

## APPLICANT'S RIGHTS AND PROCEDURES FOR CHALLENGING FBI INVESTIGATIVE RESULTS

The National Child Protection Act and the *Code of Virginia* require the provider to inform you that you are entitled: (1) to obtain a copy of your FBI background check report, (2) to challenge its accuracy and completeness, and (3) to obtain a prompt determination about the validity of your challenge before a final determination is made about your fitness to have responsibility for the safety and well-being of children. If you are denied employment because of information contained in your FBI background check report, you may obtain a copy thereof by submitting a written request via the U.S. mail directly to the FBI, Criminal Justice Information Services Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The letter requesting an identification record should contain a brief reason for the request and be accompanied by a money order or bank certified check in the amount of \$18 made payable to the *Treasury of the United States*, a set of rolled-inked fingerprint impressions placed upon fingerprint cards commonly utilized for applicant or law enforcement purposes by law enforcement agencies, and satisfactory proof of identity, which shall consist of name, date and place of birth.

If, after reviewing the identification record, you believe it is incorrect or incomplete in any respect and wish changes, corrections or updating of the alleged deficiency, you should make application directly to the agency which contributed the questioned information. You may also direct your challenge as to the accuracy or completeness of any entry on your record to the FBI at the above address. The FBI will then forward the challenge to the agency, which submitted the data requesting that agency to verify or correct the challenged entry. Upon receipt of an official communication directly from the agency, which contributed the original information, the FBI will make any changes necessary in accordance with the information supplied by that agency.

If you have been permitted to provide services pending the provider's receipt of FBI information about you, the provider may suspend you or deny you unsupervised access to children while a final determination is made about your fitness to have responsibility for the safety and well-being of children and/or eligibility for employment.

It should be noted that DBHDS' Background Investigations Unit is responsible for screening the results of the fingerprint check but **is not responsible for making employment decisions. Employment decisions are made by the provider unless a barrier crime as outlined in §37.2-416 of the *Code of Virginia* is involved.** If convicted of one or more barrier crimes, employment or retention is prohibited. This office cannot modify a report to a provider based on information provided by an applicant.

A report can be modified only after the record is challenged, is corrected by the contributing agency, and the correction is reported by the contributor to the FBI. The provider may then request that the DBHDS' Background Investigations Unit obtain an accurate record from the FBI.