li>Volunteer has no physical contact with vulnerable persons</li> </ul>	<ul style="list-style-type: none"> <li>Check government issued photo I.D. to confirm identity and date of birth.</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>Iowa Courts Online Check of all known names or aliases (if results produce inconclusive results a follow up check through the Iowa DCI is recommended). Check all charges and the final disposition of those charges. (Every 2 years).</li> <li>National Sex Offender Public Registry (Annual)</li> </ul>
<b>High Risk</b>	<ul style="list-style-type: none"> <li>Activities held in private homes</li> <li>Activities held in an isolated setting</li> <li>One-on-one contact between the volunteer and the vulnerable individual</li> <li>Interaction between volunteer and specific child spanning a long period of time</li> <li>Changing of clothes, bathing, toileting, or overnight stays</li> <li>Volunteer has close physical contact with vulnerable persons</li> <li>Volunteer is a person who by the nature of their position creates a presumption of trust and/or authority</li> <li>Volunteer is in a position that would give access to personal property or could influence financial decisions of individuals</li> </ul>	<ul style="list-style-type: none"> <li>Check government issued photo I.D. to confirm identity and date of birth.</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>Iowa DCI Criminal History check of all known names and aliases (every 2 years)</li> <li>National Sex Offender Registry Check</li> <li>Iowa Child Abuse Registry</li> <li>Iowa Adult Abuse Registry</li> </ul>

Other risk factors & suggestions for all levels of risk:

- In border areas or when volunteer has a known prior state of residence, consider a check in that state via the other state's online court record database or repository, a national criminal history screening, or a check of the adjacent county court records (depending upon the overall risk level).
- For volunteers that drive vulnerable clients or vulnerable populations, consider an Iowa DOT driver history, and potentially a driving history of any other known state of residence.
- If volunteer has access to personal property or could influence financial decisions, consider a credit check.
- Consider other screenings given specific circumstances (such as license verifications, education records, etc.).

## WHAT DO THE BACKGROUND RESULTS MEAN?

Interpreting the results of a background check plays an important role in the process. Reviewers should know the nature of the information provided, the relative certainty that the information is appropriately correlated to the applicant, the overall accuracy and reliability of the information provided, and the significance of the information in the background. The reviewer should be able to identify whether the information provided is adequately associated with the particular applicant (not someone with a similar name), and should know whether the information is current, and should be able to identify what the information means (for example, an arrest does not necessarily mean that there was a conviction beyond a reasonable doubt).

When reliable and accurate data is available, the decision maker can then determine whether a specific volunteer applicant meets the risk/screening criteria requirements. If the decision-making structure adequately describes the particular vulnerabilities and needs of the population served, the decision-maker can match up the strengths and weaknesses of each applicant in meeting those criteria. The decision-maker should be able to articulate the connection between the information about the applicant, the job expectations, and the potential risks to the population.

Not every negative part of the background screening will be disqualifying. It is appropriate for the decision maker to consider mitigating factors, so long as the vulnerabilities of the population being served are adequately protected. Individualized assessments of an individual's records in relation to the volunteer responsibilities are important for helping the organization balance the need to eliminate individuals whose records present an unacceptable risk to vulnerable populations while avoiding unnecessary exclusion of individuals who may have a record but may still be qualified volunteers.

In order to avoid discrimination in the consideration of background checks, the Equal Employment Opportunity Commission (EEOC) suggests that employers be prepared to show that their standards for criminal history exclusions for employees are "job related and consistent with business necessity." Similar guidelines can be applied to volunteer positions. The EEOC suggests that the safer way to demonstrate that a policy on background check screening is allowable is if the organization develops a targeted evaluation process considering at least the nature of the crime, the time elapsed, and the nature of the position. Blanket exclusions from service may not meet this EEOC standard. For more information, see the EEOC's guide: "What You Should Know About the EEOC and Arrest and Conviction Records" (Appendix B).



In some cases, state or federal laws or regulations may impose restrictions on who can serve. Organizations can set their own standards for assessing whether a volunteer meets the criteria established by the organization. It may be most useful for the organization to articulate the risk level and the corresponding baseline criteria for eligibility for each position.

Of course, it is appropriate to seek assistance from attorneys, insurance providers and subject matter experts who can help the decision-makers in forming policies and procedures, in making assessments of prospective volunteers, and in managing and supervising the volunteers selected.

## MANAGING VOLUNTEERS

The initial screening of volunteer applicants can reduce the risk of harm to vulnerable populations, but screening is not the only obligation of a responsible organization. Supervision and management of both volunteers and employees may be the most effective way to prevent, deter or identify possible harm to vulnerable populations.

Organizations are in the best position to know who is most vulnerable, and how that vulnerability could result in undetected harm. Although screening may reduce risk, it does not eliminate it. Consistent vigilance, training and reporting may be just as important, and sometimes more important, than good screening assessments.

An organization's response – or lack of response – to warning signs or to reports of misconduct can have a significant impact on the vulnerable persons' safety. The vast majority of volunteers will not pose a significant threat to vulnerable populations, but each organization must be vigilant in ensuring that vulnerable people in the organization's care are protected from the small minority of volunteers who could be in a position to do harm. The organization's policies and practices in supervising and reviewing the work performed by employees and volunteers can set the tone for the organization, communicate clear expectations for conduct, demonstrate vigilance in monitoring interactions with vulnerable populations, encourage reporting of any alleged misconduct, and illustrate that high standards will be expected and enforced.

## IN CONCLUSION

The safety and well-being of the programs' employees, volunteers and the populations the organizations seek to assist are important considerations for everyone. Screening volunteer applicants may reduce the risk of harm to vulnerable populations, and can be an important first step in providing safe and secure support for people who can benefit from the work of well-motivated volunteers.

Iowa Commission on Volunteer Service and the Iowa Department of Public Safety will continue to work toward the ultimate goal of volunteer program safety and integrity, and their staff and legal representatives will continue to strive to provide volunteer programs in Iowa with the current safest practices for utilizing volunteers to serve vulnerable populations.

# FREQUENTLY ASKED QUESTIONS

## **Who needs to have a background investigation?**

The Iowa Code requires background investigations for certain licensed professionals, particularly for those who work with children and vulnerable adults.

Even when there is no statutory mandate, however, some agencies make a policy decision to require background investigations for persons who will be working closely with vulnerable populations, particularly when the work is unsupervised. The attorney who represents the agency can provide specific advice regarding the civil liability related to background investigations.

## **When conducting a background investigation, what sources should be checked?**

There is no simple answer to this question. The guidance provided in the “Safer Practices” publication is designed to provide general guidance to decision makers. Each agency must examine its own needs, its own policies and practices, the populations that the agency serves, and the financial capacity of the agency to conduct background investigations.

## **How do I know what the information in a background investigation means?**

A good background investigation will include enough information to be able to assess what it means. Ideally, the background investigation will be both accurate and reliable. Accuracy refers to the certainty that the information involves the person who has submitted the application (i.e., is this the same Lee Smith?). Reliability refers to the certainty that the agency providing the information has properly documented the information that is relevant to the background (i.e., does the agency consistently track and record the information that is relevant to the background?)

The primary questions to ask about the background investigation information:

- What sources of information were checked?
- How was the individual identified in each of the sources, to be more certain that it is the same person?
- Are personal identifiers (such as social security number, date of birth, driver’ license, or fingerprints) used to distinguish one person from another, to ensure accuracy of results?
- How reliable is the information provided?
- How recently has the information been updated?

## **Where do the records for the background check come from, and what do they mean? How do I know that the background information involves the person who has applied, and not someone else?**

Some records are “official” records, maintained by government agencies. Some of these government records are fingerprint-based, which is the strongest type of identifier.

- Criminal history or sex offender information from the Division of Criminal Investigation (DCI) is based on official records that can be verified via fingerprint-based identification, and are updated with each new encounter.
- Identifying information for criminal actions filed with the courts, available from Iowa Courts Online, is provided by law enforcement (which can verify the information via fingerprints), and are updated as events occur.

- Some licensing information is fingerprint-based, and some licensing information is based on other identifiers. It can be updated with each new licensing cycle, if that is the practice of the licensing agency the license is maintained.
- Some immigration documents are fingerprint-based, and are updated if the individual complies with legal requirements.

Primary identification documents typically include:

- United States Passport or Passport Card or Naturalization Certificat
- US state-issued or tribal-issued driver's license
- US state-issued or tribal-issued government identification card
- US military identification card
- Social Security card
- Birth Certificate
- Court-decreed Name Change

The Iowa Department of Transportation provides a summary of identification documents required to obtain an Iowa driver's license: <https://forms.iowadot.gov/FormsMgt/External/431053.pdf>

The United States Department of Homeland Security includes a complete list of primary identification cards for international travel: <http://www.tsa.gov/traveler-information/acceptable-ids>

Other records are based on government-issued identifiers, such as birth records, social security numbers or driver's license numbers that are designed to be confidential, or at least not readily available to the public.

- DOT driving records include information based on official records that are not fingerprint-based, but are based on verifiable identification records.
- Iowa Department of Human Services (DHS) information is based on multiple identifiers.
- Voter registration records generally base identity on multiple identifiers.
- Passports issued to American-born individuals are based on multiple primary documents.
- Weapons permits in Iowa are based on driver's license information or non-operator government-issued identification card.

Other non-governmental records also may be reliable, particularly when they are based on unique identifiers that can be verified via official records.

- Insurance records generally base identity on multiple identifiers.
- Employment records generally base identity on multiple identifiers.

Some records may not provide specific identifiers, and there is a greater risk that the information may involve someone other than the applicant.

- Media reports may be based on official records, or may be based on other information.
- Social media sites often do not include multiple identifiers and generally do not require verification of identification.

## **How should background findings be assessed, in terms of risk to vulnerable persons?**

In general, the assessment should examine information about the identity of the person, the accuracy of the information, the reliability of the source, and information about patterns of behavior that are relevant to the work to be performed.

Assessing background information requires a careful analysis of the source of the information and the likelihood that it involves the applicant (not someone with a similar name). Reliability depends on how the information is collected and whether it is based on key personal identifying information. An isolated incident could be disqualifying, if it is relevant to the work that the individual will perform and there are no other mitigating factors. A pattern of behavior that is relevant to the work the individual will perform is more likely to suggest that the individual is not a good fit for the volunteer job.

See the “Safer Practices” guide for a more detailed discussion.

## **In a criminal history check, what does “no record” mean?**

“No record” does not necessarily mean that the individual has never had any criminal encounters. It only means that a search of the specific criminal history database returned no record. Each state has a database, and each state sends some of its information to the FBI for a national criminal history check. The fact that there is “no record” on file means that the criminal history check run on that day, using that criminal history database, returned no record. Other databases may have criminal records on the individual. Or, the applicant may have managed to avoid being caught, or may have been able to avoid arrest or prosecution. “No record” does not mean that the person is blameless or harmless. Decision makers should examine many factors before making the final determination about whether an applicant is appropriate for placement with the agency in a particular job.

## **What information is publicly available?**

Many records are publicly available:

- Court records generally are public, although some records may be “expunged,” that is, removed from the court records.
- Sex offender registry records often are public.
- Jail and prison records, including mug shots, may be public.
- Professional licensure or certification often is publicly available.
- Memberships in private organizations, or service on government committees, may be publicly available.
- Academic institutions that the individual attended may provide information about alumni.
- Social media sites often provide information to the public.

## **Does criminal history predict future behavior?**

Not necessarily. Prediction is always difficult. Patterns of behavior may be predictive, until they are not. The fact that a person has no “official” criminal record does not mean that the person is “blameless” or “harmless.” Similarly, the fact that a person has a criminal history record does not necessarily mean that they are dangerous. People who are motivated to change can change. And some people can appear to change and yet remain a threat to others. Knowing more information may help to identify potential risks, but there is no magic formula for identifying dangerous people or for disqualifying people who may harm vulnerable populations.

## **What mitigating factors might be appropriate in assessing background information?**

Which factors may be considered “mitigating” factors will depend on the agency and the duties of the position. Just as patterns of behavior can be used to assess an applicant’s history negatively, so too, a change in the pattern of behavior may indicate that the individual has changed and has, for some time, exhibited behavior that will not put vulnerable populations at risk. Each agency must make its own determination about what “mitigates” an otherwise unfavorable background investigation.

See the “Safer Practices” guide for a more detailed discussion.

## **What legal restrictions are in place regarding criminal history and other background information?**

The sharing of information may be limited by law. For example:

- To obtain criminal history from the DCI or FBI, a specific written waiver is required. The Criminal History information cannot be shared with other agencies.
  - Details: [http://www.dps.state.ia.us/DCI/supportoperations/crimhistory/obtain\\_records.shtml](http://www.dps.state.ia.us/DCI/supportoperations/crimhistory/obtain_records.shtml)
- To obtain a credit history, a specific written waiver is required.
  - Details: <http://www.consumer.ftc.gov/articles/0157-employment-background-checks>
- To obtain information from the child abuse or dependent adult abuse registry, the requester must have legal authority to access the information.
  - Details: [http://iowa.compaid.com/Images/Using\\_the\\_SING\\_System.pdf](http://iowa.compaid.com/Images/Using_the_SING_System.pdf)
- Many other sources of information require a written waiver to obtain information.

Note that some sources of information also limit how the information can be used, whether it can be shared with other agencies, and whether the subject of the background must be notified if the information is provided to others.

An attorney can address the specific questions.

## **Who has authority to review background investigation information?**

Employer decision makers have authority to review the background information. The Safer Practices document discusses this issue. Each agency should consult with an attorney about the best practices for that agency.

## **Can results be disseminated, that is, shared outside the organization?**

Many background investigation checks have restrictions on further sharing of the information. For example:

- DCI criminal history information cannot be shared with others, according to Iowa Code § 692.2(5)
- Child abuse and dependent adult abuse information cannot be shared with others, according to Iowa Code § 235A.17.
- National criminal history information from the FBI provides the applicant the right to a copy of the criminal history and the right to challenge that information before an adverse decision is made

**How should information obtained in the background investigation be stored?**

Sensitive information about employees and volunteers should be protected from inadvertent disclosure to persons who are not authorized to see the information. Thus, background information should be stored in a location that has limited access, except to authorized personnel. Criminal history information and personnel files should be stored securely. Often, lawyers suggest that background investigation material be stored separate from personnel files, and that access to files be limited to employees who have successfully completed a background that is equivalent to or higher than the file they are allowed to access. A lawyer can provide advice regarding the use and storage of the various types of information.

**Are computerized criminal history records from other states the same as Iowa's?**

No. Each state has different standards for criminal history records, and each state has different criminal statutes, and each state has developed its computerized criminal history at different rates. This means that there may be wide variation among the states. There is no central description of the differences. It is best to obtain information from each state regarding what records are kept and for how long.

**Doesn't the federal criminal history check also include the same information that a state criminal history check would provide?**

No. State standards vary widely, and the federal standards for criminal history do not directly match the standards of any single state. There are variations among the states regarding what information can or must be shared with the FBI, and the standards have changed over time.

**How can I access professional licensing registries to see if a person is validly licensed?**

Most licensing agencies have information available on their websites, or they provide guidance regarding access to the information. For example:

- Licensed in Iowa provides access to multiple licenses: <https://eservices.iowa.gov/licensediniowa/>
- Other licenses related to businesses appear at IASourceLink:  
<http://www.iasourcelink.com/resources/licensing>
- Contractor registrations are maintained online: <http://www.iowaworkforce.org/labor/contractor.htm>
- Iowa Department of Public Health licensures are available online:  
<https://ibplicense.iowa.gov/PublicPortal/Iowa/IBPL/common/index.jsp>
- Educational license information can be obtained online: <http://www.boee.iowa.gov/>

**What information is available about juveniles?**

Juvenile delinquency information may be public record, unless a court orders the information be kept confidential or to be sealed. For children under age 14, juvenile delinquency does not apply. Those records generally are confidential. In Iowa, it is unlawful to include the names of child victims of sexual abuse in public documents related to a criminal case.

An attorney can provide specific advice regarding information about juveniles.

## **Can I access driver's license and motor vehicle registration information?**

The Iowa Department of Transportation provides guidance online for an individual to obtain a certified copy of their own driving record: <http://www.iowadot.gov/mvd/ods/driverrecord.htm>

## **How can I obtain information about court records?**

Iowa Courts Online is accessible to the public, at no charge, for most of the information contained in the court docket. Some docket information is available only by way of a paid subscription.

The actual documents filed in court are available only to subscribers through the Electronic Docket Management System (EDMS): <https://www.iowacourts.state.ia.us/efile/>

The information available at no cost from Iowa Courts Online includes:

- Full name
- Date of birth
- Filings in the case (docket information)
- Criminal charges and disposition
- Financial information (costs, fines, surcharges, restitution, support/alimony)
- Bonds posted

The Court also provides resources for the use of the online court records:

[http://www.iowacourts.gov/For\\_the\\_Public/Court\\_Services/Docket\\_Records\\_Search/index.asp](http://www.iowacourts.gov/For_the_Public/Court_Services/Docket_Records_Search/index.asp)

In particular, the search tips explain how to conduct a search:

[http://www.iowacourts.gov/wfdata/frame2276-1152/online\\_records\\_search\\_tips.pdf](http://www.iowacourts.gov/wfdata/frame2276-1152/online_records_search_tips.pdf)

Another document explains how to read court records:

[http://www.iowacourts.gov/wfdata/frame2276-1152/Online\\_records\\_help\\_docket\\_terms.pdf](http://www.iowacourts.gov/wfdata/frame2276-1152/Online_records_help_docket_terms.pdf)

## **What are the differences between information from Courts Online and DCI Criminal History Information?**

Some information that is accessible from Iowa Courts Online is not included in the DCI Criminal History check, and vice versa. The primary differences can be summarized as follows:

### ***Simple Misdemeanors***

- DCI Criminal History
  - Criminal history records may not include simple misdemeanors, because local law enforcement agencies are not required to submit them
  - If local agencies submit information for enhanced-punishment offenses, it may include information about a previous misdemeanor. DCI will add that previous simple misdemeanor to the Criminal History.
- Iowa Courts Online
  - All simple misdemeanors appear in Iowa Courts Online

***Deferred Judgments***

- DCI Criminal History
  - Deferred judgment status appears on Criminal History records while the deferred judgment is “pending,” but once the deferred judgment is successful completed and the record is expunged, access to the information is restricted. The subject of the request can provide a waiver to include deferred judgment information.
- Iowa Courts Online
  - Like Criminal History records, while the deferred judgment is “pending,” it appears in Iowa Courts Online. Once expunged, it is not accessible via Iowa Courts Online.

***Dismissal of Charges or Acquittal***

- DCI Criminal History
  - When a charge is dismissed by the court, or when a defendant is found not guilty (“acquitted”), the information about the case is removed from Criminal History records
- Iowa Courts Online
  - Even when the charge is dismissed by the court, and even when the defendant is found not guilty (“acquitted”), the information remains on the court records available via Iowa Courts Online

***Identity***

- DCI Criminal History
  - All information maintained in DCI Criminal History records is supported by fingerprint identification. No criminal history can be created without fingerprints, and no arrest information can be added to a record without positive identification via fingerprints.
- Iowa Courts Online
  - Court information is based on name and date of birth. No fingerprint-based information is available to the court.

**If a volunteer will be asked to testify in court, does that change the criteria for a background investigation?**

It may. Witnesses who testify may be “impeached” at trial in some circumstances. This means that the judge or jury can take into account the criminal history that may have an impact on the credibility of the witness. That is, the decision maker may look at criminal history in deciding whether or how much weight to put on that person’s testimony. Generally, felony convictions and convictions for crimes involving honesty (perjury, theft, fraud, etc.) during the previous 10 years can be used to impeach the credibility of a witness.

An attorney can provide specific advice regarding information about impeachable offenses.

**What information can be obtained from the Sex Offender Registry?**

The DCI provides a complete list of Frequently Asked Questions: <http://www.iowasexoffender.com/faq>

**How can I learn more about criminal history?**

The DCI provides a complete list of Frequently Asked Questions:  
<http://www.dps.state.ia.us/DCI/supportoperations/crimhistory/faq.shtml>



## What is SING?

The Single Contract Repository (SING) program is designed to combine several inquiries into a single query of several databases maintained by the State of Iowa. It is not a separate database. The Department of Administrative Services describes the SING program: <http://das.ite.iowa.gov/aegs/enterprise/sing.html>

## GLOSSARY

A more complete glossary of legal terms is included in the Iowa State Bar Association's publication, "Covering Iowa Law and Courts: A Guide for Journalists," which is available online:

[http://c.ymcdn.com/sites/www.iowabar.org/resource/resmgr/files/covering\\_iowa\\_courts.pdf](http://c.ymcdn.com/sites/www.iowabar.org/resource/resmgr/files/covering_iowa_courts.pdf)

**Acquittal:** When a defendant is found not guilty, the legal term for that event is "acquittal."

**Adjudication:** A formal judgment on a legal matter. In juvenile court, a juvenile is not "arrested," but rather is "taken into custody," and the final disposition upon a finding of guilt is not a "conviction," but rather is an "adjudication."

**Appeal:** Legal process to challenge a ruling by a district court.

**Arrest:** Seizing a person or taking a person into custody.

**Assault:** Iowa crime that includes striking or threatening to strike a person without justification.

**Certified:** Confirmed as true, accurate or genuine. Government agencies and educational institutions can provide "certified" copies that are based on official records kept by that agency or institution.

**Charge:** A formal accusation made by the government, alleging that an individual has violated a criminal law. In Iowa, charges may include a citation in lieu of arrest (such as traffic tickets), a Complaint and Affidavit (charging a simple misdemeanor), a Trial Information (filed by the county attorney for any charge other than a simple misdemeanor), or a Grand Jury Indictment (filed when a local grand jury votes to indict an individual for the commission of a crime).

**Child:** Iowa law provides two different definitions of a child. In juvenile law, "child" means a person under age 18, according to Iowa Code § 232.2(5). In criminal law, "child" means a person under the age of 14, according to Iowa Code § 702.5.

**Child Abuse:** Generally, child abuse refers to intentional or neglectful physical, sexual or emotional injury inflicted upon a child. Several crimes would fit within that general definition under Iowa law.

**Computerized Criminal History (CCH):** A system or database that collects information about official actions, including arrests, convictions, dismissals, or other court actions.

**Concurrent:** Sentences served simultaneously, as if they were one sentence. When a judge orders sentences to be "concurrent," it means that each sentence begins running at the time the defendant goes to jail or prison. The total length of the sentence is the longest of the concurrent sentences imposed.

**Confidential:** information that cannot be disclosed to the public, but may be disclosed to persons who are authorized to receive it.

**Consecutive:** Two or more criminal sentences that are to be served one after the other.

**Conviction:** The formal declaration that a person is guilty of a criminal offense, either by jury verdict, decision by the court, or guilty plea.

**Defendant:** In a criminal case, the person who is charged with committing a crime.

**Deferred Judgment:** After a finding of guilt, a judge may defer judgment, that is, delay the entry of a final judgment of guilt. Usually the deferred judgment is accompanied by probation conditions. If the probation is successfully completed, the deferred judgment may be “expunged” (removed) from court records. Under Iowa law, only two deferred judgments are permitted in a lifetime.

**Deferred Sentence:** After a finding of guilt and entry of final judgment, a judge may defer sentencing and place the criminal defendant on probation. If the defendant violates the conditions of probation, the defendant may then be sentenced to a jail or prison term. When a deferred sentence is imposed, judgment has been entered, it is not possible to expunge the conviction.

**Disposition:** Final determination by a judge, either by dismissal, deferred judgment, entry of judgment, or imposition of sentence. In a juvenile action, the disposition is the final determination by the juvenile judge regarding the allegations against the juvenile.

**Docket:** An official court record listing cases before the court and filings made in the case. It does not include the documents themselves, but simply the listing of documents filed.

**Dismissed:** The voluntary termination of a criminal case, or the decision by a court that a criminal charge cannot proceed. A dismissal “with prejudice” means that charges cannot be brought again. A dismissal “without prejudice” means that charges may be brought at a later time.

**Expungement:** Removal of a court record so that it is not publicly available. The Iowa court will maintain a confidential record of expunged records, accessible to a limited number of authorized personnel.

**Felony:** A public offense classified by statute as a felony, according to Iowa Code § 701.7. Felonies range from a D felony (5-year maximum) to a C felony (10-year maximum) to a B felony (25-year maximum) to an A felony (life without parole). The terms for felonies may vary for some crimes. A felon who is sentenced to incarceration is held in a state prison facility rather than a county jail.

**Fraud:** Generally, fraud means a knowing misrepresentation of the truth, or concealment of a material fact, which induces another person to act.

**Impeach:** A legal term describing methods used to call into question the integrity or veracity of a witness who has sworn to tell the truth. Formal rules of evidence allow the use of some prior convictions to “impeach” a person testifying as a witness under oath. These “impeachable” offenses generally include felonies and convictions for crimes that bear on truth or veracity, such as perjury, theft or fraud.

**Indictable Offense:** In Iowa, an indictable offense is any offense other than a simple misdemeanor. A grand jury can return an indictment on such offenses, so they are “indictable.” Under Iowa law, the county attorney has the authority to file a “trial information” instead of taking the case to a grand jury.

**Jail:** Detention facility operated by a local authority, usually the county sheriff. A person whose maximum sentence length is less than one year can be incarcerated in a jail.

**Judgment:** A judge’s final, formal entry of a decision that a criminal defendant is guilty. Once entered, a judgment remains final unless the conviction is reversed on appeal. In a civil case, the “judgment” is the final determination of the case, which usually identifies the money damages owed by one party to another party.

**Minor:** Person under age 18. In the context of beer, wine or alcoholic beverages, an underage person includes minors (under age 18) and persons between 18 and 21. A “minor in possession” charge may include persons under age 21.

**Misdemeanor:** A public offense classified by statute as a misdemeanor, according to Iowa Code § 701.8. Misdemeanors range from a simple misdemeanor (30-day maximum) to a serious misdemeanor (1-year maximum) to an aggravated misdemeanor (2-year maximum). A sentence of incarceration of less than one year can be served in the county jail. A sentence of incarceration for a year or more must be served in a state prison facility.

**Ordinance:** An enactment by a local government, which can carry criminal penalties or civil sanctions.

**Parole:** Supervised release of a prison inmate.

**Plea or Guilty Plea:** A formal determination by a court, based on a statement by a criminal defendant, stating the guilt of the defendant, or agreeing that sufficient facts could be proven to show guilt of a crime. It is possible for a criminal defendant to plead guilty without admitting guilt, so long as the prosecution can establish sufficient facts to support the charge.

**Probation:** A sentence in which a convicted person is released from confinement, with supervision by a probation officer.

**Prison:** Detention facility administered by the State of Iowa. A person whose maximum sentence length is more than one year can be incarcerated in a state prison.

**Protective Order:** Judicial order that prohibits a person from engaging in identified behavior, or requires a person to fulfill an obligation. Most “protective orders” in Iowa involve a finding of domestic abuse, and may include a stay-away provision, as well as requirements to vacate a residence, pay child support, or comply with specified child visitation requirements. A protective order is one form of an “injunction,” which is simply a court order that requires or prohibits the taking of some action.

**Public Offense:** A public offense is an act prohibited by statute that is punishable by a fine or imprisonment, according to Iowa Code § 701.2.

**Revoked:** Officially cancelled or invalidated. A driver's license or a professional license may be revoked, which means that it is invalid. In a criminal case, when a person is granted probation instead of a jail or prison sentence, the probation may be revoked if the conditions of probation are violated, and the judge could sentence the person to incarceration in jail or prison.

**Sealed:** Court order that requires that records remain secret from the public. When juvenile records are sealed, all agencies with copies of the juvenile records must destroy them.

**Sentence:** The punishment imposed on a criminal defendant after a finding of guilt.

**Sexual Abuse:** In Iowa, the term "sexual abuse" refers to felony-level sex offenses. Iowa does not have a crime of "rape," but instead calls it "sexual abuse."

**Sex Offense:** Using the terminology of the Sex Offender Registry statute, "sex offense" means an indictable offense for which a conviction has been entered, as defined in Iowa Code § 692.102.

**Sex Offender Registry (SOR):** A system or database that collects information about persons convicted of sex offenses, based on statutes that identify which offenses are "qualifying" offenses that require entry into the Sex Offender Registry database.

**Single Contact Repository (SING):** System that allows qualified individuals or agencies to access multiple databases.

**Suspended:** To bar a privilege, office or position for a period of time. A license may be suspended. A judge may suspend the imposition of a jail or prison sentence, and place the criminal defendant on probation. A judge also may suspend payment of a fine.

## APPENDICES

What You Should Know About the EEOC and Arrest and Conviction Records (EEOC)

Using Consumer Reports: What Employers Need to Know (FTC)

Authorization for Release of Child Abuse Information (Iowa DHS)

Authorization for Release of Dependent Adult Abuse Information (Iowa DHS)

Privacy Act Agreement for Request of Motor Vehicle Records (Iowa DOT)

State of Iowa Criminal History Record Check Request Form (Iowa DCI)

Iowa User Agreement for National Criminal History Record Checks by a Qualified Entity (Iowa DCI)

Waiver Agreement and Statement for National Criminal History Records Checks

**Appendices are available online at [www.volunteeriowa.org](http://www.volunteeriowa.org).**



U.S. Equal Employment Opportunity Commission

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## What You Should Know About the EEOC and Arrest and Conviction Records

**Background:** On April 25, 2012, the Commission, in a 4-1 bi-partisan vote, issued its [Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964](#), as amended, 42 U.S.C. § 2000e. The Guidance updates, consolidates, and supersedes the Commission's 1987 and 1990 policy statements on this issue, as well as the relevant discussion in the EEOC's Race and Color Discrimination Compliance Manual Chapter. The Guidance is designed to be a resource for employers, employment agencies, and unions covered by Title VII; for applicants and employees; and for EEOC enforcement staff.

### 1) Does this Guidance prohibit employers from obtaining and using criminal background reports about job applicants or employees?

No. The EEOC does not have the authority to prohibit employers from obtaining or using arrest or conviction records. The EEOC simply seeks to ensure that such information is not used in a discriminatory way.

### 2) How could an employer use this information in a discriminatory way?

There are two ways in which an employer's use of criminal history information may be discriminatory. First, the relevant law, Title VII of the Civil Rights Act of 1964, prohibits employers from treating job applicants or employees with the same criminal records differently because of their race, national origin, or another protected characteristic (disparate treatment discrimination).

Second, the law also prohibits disparate impact discrimination. This means that, if criminal record exclusions operate to disproportionately exclude people of a particular race or national origin, the employer has to show that the exclusions are "job related and consistent with business necessity" under Title VII to avoid liability.

### 3) How would an employer prove "job related and consistent with business necessity"? Is it burdensome?

Proving that an exclusion is "job related and consistent with business necessity" is not burdensome. The employer can make this showing if, in screening applicants for criminal conduct, it (1) considers at least the nature of the crime, the time elapsed since the criminal conduct occurred, and the nature of the specific job in question, and (2) gives an applicant who is excluded by the screen the opportunity to show why he should not be excluded.

### 4) Is the Guidance a new Commission policy?

No. The Guidance follows the text of the law about disparate treatment and disparate impact discrimination. Since at least 1969, the Commission has received, investigated, and resolved discrimination charges involving criminal records exclusions, and federal courts have analyzed the civil rights law as applied to criminal record exclusions since the 1970s. In addition, in 1987 and 1990, the EEOC issued three policy statements on this issue, and it also referenced the topic in its 2006 Race and Color Discrimination Compliance Manual Chapter. Finally, in 2008, the EEOC's E-RACE (Eradicating Racism and Colorism from Employment) Initiative identified criminal record exclusions as one of the employment barriers that are linked to race and color discrimination in the workplace. Thus, applying Title VII to the use of criminal history information in employment decisions is well-established.

### 5) Why update this policy now?

In the twenty years since the Commission issued its three policy statements, there have been important legal and social changes. In 1991, Congress amended the Civil Rights Act to add Title VII disparate impact analysis, among other things. Since the 1990s, technology has made criminal history information much more accessible to

employers. The number of working-aged individuals with criminal records in the population significantly increased during this period, especially in the African American and Hispanic communities.

The Commission also began to re-evaluate its three policy statements after the Third Circuit Court of Appeals noted in its 2007 *El v. Southeastern Pennsylvania Transportation Authority* decision that the Commission should provide more in-depth legal analysis and updated research on this issue. Therefore, in updating the Guidance, the Commission incorporated social science and criminological research, court decisions, and information about various state and federal laws to help employers better assess the impact of using criminal records in employment decisions.

**6) Did the Commission receive input from advocates, the business community and the public on this topic?**

Yes. Representatives of employers, individuals with criminal records, and other federal agencies testified at public EEOC meetings in November 2008 and July 2011. The Commission also received and reviewed approximately 300 written comments from members of the general public and stakeholder groups that responded to topics discussed during the July 2011 meeting. The stakeholders that provided statements to express their interests and concerns include prominent organizations such as the NAACP, the U.S. Chamber of Commerce, the Society for Human Resource Management (SHRM), the Leadership Conference on Civil and Human Rights, the American Insurance Association, the Retail Industry Leaders Association, the Public Defender Service for the District of Columbia, the National Association of Professional Background Screeners, and the D.C. Prisoners' Project, among others.

Additionally, throughout the process of drafting the Guidance, individual Commissioners and staff met with representatives from various stakeholder groups to obtain more focused feedback on discrete and complex issues such as the U.S. Chamber of Commerce, SHRM, HR Policy Association, College and University Professional Association for Human Resources, the National Employment Law Project, and the Equal Employment Advisory Council.

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More information about the EEOC Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, including [Questions and Answers about the Guidance](#), is available at [www.eeoc.gov](http://www.eeoc.gov).



## Using Consumer Reports: What Employers Need to Know

Your company has job vacancies to fill. You're also thinking about promoting some employees from within the company. You've winnowed down the stack of applications and resumes and want to run background checks through a third party company who is in the business of compiling background information.

Employment background checks also are known as consumer reports. They can include information from a variety of sources, including credit reports and criminal records.

When you use consumer reports to make employment decisions, including hiring, retention, promotion or reassignment, you must comply with the Fair Credit Reporting Act (FCRA). The Federal Trade Commission (FTC) enforces the FCRA.

### Complying with the FCRA

You must take certain steps before you can get a consumer report, and before and after you take an adverse action based on that report.

#### **Before You Get a Consumer Report**

You must:

- Tell the applicant or employee that you might use information in their consumer report for decisions related to their employment. This notice must be in writing and in a stand-alone format. The notice cannot be in an employment application. You can include some minor additional information in the notice, like a brief description of the nature of consumer reports, but only if it does not confuse or detract from the notice.
- Get written permission from the applicant or employee. This can be part of the document you use to notify the person that you will get a consumer report. If you

want the authorization to allow you to get consumer reports throughout the person's employment, make sure you say so clearly and conspicuously.

- Certify compliance to the company from which you are getting the applicant or employee's information. You must certify that you:
  - notified the applicant or employee and got their permission to get a consumer report;
  - complied with all of the FCRA requirements; and
  - will not discriminate against the applicant or employee or otherwise misuse the information, as provided by any applicable federal or state equal opportunity laws or regulations.

It's a good idea to review applicable laws of your state related to consumer reports. Some states restrict the use of consumer reports – usually credit reports – for employment purposes.

## **Before You Take an Adverse Action**

Before you reject a job application, reassign or terminate an employee, deny a promotion, or take any other adverse employment action based on information in a consumer report, you must give the applicant or employee:

- a notice that includes a copy of the consumer report you relied on to make your decision; and
- a copy of [A Summary of Your Rights Under the Fair Credit Reporting Act](#), which the company that gave you the report should have given to you.

Giving the person the notice in advance gives the person the opportunity to review the report and tell you if it is correct.

## **After You Take an Adverse Action**

If you take an adverse action based on information in a consumer report, you must give the applicant or employee a notice of that fact – orally, in writing, or electronically.

An adverse action notice tells people about their rights to see information being reported about them and to correct inaccurate information. The notice must include:



- the name, address, and phone number of the consumer reporting company that supplied the report;
- a statement that the company that supplied the report did not make the decision to take the unfavorable action and can't give specific reasons for it; and
- a notice of the person's right to dispute the accuracy or completeness of any information the consumer reporting company furnished, and to get an additional free report from the company if the person asks for it within 60 days.

## Investigative Reports

Employers who use "investigative reports" – reports based on personal interviews concerning a person's character, general reputation, personal characteristics, and lifestyle – have [additional obligations under the FCRA](#). These obligations include giving written notice that you may request or have requested an investigative consumer report, and giving a statement that the person has a right to request additional disclosures and a summary of the scope and substance of the report. (See 15 U.S.C. section 1681d(a), (b)).

## Disposing of Consumer Reports

When you're done using a consumer report, you must securely dispose of the report and any information you gathered from it. That can include burning, pulverizing, or shredding paper documents and disposing of electronic information so that it can't be read or reconstructed. For more information, see [Disposing of Consumer Report Information? New Rule Tells How](#).

## For More Information

Visit the [FTC's Business Center: Your Link to the Law](#). There, you can find [specific FCRA information](#) on:

- Getting consumer reports (see Section 604(b) of the FCRA, 15 U.S.C. § 1681b(b));
- Taking an adverse action (see Section 604(b), 15 U.S.C. § 1681b(b), and Section 615(a), 15 U.S.C. § 1681m(a));

- Compliance for the trucking industry (see subsections (b)(2)(B), (b)(2)(C), and (b)(3) of Section 604(b), 15 U.S.C. § 1681b(b));
- Using investigative consumer reports (see Section 606 of the FCRA, 15 U.S.C. § 1681d);
- Investigating misconduct (see Section 603(x) of the FCRA, 15 U.S.C. § 1681a(x)).

The FTC works to prevent fraudulent, deceptive and unfair business practices in the marketplace and to provide information to help consumers spot, stop and avoid them. To file a [complaint](#) or get free information on [consumer issues](#), visit [ftc.gov](#) or call toll-free, 1-877-FTC-HELP (1-877-382-4357); TTY: 1-866-653-4261. Watch a video, *How to File a Complaint*, to learn more. The FTC enters consumer complaints into the [Consumer Sentinel Network](#), a secure online database and investigative tool used by hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

## Your Opportunity to Comment

The National Small Business Ombudsman and 10 Regional Fairness Boards collect comments from small businesses about federal compliance and enforcement activities. Each year, the Ombudsman evaluates the conduct of these activities and rates each agency's responsiveness to small businesses. Small businesses can comment to the Ombudsman without fear of reprisal. To comment, call toll-free 1-888-REGFAIR (1-888-734-3247) or go to [www.sba.gov/ombudsman](http://www.sba.gov/ombudsman).

January 2012

Accessed at <http://www.business.ftc.gov/documents/bus08-using-consumer-reports-what-employers-need-know>

**AUTHORIZATION FOR RELEASE OF CHILD ABUSE INFORMATION**

This form must be used to authorize release of child abuse information when the person requesting the information does not have independent access to it under Iowa law. Complete a separate form for each person about whom information is requested. Send the original to the Central Abuse Registry, Iowa Department of Human Services, PO Box 4826, Des Moines, Iowa 50305.

**PART A: To be completed by the person requesting information.**

1.	Requester			
	Address			
	City	State	Zip Code	Phone Number (    )
	2. The information concerns:			
2.	Name (first, middle initial, last)			
	Maiden Name or Alias (if applicable)		Birth Date	Social Security Number
	Address			
	City	State	Zip Code	County
3.	What is the purpose of your request for child abuse information?			
4.	I have read and understand the legal provisions for handling child abuse information which are printed on the back of this form.			
	Signature			Date

**PART B: To be completed by the person authorizing the Department of Human Services to release child abuse information.**

I understand that my signature authorizes the requester to receive information to verify whether I am named on the Child Abuse Registry in a child abuse report as having abused a child (Iowa Code 235A.15). To the best of my knowledge, all or part of the information contained in Part A of this form is correct.

Signature	Date
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**PART C: To be completed by the Central Abuse Registry or designee.**

1.  The person named in item A-2 is listed on the Child Abuse Registry as having abused a child.
2.  The person named in item A-2 is not listed on the Child Abuse Registry as having abused a child.
3.  This request for information is denied because the form is incomplete.

Signature	Date
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Comments

## **LEGAL PROVISIONS FOR THE HANDLING OF CHILD ABUSE INFORMATION**

### **Redissemination of Child Abuse Information (Iowa Code 235A.17)**

A person, agency, or other recipient of child abuse information shall not redisseminate this information. However, redissemination is permitted when all of the following conditions apply:

- ◆ The redissemination is for official purposes in connection with prescribed duties or, in the case of a health practitioner, pursuant to professional responsibilities.
- ◆ The person to whom the information would be redisseminated would have independent access to the same information under Iowa Code Section 235A.15.
- ◆ A written record is made of the redissemination, including the name of the recipient and the date and purpose of the redissemination.
- ◆ The written record is forwarded to the Registry within 30 days of the redissemination.

### **Criminal Penalties (Iowa Code 235A.21)**

- ◆ Any person is guilty of a criminal offense when the person:
  - Willfully requests, obtains, or seeks to obtain child abuse information under false pretense.
  - Willfully communicates or seeks to communicate child abuse information to any agency or person except in accordance with Iowa Code Sections 235A.15 and 235A.17.
  - Is connected with any research authorized pursuant to Iowa Code Section 235A.15 and willfully falsifies child abuse information or any records relating to child abuse.
- ◆ Upon conviction for each offense, the person shall be punished by a fine of up to \$1,000 or imprisonment for not more than two years, or by both fine and imprisonment.
- ◆ Any person who knowingly, but without criminal purposes, communicates or seeks to communicate child abuse information except in accordance with Iowa Code Sections 235A.15 and 235A.17 shall be fined not more than \$100 or be imprisoned not more than ten days for each such offense.
- ◆ Any reasonable grounds for belief that a person has violated any provision of Iowa Code Chapter 235A shall be grounds for the immediate withdrawal of any authorized access that the person might otherwise have to child abuse information.

Iowa Department of Human Services

**Authorization for Release of Dependent Adult Abuse Information**

This form must be used to authorize release of dependent adult abuse information when the person requesting the information does not have independent access to it in Iowa law. Complete a separate form for each person about whom information is requested. Send the original to the Central Abuse Registry, Iowa Department of Human Services, PO Box 4826, Des Moines, IA 50305 or fax to 515-242-6884.

**To be completed by the person requesting information:**

Requester

Address

City

State

Zip Code

Phone Number

The information concerns:

Name (first, middle initial, last)

Maiden Name or Alias (if applicable)

Birth Date

Social Security Number

Address

City

State

Zip Code

County

What is the purpose of your request for dependent adult abuse information?

I have read and understand the legal provisions for handling dependent adult abuse information that are printed on the second page of this form.

Signature

Date

**To be completed by the person authorizing the Department of Human Services to release dependent adult abuse information:**

Signature

Date

**To be completed by the Central Abuse Registry or designee:**

- The person named above is listed on the Dependent Adult Abuse Registry as having abused a dependent adult.
- The person named above is not listed on the Dependent Adult Abuse Registry as having abused a dependent adult.
- This request for information is denied because the form is incomplete.

Signature

Date

Comments:

## **Legal Provisions for the Handling of Dependent Adult Abuse**

### **Redissemination of Dependent Adult Abuse Information, Iowa Code 235B.8**

A person, agency, or other recipient of dependent adult abuse information shall not redisseminate (release) this information. However, redissemination is permitted when all of the following conditions apply:

- The redissemination is for official purposes in connection with prescribed duties or, in the case of a health practitioner, pursuant to professional responsibilities.
- The person to whom the information would be redisseminated would have independent access to the same information under Iowa Code section 235B.6.
- A written record is made of the redissemination, including the name of the recipient and the date and purpose of the redissemination.
- The written record is forwarded to the Central Abuse Registry within 30 days of the redissemination.

### **Criminal Penalties, Iowa Code 235B.12**

Any person is guilty of a criminal offense when the person:

- Willfully requests, obtains, or seeks to obtain dependent adult abuse information under false pretense.
- Willfully communicates or seeks to communicate dependent adult abuse information to any agency or person except in accordance with Iowa Code sections 235B.6 through 235B.8.
- Is connected with any research authorized pursuant to Iowa Code section 235B.6 and willfully falsifies dependent adult abuse information or any records relating to dependent adult abuse.

Upon conviction for each offense, the person shall be punished by a fine of up to \$1,000 or imprisonment for not more than two years, or by both fine and imprisonment.

Any person who knowingly, but without criminal purposes, communicates, or seeks to communicate dependent adult abuse information except in accordance with Iowa Code sections 235B.6 and 235B.8 shall be fined not more than \$100 or be imprisoned not more than ten days for each such offense.



Office of Driver Services and Vehicle Services  
Motor Vehicle Division

<input type="checkbox"/>	New
<input type="checkbox"/>	Renewal

## PRIVACY ACT AGREEMENT FOR REQUEST OF MOTOR VEHICLE RECORDS

<p><b>INSTRUCTIONS:</b></p> <ul style="list-style-type: none"> <li>This Privacy Act Agreement for Request of Motor Vehicle Records must be completed and approved before a Requestor can obtain personal information or highly restricted personal information from the Iowa Department of Transportation. Only Requestors who meet the criteria outlined in Part C are eligible to obtain such information from the Iowa Department of Transportation. This Agreement must be completed with all required attachments before the Iowa Department of Transportation will consider a request for motor vehicle records.</li> <li>Requestor <b>must</b> attach a legible photocopy of his or her driver's license or non-driver identification card.</li> <li>Requestor must print his or her full name on each page of this Agreement.</li> <li>An Iowa Department of Transportation employee will contact Requestor to advise whether the request is approved or denied.</li> </ul>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">OFFICIAL USE ONLY</th> </tr> <tr> <td style="width: 30%;">Date Received:</td> <td style="text-align: center;">/ /</td> </tr> <tr> <td>Authorized Access For:</td> <td>                     Required: <input type="checkbox"/> Allowed: <input type="checkbox"/>                      Personal Information: <input type="checkbox"/>                      Highly Restricted Personal Information: <input type="checkbox"/> </td> </tr> <tr> <td>Authorized By:</td> <td>                     DOT employee: _____                      User ID given: _____                      Password given: _____                      VTN record given: <input type="checkbox"/> VTNP record given: <input type="checkbox"/>                      Record access given: <input type="checkbox"/>                      Photo File access given: <input type="checkbox"/>                      Requested access denied: <input type="checkbox"/>                      Date access given/denied: / /                      Legal Reviewer: _____                      Date of review by Legal: / /                 </td> </tr> </table>	OFFICIAL USE ONLY		Date Received:	/ /	Authorized Access For:	Required: <input type="checkbox"/> Allowed: <input type="checkbox"/> Personal Information: <input type="checkbox"/> Highly Restricted Personal Information: <input type="checkbox"/>	Authorized By:	DOT employee: _____ User ID given: _____ Password given: _____ VTN record given: <input type="checkbox"/> VTNP record given: <input type="checkbox"/> Record access given: <input type="checkbox"/> Photo File access given: <input type="checkbox"/> Requested access denied: <input type="checkbox"/> Date access given/denied: / / Legal Reviewer: _____ Date of review by Legal: / /
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**PART A. REQUESTOR INFORMATION** *(This Section Must Be Completed. Each blank space in this Part must be completed. If you do not provide information for a space, you must write "N/A" for "not applicable".)*

Please Check One Box:

I am requesting a copy of my own record.

I am requesting a copy of the record of another person, and I have attached their written consent.

Other - for all other record requests, you must initial at least one permissible use in Part C of this Agreement, and you must check at least one of the following boxes:

I am making a one-time request, and I will use the record one time and for one purpose.

I am requesting on-line record access. (Skip Part B of this form if you are requesting record access.)

I am requesting Photo File access. (Skip Part B of this form if you are requesting Photo File access.)

Name of Requestor (Last)	(First)	(Middle Initial)
Address		Driver License or Non-Driver ID Number
City	State	ZIP Code
Email Address	Telephone Number ( ) - -	Fax Number ( ) - -
Requestor is an Authorized Representative of (List Name of Person or Entity)		<b>D-</b> List dealer number if dealership
Person/Entity Address	City	State ZIP Code

**PART B. INFORMATION REQUESTED** *(Provide As Much Information As Possible If This Is A One-Time Request)*

Name (Last)	(First)	(Middle Initial)
Address		City State ZIP Code
Driver License or Non-Driver ID Number	Date of Birth / /	Social Security Number - - Sex <input type="checkbox"/> M <input type="checkbox"/> F
Year and Make of Vehicle	Vehicle Title Number	
License Plate Number	Vehicle Identification Number (VIN)	

**PART C. USE**

The Driver's Privacy Protection Act of 1994 (DPPA), 18 U.S.C. §§ 2721-2725, and Iowa Code section 321.11 regulate access to motor vehicle records. You **must** tell us why you want the records you are requesting. Sign your **initials** next to each use under which you claim access. The Iowa Department of Transportation reserves the right to request such additional information as may be necessary to determine whether you qualify for access.

<p>1. _____</p>	<p>The Requestor is an employee of a federal, state, or local government agency, or a private person acting on behalf of a federal, state, or local government agency, and the records will be used to carry out the official functions of such federal, state, or local government agency. <i>(Please attach proof of Requestor's authority to act on behalf of a government agency.)</i></p> <table border="1"> <tr> <td data-bbox="261 443 894 506">Name of agency:</td> <td data-bbox="894 443 1531 506">Name of agency's DPPA contact:</td> </tr> <tr> <td data-bbox="261 506 894 579">Telephone number of DPPA contact: (    ) -    -</td> <td data-bbox="894 506 1531 579">Email address of DPPA contact:</td> </tr> </table>	Name of agency:	Name of agency's DPPA contact:	Telephone number of DPPA contact: (    ) -    -	Email address of DPPA contact:											
Name of agency:	Name of agency's DPPA contact:															
Telephone number of DPPA contact: (    ) -    -	Email address of DPPA contact:															
<p>2. _____</p>	<p>The records will be used in connection with a civil, criminal, administrative, or arbitral proceeding in federal, state, or local court or agency or before a self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court. <i>(Please attach proof of the Requestor's status (e.g., a photocopy of an attorney's certificate of admission to bar) and court order, if applicable.)</i></p> <table border="1"> <tr> <td colspan="3" data-bbox="261 695 1531 737">Requestor is (check one):    <input type="checkbox"/> attorney    <input type="checkbox"/> represented litigant    <input type="checkbox"/> pro se litigant    <input type="checkbox"/> other (attach explanation)</td> </tr> <tr> <td data-bbox="261 737 786 779">If currently involved in a proceeding:</td> <td data-bbox="786 737 1208 779">If anticipating litigation or proceedings:</td> <td data-bbox="1208 737 1531 779">If pursuant to a court order:</td> </tr> <tr> <td data-bbox="261 779 786 842">Name of court, agency, or self-regulatory body:</td> <td data-bbox="786 779 1208 842">Name of involved parties:</td> <td data-bbox="1208 779 1531 842">Name of court:</td> </tr> <tr> <td data-bbox="261 842 786 905">Name of case or matter:</td> <td data-bbox="786 842 1208 905">Expected forum:</td> <td data-bbox="1208 842 1531 905">Name of case or matter:</td> </tr> <tr> <td data-bbox="261 905 786 974">Case/matter number:</td> <td data-bbox="786 905 1208 974">Date of occurrence:</td> <td data-bbox="1208 905 1531 974">Case number:</td> </tr> </table>	Requestor is (check one): <input type="checkbox"/> attorney <input type="checkbox"/> represented litigant <input type="checkbox"/> pro se litigant <input type="checkbox"/> other (attach explanation)			If currently involved in a proceeding:	If anticipating litigation or proceedings:	If pursuant to a court order:	Name of court, agency, or self-regulatory body:	Name of involved parties:	Name of court:	Name of case or matter:	Expected forum:	Name of case or matter:	Case/matter number:	Date of occurrence:	Case number:
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Name of case or matter:	Expected forum:	Name of case or matter:														
Case/matter number:	Date of occurrence:	Case number:														
<p>3. _____</p>	<p>The Requestor is an agent, employee, or contractor of an insurer or insurance support organization, and the record will be used in connection with claims investigation activities, anti-fraud activities, rating, or underwriting. <i>(Please attach proof of the Requestor's status.)</i></p> <table border="1"> <tr> <td data-bbox="261 1062 894 1125">Name of insurer or insurance support organization:</td> <td data-bbox="894 1062 1531 1125">Name of insurer or support organization's DPPA contact:</td> </tr> <tr> <td data-bbox="261 1125 894 1199">Telephone number of DPPA contact: (    ) -    -</td> <td data-bbox="894 1125 1531 1199">Email address of DPPA contact:</td> </tr> </table>	Name of insurer or insurance support organization:	Name of insurer or support organization's DPPA contact:	Telephone number of DPPA contact: (    ) -    -	Email address of DPPA contact:											
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Telephone number of DPPA contact: (    ) -    -	Email address of DPPA contact:															
<p>4. _____</p>	<p>The Requestor is an employer or its agent or insurer and the records will be used to obtain or verify information relating to a holder of a commercial driver's license that is required under 49 U.S.C. Chapter 313. <i>(Please attach proof of the Requestor's status.)</i></p> <table border="1"> <tr> <td data-bbox="261 1266 894 1329">Name of employer:</td> <td data-bbox="894 1266 1531 1329">Name of employer's DPPA contact:</td> </tr> <tr> <td data-bbox="261 1329 894 1402">Telephone number of DPPA contact: (    ) -    -</td> <td data-bbox="894 1329 1531 1402">Email address of DPPA contact:</td> </tr> </table>	Name of employer:	Name of employer's DPPA contact:	Telephone number of DPPA contact: (    ) -    -	Email address of DPPA contact:											
Name of employer:	Name of employer's DPPA contact:															
Telephone number of DPPA contact: (    ) -    -	Email address of DPPA contact:															
<p>5. _____</p>	<p>The records will be used in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers, motor vehicle market research activities, including survey research, and removal of non-owner records from the original owner records of motor vehicle manufacturers. <i>(A written explanation detailing the reasons you contend that you qualify for access under this category <b>must</b> be attached to this Agreement.)</i></p>															
<p>6. _____</p>	<p>The records will be used in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of Title I and IV of the Anti Car Theft Act of 1992, the Automobile Information Disclosure Act (15 U.S.C. § 1231, <i>et seq.</i>), the Clean Air Act (42 U.S.C. § 7401, <i>et seq.</i>), and Title 49 chapters 301, 305, and 321-331. <i>(A written explanation detailing the reasons you contend that you qualify for access under this category <b>must</b> be attached to this Agreement.)</i></p>															
<p>7. _____</p>	<p>The records will be used to provide notice to owners (including lienholders) of towed or impounded vehicles.</p> <table border="1"> <tr> <td data-bbox="261 1776 894 1839">Name of towing company:</td> <td data-bbox="894 1776 1531 1839">Iowa License Number:</td> </tr> <tr> <td data-bbox="261 1839 696 1902">Name of company's DPPA contact:</td> <td data-bbox="696 1839 1122 1902">Telephone number of DPPA contact: (    ) -    -</td> <td data-bbox="1122 1839 1531 1902">Email address of DPPA contact:</td> </tr> </table>	Name of towing company:	Iowa License Number:	Name of company's DPPA contact:	Telephone number of DPPA contact: (    ) -    -	Email address of DPPA contact:										
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Name of company's DPPA contact:	Telephone number of DPPA contact: (    ) -    -	Email address of DPPA contact:														



**PART C. (continued)**

8. _____	<p>The records will be used in the normal course of business by a legitimate business or its agents, employees, or contractors <b>but only</b> (i) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors, and (ii) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purpose of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.</p>						
	<table border="1"> <tr> <td data-bbox="277 306 740 373">Name of business:</td> <td data-bbox="740 306 1192 373">Name of business's DPPA contact:</td> <td data-bbox="1192 306 1516 373">Business tax ID number:</td> </tr> <tr> <td data-bbox="277 373 740 443">Telephone number of DPPA contact: (     ) -     -</td> <td colspan="2" data-bbox="740 373 1516 443">Email address of DPPA contact:</td> </tr> </table>	Name of business:	Name of business's DPPA contact:	Business tax ID number:	Telephone number of DPPA contact: (     ) -     -	Email address of DPPA contact:	
Name of business:	Name of business's DPPA contact:	Business tax ID number:					
Telephone number of DPPA contact: (     ) -     -	Email address of DPPA contact:						
9. _____	<p>The records will be used in research activities and for use in producing statistical reports, but the personal information in the records will not be published, re-disclosed, or used to contact the individual. <i>(A written explanation detailing the reasons you contend that you qualify for access under this category <b>must</b> be attached to this Agreement.)</i></p>						
10. _____	<p>The Requestor is a licensed private investigative agency or licensed security service, and the Requestor will use the record for a permitted purpose. <i>(Photocopy of Iowa Private Investigator's License must be attached. Also, if you claim access under this paragraph, you must initial another paragraph indicating the permitted use, and you must provide any applicable attachments required therein.)</i></p>						
	<table border="1"> <tr> <td data-bbox="277 667 1146 730">Name of private investigative agency or licensed security service:</td> <td colspan="2" data-bbox="1146 667 1516 730">Iowa license number:</td> </tr> <tr> <td data-bbox="277 730 740 804">Name of agency or service's DPPA contact:</td> <td data-bbox="740 730 1146 804">Telephone number of DPPA contact: (     ) -     -</td> <td data-bbox="1146 730 1516 804">Email address of DPPA contact:</td> </tr> </table>	Name of private investigative agency or licensed security service:	Iowa license number:		Name of agency or service's DPPA contact:	Telephone number of DPPA contact: (     ) -     -	Email address of DPPA contact:
Name of private investigative agency or licensed security service:	Iowa license number:						
Name of agency or service's DPPA contact:	Telephone number of DPPA contact: (     ) -     -	Email address of DPPA contact:					
11. _____	<p>The records will be used in connection with the operation of a private toll transportation facility.</p>						
	<table border="1"> <tr> <td data-bbox="277 909 894 982">Name of private toll transportation facility:</td> <td colspan="2" data-bbox="894 909 1516 982">Licensing entity and number:</td> </tr> <tr> <td data-bbox="277 982 699 1045">Name of facility's DPPA contact:</td> <td data-bbox="699 982 1122 1045">Telephone number of DPPA contact: (     ) -     -</td> <td data-bbox="1122 982 1516 1045">Email address of DPPA contact:</td> </tr> </table>	Name of private toll transportation facility:	Licensing entity and number:		Name of facility's DPPA contact:	Telephone number of DPPA contact: (     ) -     -	Email address of DPPA contact:
Name of private toll transportation facility:	Licensing entity and number:						
Name of facility's DPPA contact:	Telephone number of DPPA contact: (     ) -     -	Email address of DPPA contact:					

**Penalty:** Title 18, United States Code, section 2723 provides that anyone who knowingly obtains, discloses, or uses personal information from a motor vehicle record for a purpose not permitted under 18 U.S.C. § 2721, shall be liable to the individual to whom the personal information pertains, including an award of the greater of actual damages or liquidated damages of \$2,500.00 for each violation, punitive damages upon proof of willful or reckless disregard of the law, reasonable attorneys' fees and other litigation costs, and such other equitable relief as the court may order. Anyone requesting the disclosure of personal information who misrepresents his or her identity or makes a false statement in connection with any request for personal information with the intent to obtain personal information in a manner not authorized by law shall be subject to criminal prosecution.

**PART D. CERTIFICATION (This Section Must Be Completed)**

By **signing** this Privacy Act Agreement Request for Motor Vehicle Records and **initialing** each item below, I, the Requestor, certify that:

\_\_\_\_\_ 1. I am familiar with all provisions of the federal Driver Privacy Protection Act of 1994, 18 U.S.C. §§ 2721-2725, and Iowa Code section 321.11, which limit access to personal information and highly restricted personal information from the Iowa Department of Transportation's motor vehicle records.

\_\_\_\_\_ 2. I understand that "personal information" means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address, telephone number, and medical or disability information. I further understand that "highly restricted personal information" means an individual's photograph or image, social security number, and medical or disability information.

\_\_\_\_\_ 3. I will abide by the terms of federal and state law, including, but not limited to, those laws restricting access to personal information and highly restricted personal information from the Iowa Department of Transportation's motor vehicle records only to those persons and for those purposes which are permitted under both laws, and for no other purpose.

\_\_\_\_\_ 4. **I understand that I am prohibited from re-disclosing the information I obtain from the Iowa Department of Transportation pursuant to this Agreement, except in accordance with applicable law.**

\_\_\_\_\_ 5. **I will keep a record for five (5) years of the following: (1) all persons to whom I re-disclose or re-sell information obtained under this Agreement, and (2) the purpose for which the information is to be used. I agree to make such records available to the Iowa Department of Transportation upon request.**

\_\_\_\_\_ 6. I shall be liable for, and shall indemnify, defend, and hold harmless the Iowa Department of Transportation, its agents, officers, and employees for any misuse or misappropriation of any personal information in a record obtained from the Iowa Department of Transportation in connection with this Agreement, including misuse or misappropriation by any of my employees, servants, agents, or contractors.

\_\_\_\_\_ 7. I shall further indemnify, defend, and hold harmless the Iowa Department of Transportation, its agents, officers, and employees, for and against any and all losses, damages, judgments, liabilities, or similar costs and expenses which arise in whole or in part out of my acts or omissions with respect to the laws restricting access to and disclosure of motor vehicle records including, without limitation, reasonable attorneys' fees and all other costs of defending against such action or claim.

\_\_\_\_\_ 8. I have attached a legible photocopy of my driver's license or non-driver identification card.

\_\_\_\_\_ 9a. In executing this Agreement, I am acting on my own behalf, and not as an employee, agent, officer, conservator, attorney-in-fact, or other representative or official capacity for another person or entity. *(If you initial this paragraph, skip paragraph 9b. If you do not initial this paragraph, please continue to paragraph 9b.)*

\_\_\_\_\_ 9b. In executing this Agreement, I am acting as an employee, agent, officer, conservator, attorney-in-fact, or other representative or official capacity for another person or entity. I have proper authority to execute this Agreement on behalf of such person or entity, and to bind such person or entity to the requirements of this Agreement, including, but not limited to, the requirements of paragraphs 3, 4, 5, 6, and 7 of this Part D. My execution of this Agreement is my free and voluntary act and the free and voluntary act of such person or entity, and so binds such person or entity. *(If you do not have proper authority to execute this Agreement on behalf of such person or entity, do not initial this paragraph and do not execute this Agreement. The Agreement should be executed on behalf of another person or entity only by a person with the proper authority to do so. If you initialed this paragraph, you must provide your title or representative/official capacity on the line below.)*

Title or representative/official capacity: \_\_\_\_\_

\_\_\_\_\_ 10. I understand that, if the Iowa Department of Transportation grants me access to Motor Vehicle Records by way of this Agreement, and then, at any time thereafter, finds that I have misused or misappropriated such records, the Iowa Department of Transportation may, with or without notice to me, terminate my access to such records.

The Iowa Department of Transportation reserves the right to request additional information to determine proper authority to execute and enter into this Agreement.

**I certify under penalty of perjury and pursuant to the laws of the State of Iowa that all information completed and contained in Parts A, B, C, D, and any attachments hereto, is true and correct.**

I so certify this \_\_\_\_\_ day of

\_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Requestor's Signature

\_\_\_\_\_  
Please Print Requestor's Full Name

**This Privacy Act Agreement For Request of Motor Vehicle Records replaces all previous Privacy Act Agreements on file with the Iowa Department of Transportation.**



## STATE OF IOWA Criminal History Record Check Request Form



DCI Account Number: \_\_\_\_\_  
(if applicable)

**To: Iowa Division of Criminal Investigation**  
**Support Operations Bureau, 1<sup>st</sup> Floor**  
 215 E. 7<sup>th</sup> Street  
 Des Moines, Iowa 50319  
 (515) 725-6066  
 (515) 725-6080 Fax

**From:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Fax:** \_\_\_\_\_

I am requesting an Iowa Criminal History Record Check on:

<b>Last Name</b> (mandatory)	<b>First Name</b> (mandatory)	<b>Middle Name</b> (recommended)
<b>Date of Birth</b> (mandatory)	<b>Gender</b> (mandatory)	<b>Social Security Number</b> (recommended)
	<input type="checkbox"/> Male <input type="checkbox"/> Female	

***Waiver Information:*** Without a signed waiver from the subject of the request, a complete criminal history record may not be releasable, per Code of Iowa, Chapter 692.2. For complete criminal history record information, as allowed by law, always obtain a waiver signature from the subject of the request.

***Waiver Release:*** I hereby give permission for the above requesting official to conduct an Iowa criminal history record check with the Division of Criminal Investigation (DCI). Any criminal history data concerning me that is maintained by the DCI may be released as allowed by law.

***Waiver Signature:*** \_\_\_\_\_

### Iowa Criminal History Record Check Results

(DCI use only)

As of \_\_\_\_\_, a search of the provided name and date of birth revealed:

- No Iowa Criminal History Record found with DCI
- Iowa Criminal History Record attached, DCI # \_\_\_\_\_

DCI initials \_\_\_\_\_

### **Waiver Information:**

Iowa law does ***not*** require a waiver. However, without a signed waiver from the subject of the request any arrest over 18 months old, ***without*** a final disposition, cannot be released to a non-law enforcement agency.

Deferred judgments where DCI has received notice of successful completion of probation also cannot be released to non-law enforcement agencies without a signed waiver from the subject of the request.

If the “No Iowa Criminal History Record found with DCI” box is checked, it could mean that the information on file is not releasable per Iowa law without a waiver.

### **General Information:**

The information requested is based on ***name*** and ***exact date of birth only***. Without fingerprints, a ***positive*** identification cannot be assured. If a person disputes the accuracy of information maintained by the Department, they may challenge the information by writing to the address on the front of this form or personally appearing at DCI headquarters during normal business hours.

The records maintained by the Iowa Department of Public Safety are based upon reports from other criminal justice agencies and therefore, the Department cannot guarantee the completeness of the information provided.

The criminal history record check is of the Iowa Central Repository (DCI) ***only***. The DCI files do not include other states’ records, FBI records, or subjects convicted in federal court within Iowa.

In Iowa, a ***deferred judgment*** ***is not*** considered a conviction once the defendant has been discharged after successfully completing probation. However, it should be noted that a deferred judgment may still be considered as an offense when considering charges for certain specified multiple offense crimes, i.e. second offense OWI. If a disposition reflects that a deferred judgment was given, you may want to inquire of the individual his or her current status.

A ***deferred sentence*** ***is*** a conviction. The judge simply withholds implementing a sentence for a certain probationary period. If probation is successful, the sentence is not carried out.

Any questions in reference to Iowa criminal history records can be answered by writing to the address on the front of this form or calling (515) 725-6066 between 8:00 a.m. and 4:30 p.m., Monday - Friday.

**REMINDER** - (1) Send in a separate Request Form for each last name, (2) a fee is required for each last name submitted, (3) a completed Billing Form must be submitted with all request(s).

Iowa law requires employers to pay the fee for potential employees’ record checks.



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## IOWA USER AGREEMENT

For National Criminal History Record Checks by a Qualified Entity  
as authorized by state legislation or federal statute

### I. Parties to Agreement.

This Agreement, entered into by the Iowa Department of Public Safety, Division of Criminal Investigation (DCI), and \_\_\_\_\_ (hereinafter referred to as Qualified Entity (QE) is intended to set forth the terms and conditions under which criminal history record checks explicitly mandated or allowed by state or federal law shall be conducted.

- A. The DCI has established and maintains intrastate systems for the collection, compilation, and dissemination of state criminal history records and information in accordance with Chapter 692 of the Code of Iowa and additionally, is authorized and does participate in similar multi-state and federal criminal history records systems.
- B. The DCI and its qualified entities are subject to and must comply with pertinent state and federal regulations relating to the receipt, use, and dissemination of records and record information derived from the systems of DCI and the U.S. Department of Justice (Chapter 692, Code of Iowa, and 28 C.F.R. Part 20);
- C. The QE is a public, private, for profit, or not-for-profit entity operating within the State of Iowa and is authorized to submit fingerprint cards and review resultant criminal history records as part of the screening process for its current and/or prospective licensees, employees and volunteers (including contractors and vendors who have unsupervised access to vulnerable populations) and forms the legal basis for the Qualified Entity access to criminal history record information derived from the systems of the U.S. Department of Justice; and
- D. The QE desires to obtain and the DCI is willing to provide such services so long as proper reimbursement is made and all applicable federal and state laws, rules and regulations are strictly complied with.

The DCI and QE agree as follows:

### II. Service, Compliance, Processing.

- A. The DCI agrees to:
  - 1. Provide QE with such state criminal history records and information as reported to, processed, and contained in its systems and legally available to the QE; and
  - 2. Act as an intermediary between QE and the U.S. Department of Justice, securing for the use and benefit of QE such federal and multi-state criminal history records or information as may be available to QE under federal laws and regulations.
- B. Qualified Entity (QE) agrees to:
  - 1. Submit requests to the DCI for criminal history record checks pursuant to this agreement only for QE's current or prospective Iowa licensees, employees and volunteers;

2. QE will obtain a completed and signed Waiver Agreement and Statement form (provided by DCI) from every current or prospective licensee, employee, volunteer, contractor or subcontractor, for whom User submits a request for a criminal history record check to DCI. QE shall retain every Waiver Agreement and Statement.
3. Use only fingerprint cards provided by DCI specifically designed for use with requests for criminal history record checks under the respective state or federal law; provide DCI with a properly completed and executed fingerprint card for each individual for whom QE requests a criminal history record check pursuant to this agreement; and appropriately complete the "Reason Fingerprinted" block of each fingerprint card submitted;
4. Keep all records necessary to facilitate a security audit by DCI and the Federal Bureau of Investigation (FBI) and to cooperate in such audits as necessary. Examples of records that may be subject to audit are criminal history records; internal policies and procedures articulating the provisions for physical security and a current, executed User Agreement with DCI;
5. Notify the current or prospective licensee, employee or volunteer of his or her right to obtain a copy of the criminal history records, if any, contained in the report, and of the person's right to challenge the accuracy and completeness of any information contained in any such report, and to obtain a determination as to the validity of such challenge before final determination regarding the person is made by the QE reviewing the criminal history information. If agency policy permits, the QE may provide a copy of the record to the individual. If agency policy does not permit, information may be obtained by contacting the FBI at <http://www.fbi.gov/about-us/cjis/background-checks>. If challenging a record, a written request must be sent to the FBI, at FBI CJIS Division, Attn: Correspondence Group, 1000 Custer Hollow Road, Clarksburg West Virginia 26306, 304-625-3878;

### III. Privacy and Security.

- A. QE shall use criminal history record information acquired hereunder only to screen the QE's current and/or prospective licensees, employees and/or volunteers, and only for purpose(s) of licensing, employment and/or determination of suitability;
- B. QE shall not duplicate and/or disseminate criminal history record information acquired hereunder for use outside of the QE;
- C. QE will maintain a dissemination log if the criminal history record information is disseminated to the prospective employee and/or volunteer for the purposes of challenging the accuracy of the criminal history record information;
- D. QE has been approved to receive criminal history record information pursuant to specific statutory authority and shall not use criminal history record information acquired pursuant to such approval for any other reason;
- E. QE shall not use or rely upon a criminal history record or information which is or is likely to be out-of-date and, in any event, if criminal activity is pertinent to and considered at the time of a licensee, employee or volunteer's service, a current computerized criminal history must be requested and relied upon;
- F. QE may destroy criminal history records after one year post audit and/or after licensee, employee or volunteer is no longer working for or licensed with the QE, whichever is longer. However, please note, QE must also comply with applicable state laws regarding record check retention. QE must retain the original Waiver Agreement and Statement form for as long as the licensee, employee or volunteer is working for or licensed with QE, or for one year post audit, whichever is longer. Destruction must be accomplished in a way so that the information cannot be retrieved; for example, the records may be shredded;
- G. QE shall keep criminal history records acquired hereunder in a secure file, safe, or other security device, such as a locked file cabinet in an access-controlled area, and shall take further steps as are necessary to insure that the records are accessible only to those of its employees who have been trained in their proper use and handling and have a need to examine such records; and

- H. The QE shall not disseminate any information associated with a request for criminal history records. Any request for criminal history record information received by the QE will be referred to and processed through the DCI.
- I. Either the DCI or the QE may suspend the performance of services under this agreement when, in the reasonable estimation of the DCI or QE, the other party has breached any material term of the agreement. Furthermore, upon DCI becoming aware of a violation of this agreement, which might jeopardize Iowa's access to federal criminal history information, Iowa shall have the option of suspending services under this agreement, pending resolution of the problem. The violation of any material term of this agreement or of any substantive requirement or limitation imposed by the federal or state statutes, regulations, rules referred to in this agreement shall be deemed a breach of material term of the agreement.

#### IV. Miscellaneous.

- A. QE agrees that:
  - 1. QE is a governmental agency, or is currently operating a lawful business or other entity within the State of Iowa, with a physical address in Iowa;
  - 2. QE is legally authorized to operate its business or other entity within the State of Iowa;
  - 3. QE has complied with and will continue to comply with all requirements to properly operate its business or other entity within the State of Iowa; and
  - 4. QE shall promptly notify DCI upon any change to the above, including but not limited to name, address, and status as a business or other entity operating in Iowa.
- B. This agreement may be amended by DCI as needed, to comply with state or federal laws or regulations, or administrative needs of DCI; and
- C. This agreement is binding upon all QE employees, agents, officers, representatives, volunteers, contractors, vendors, successors in interest, beneficiaries, subsidiaries, and assigns.

## IOWA USER AGREEMENT

**IN WITNESS HEREOF**, the parties hereto have caused this agreement to be executed by the proper officials.

NAME OF QUALIFIED ENTITY: \_\_\_\_\_

QUALIFIED ENTITY HEAD: \_\_\_\_\_ TITLE: \_\_\_\_\_

QUALIFIED ENTITY HEAD SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

### IOWA DIVISION OF CRIMINAL INVESTIGATION

BY: \_\_\_\_\_ TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**PLEASE SIGN AND MAIL OR FAX THIS FORM TO:** Iowa Division of Criminal Investigation  
Record Dissemination Section  
215 E. 7<sup>th</sup> Street  
Des Moines, IA 50319

**FAX – 515-725-6080**





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**Waiver Agreement and Statement**For National Criminal History Record Checks  
as authorized by state legislation or federal statute

Pursuant to the Iowa User Agreement, this form must be completed and signed by every current or prospective licensee, employee, volunteer, and contractor/vendor, for whom criminal history records are requested by a qualified entity under state legislation or federal statute.

I hereby authorize (*Name of Qualified Entity*) \_\_\_\_\_ to submit a set of my fingerprints to the Iowa Department of Public Safety (DPS), Division of Criminal Investigation (DCI) for the purpose of accessing and reviewing Iowa and national criminal history records that may pertain to me. By signing this Waiver Agreement, it is my intent to authorize the dissemination of any Iowa and/or national criminal history record that may pertain to me to the qualified entity with which I am or am seeking to be licensed, employed or to serve as a volunteer. Furthermore, I authorize the qualified entity to forward this agreement to DCI upon request.

I understand that, until the criminal history record check is complete, the qualified entity may choose to deny me unsupervised access to children, elderly or individuals with disabilities. I further understand that, if applicable, the qualified entity may choose to deny my application or grant me a limited or restricted license until the criminal history record check is complete.

I understand that, upon request and if policy allows, the qualified entity will provide me a copy of the criminal history record check, if any, received on me and that I am entitled to challenge the accuracy and completeness of any information contained in such report. I may obtain a prompt determination as to the validity of my challenge before a final decision is made about my status as a licensee, employee, volunteer, contractor or subcontractor.

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I  **have** OR  **have not** been convicted of a crime.

If convicted, describe the crime(s) and the particulars of the conviction(s) in the space below:

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I am a current or prospective (check one):  Licensee  Employee  Volunteer  Contractor/Vendor

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

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**TO BE COMPLETED BY QUALIFIED ENTITY:**

Entity Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Entity Assigned OCA: \_\_\_\_\_

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**Please retain this signed waiver for future reference. Do not send to DCI unless requested.**