# APPLICANT NOTIFICATION AND ACKNOWLEDGEMENT

## DFS Privacy Act Statement

(This form must be completed and signed by every individual for background screening purposes)

This serves as a notification from the New York State Department of Financial Services (DFS) that your fingerprints will be used to check the criminal history records of the State of New York Division of Criminal Justice System (DCJS) and the FBI. The collection of applicant fingerprints by NYDFS is authorized by Sections 22 and 4002 of the New York Banking Law.

Applicants are also advised that their fingerprint images will be retained in State and federal biometrics databases. Further, DFS participates in DCJS's Rap Back Program, which includes automatic notifications made by DCJS to DFS indicating that an applicant who is licensed or otherwise under the purview of NYDFS has been arrested for a reported criminal offense.

Records obtained by DFS from DCJS and the FBI criminal history checks will be used solely for the purpose requested and will not be disseminated outside the receiving operating unit, division, department, agency.

You may obtain a copy of your FBI criminal history record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained on the FBI website.

Additionally, DFS will grant applicants 45 days to correct or complete the criminal history record (or decline to do so) before DFS makes a final decision about the status of the application for licensing or eligibility as a control person of an applicant.

NYDFS is required to collect the federal social security account number of all applicants for licensing. The authority to request and maintain such personal information is found in Article 1, §5(2) of the New York Tax Law and Article 3, Title 5, §3-503 of New York's General Obligations Law. Disclosure by you is mandatory. The information is collected to enable the Department of Taxation and Finance to identify individuals who have been delinquent in filing tax returns or may have underestimated their tax liabilities and generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. It will be used for tax administration purposes and any other purpose authorized by the Tax Law. It may also be used by child support enforcement agencies or their authorized representatives of this or other states established pursuant to Title IV-D of the Social Security Act, to establish, modify or enforce an order of support, but will not be available to the public.

By signing this form, you are acknowledging the receipt of the DFS Privacy Act Statement, Noncriminal Justice Applicant Privacy Rights, FBI Privacy Act Statement and Fingerprint Challenge Rights Notice.

Print Name
(First, Middle, Last): _____

If applicable,
provide NMLS#: _____

Signature: _____

Date: _____

# NONCRIMINAL JUSTICE APPLICANT PRIVACY RIGHTS

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below. All notices must be provided to you in writing.[1] These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, and Title 28 Code of Federal Regulations (CFR), 50.12, among other authorities.

- You must be provided an adequate written FBI Privacy Act Statement (dated 2013 or later) when you submit your fingerprints and associated personal information. This Privacy Act Statement must explain the authority for collecting your fingerprints and associated information and whether your fingerprints and associated information will be searched, shared, or retained.[2]

- You must be advised in writing of the procedures for obtaining a change, correction, or update of your FBI criminal history record as set forth at 28 CFR 16.34.

- You must be provided the opportunity to complete or challenge the accuracy of the information in your FBI criminal history record (if you have such a record).

- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the FBI criminal history record.

- If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at www.fbi.gov/services/cjis/identity-history-summary-checks and www.edo.cjis.gov .

- If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI by submitting a request via www.edo.cjis.gov . The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)

- You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.[3]

*Taken from FBI website*

[1] Written notification includes electronic notification, but excludes oral notification

[2] https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement

[3] See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).

# Privacy Act Statement

***This privacy act statement is located on the back of the FD-258 fingerprint card.***

**Authority:** The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

**Principal Purpose:** Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

**Routine Uses:** During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

*Taken from FBI website*

# FINGERPRINT CHALLENGE RIGHTS NOTICE

**Challenging the Accuracy of Background Checks**

If you believe the results of your background check are not complete or are incorrect, you have an opportunity to complete or challenge the accuracy of the information. NYDFS will afford you a reasonable amount of time to correct or complete your record before a licensing decision is made. To complete or challenge the accuracy of your record:

In order to resolve inaccuracies with your fingerprint background information, you must submit a formal "challenge request" to revise your Identity History Summary. A challenge request can be made by:

Contacting the New York State Division of Criminal Justice Services ("DCJS"). The DCJS website contains instructions on how to make a challenge request through the agency. You may call the agency at (518) 485-7675 or submit a request using the address below.

Record Review Unit
Office of Criminal Justice Services 80 Swan Street
Albany, NY 12210 dcjsCriminalJusticeRecords@dcjs.ny.gov

Alternatively, you can submit a challenge request directly to the FBI electronically or in writing. If you choose to submit your request electronically, you can visit the FBI's website at https://www.edo.cjis.gov, and following the steps listed under the "Challenging Your Identity History Summary" section. Written submissions should be sent to:

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

Challenge requests may require the submission of certified court documents. You should contact the respective court prior to submitting a challenge request. Photocopies of these documents are not accepted unless they contain a raised seal placed on the document by the court.

The Department will place your application on hold for a period of 45 days. You must submit official Identity History Summary communication from the FBI documenting the correction(s) in your Identity History Summary. Please do not submit photocopies of such documents. Failure to provide documentation will result in the withdrawal or denial of your application.