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# Next Generation Identification Program (NGI) Rap Back Service



## Non-Criminal Justice Policy and Implementation Guide

Version 2.1

June 1, 2014

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# Introduction

## 1. Purpose of this Document

The purpose of this document is to provide a roadmap of required policies and operations to the SIBs, Federal Submitting Agencies, and authorized contractors who may choose to participate in FBI's Next Generation Identification (NGI) Rap Back Service. The goal is to describe how the service will be implemented for the Subscribing Entities, the Submitting Entities, and the FBI CJIS Division so that each potential Submitting Entity can understand their roles and responsibilities and make an informed decision regarding participation for themselves and their subordinate Subscribing Entities.

This document refers to non-criminal justice use of NGI's Rap Back Service. Criminal justice use for investigations and persons on supervision is detailed in the separately available document, Next Generation Identification Program (NGI) Rap Back Service: Criminal Justice Policy and Implementation Guide. Criminal justice employment is treated as a non-criminal justice use of Rap Back and is described in a separate Section, below.

## 2. Terms Used in This Document

This Section defines terms used in this document. These definitions do not necessarily have any specific association outside of their use within this document.

**Category based subscription management:** refers to the subscription management approach wherein the Submitter retains information about their subscriptions for a person within their own Rap Back system and places just one subscription in NGI per person per Category, regardless of how many subscriptions the Submitter has in their own Rap Back system for that person in that Category. The Submitter establishes the NGI Subscriptions with themselves as the Submitter and the Subscriber (their own ORI in the ORI and CRI fields).

**Authorized CHRI Contractor:** refers to a government agency, private business, non-profit organization or individual that is not itself an Authorized Recipient of criminal history record information (CHRI) with respect to a particular non-criminal justice purpose, but who has entered into a "Channeler" and/or "Non-Channeler" contract, pursuant to Title 28 Code of Federal Regulations (CFR) Part 906, with an Authorized Recipient to perform Channeling or Non-Channeling functions requiring access to CHRI. See also the Compact Council's Security and Management Control Outsourcing Standard for Channelers and Security and Management Control Outsourcing Standard for non-Channelers. (<http://www.fbi.gov/about-us/cjis/cc/current-initiatives/channeler-faqs>).

**Event based subscription management:** refers to the subscription management approach wherein the Submitter establishes a new NGI Rap Back subscription for each subscription request they receive from a Subscribing Entity. That is, the Submitter establishes separate NGI subscriptions on the same NGI Identity for each subscription request they receive from their Subscribing Entities, regardless of how many requests they receive for that person. The Submitter establishes the subscriptions with the requesting entity as the Subscriber (Submitter ORI in ORI field and Subscribing Entity in CRI field).

**Federal Submitting Agency or Federal Agency:** refers to an authorized federal agency who submits fingerprints to NGI for background searches and Rap Back subscriptions. These agencies include the Office of Personnel Management (OPM), agencies authorized under the Security Clearance Information Act, and

others. They may be submitting for themselves as the Subscribing Entity or for another authorized federal agency as the Subscribing Entity.

**Identity History Summary:** refers to the report of all identification, demographic, and event information, criminal and/or civil, within an NGI Identity record that may be disseminated to an authorized recipient. Since an NGI Identity record may now contain criminal and/or civil information, the existence of an NGI Identity History Summary alone does not reflect that any criminal history events exist for that person.

This term is unique to NGI and is not intended to affect other agencies' use of the term "Rap Sheet" to describe reports of information in their identification repositories.

**NGI Identity:** refers to a record of information within NGI associated through biometric identification to a unique individual, that is, a person's record within NGI.

**Rap Back:** refers to the following process:

1. Authorized Contributors submit fingerprints of civil applicants, employees, volunteers, licensees, security clearance candidates, etc. to a repository such as a state SIB or the FBI NGI Program, and ask to subscribe to those fingerprints;
2. The repository retains those fingerprints (as new Identities or within existing Identities) in their Automated Fingerprint Identification System and sets subscriptions for those authorized Contributors;
3. The repository notifies the Contributors of any future reported events the Contributors would normally be authorized to receive that are matched to those subscribed Identities.

Rap Back can also provide notice of reported events to criminal justice agencies in a similar manner.

**Rap Back Subscription Date:** refers to the date the subscription is established within NGI. It is added to the subscription automatically by NGI.

**Rap Back Subscription Term:** refers to the period of time purchased by the Subscriber for the subscription to remain in NGI without paying an additional fee, as long as validation procedures are followed. The Term may be two years, five years, or lifetime.

**Two-Year Subscription Term:** refers to a purchased Rap Back Subscription Term that requires "renewal" and payment of a new fee no later than two years from the Rap Back Subscription Date in order for the subscription to remain in NGI longer than two years.

**Five-Year Subscription Term:** refers to a purchased Rap Back Subscription Term that requires "renewal" and payment of a new fee no later than five years from the Rap Back Subscription Date in order for the subscription to remain in NGI longer than five years.

**Lifetime Subscription Term:** refers to a purchased Rap Back Subscription Term that requires neither "renewal" nor payment of a new fee to remain in file.

**Renewing a Subscription:** refers to a Subscriber reviewing a subscription at its Expiration Date; validating that they are still authorized to receive criminal history record information for the individual; calculating the new Expiration Date; and determining that the subscription must be renewed for another Subscription Term, rather than extended within the existing Term. The subscription is renewed by using the Rap Back Maintenance transaction with a "Renew" indicator. This transaction is used when the desired Expiration Date would exceed the existing Rap Back Term Date. The Submitter must purchase a

new Subscription Term, which establishes a new Rap Back Term Date and allows for the entry of the desired Expiration Date. The “renew” transaction causes a new fee to be charged to the Subscriber.

**Extending a Subscription:** refers to a Subscriber reviewing a subscription at its Expiration Date; validating that they are still authorized to receive criminal history record information for the individual; determining that the new Expiration Date will not exceed the existing Rap Back Term Date; and notifying the Submitter that the subscription needs to be “extended” in NGI for another expiration period. No fee is charged to extend a subscription. If the new Expiration Date would have exceeded the Rap Back Term Date, the subscription would have to have been “renewed”. The Subscription is extended by using a Rap Back Maintenance transaction with a “Replace” indicator, which replaces the existing Expiration Date with an extended Expiration Date.

**State Identification Bureau (SIB):** refers to the state governmental agency charged with criminal fingerprint identification services within the state and with submitting fingerprints (and Rap Back subscriptions) to NGI for jurisdictions within the state not served by Federal Submitting Agencies or Authorized CHRI Contractors.

**Submitting Entity or Submitter:** refers to the SIB, Federal Submitting Agency, or Authorized CHRI Contractor submitting fingerprints and Rap Back transactions for Subscribing Entities. All NGI Rap Back transactions must come to NGI through an authorized Submitting Entity. In some instances the Submitting Entity may also be the Subscribing Entity.

**Subscribing Entity or Subscriber:** refers to those entities authorized under statute, executive order or regulation to receive CHRI and who are subscribing to NGI Identities through the NGI Rap Back Service.

**Validation:** refers to the process whereby the Subscriber reviews a subscription to determine whether they are still authorized to receive criminal history record information on that individual and updates the subscription accordingly. That is, are they still in an authorizing relationship with that person—is the person still licensed, employed, volunteering, etc.? In the NGI Rap Back Service, this function is accomplished through a mandatory Expiration Date within the subscription, which periodically requires the Subscriber to make this review and (1) “extend” the subscription; (2) “renew” the subscription; (3) allow the subscription to expire on its Expiration Date; or (4) cancel the subscription, as appropriate.

### 3. Understanding the NGI Rap Back Service

Through their legal and regulatory decisions, policy makers have determined that the nation’s criminal history record information (CHRI) assists in determining whether or not individuals should be placed into positions of trust. The intent, while employing a high level of privacy protection for the record subjects, is to safeguard those individuals and properties that must rely on these persons of trust for their protections. Children and the elderly are priority benefactors, but the list includes a wide range of critical licensing and employment positions and the nation’s key physical and economic infrastructures.

Up until full deployment of the Next Generation Identification, the FBI CJIS Division has been unable on a national scope to leverage fully the value of their CHRI repository. There has not been an ability to continually advise employing, licensing, volunteer, etc. entities of any reported activity against the CHRI files by individuals in positions of trust. With this implementation, NGI delivers the capability to more fully utilize the CHRI. Authorized non-criminal justice entities can now subscribe to NGI fingerprint Identities to receive notifications of future reported activities that might affect whether or not a person in a position of trust should

remain there. Based on notices from triggering events, evaluations can be made about their continued suitability. This NGI Service allows for the continued awareness of activity within the CHRI records—and a few related databases—after a subscription has been set for a person of trust who was determined to be suitable after the initial background check of the national repository. This Service provides significant potential savings by eliminating the need for repeated background checks from the same applicant agency on a single person.

In simple terms, utilizing the Rap Back Service for non-criminal justice purposes will involve the process Stages highlighted below. Full details on these Stages are provided within this document.

### **Stage 1 - Initial check of NGI**

This retained fingerprint based search of the NGI files is for the initial determination of suitability of a person being considered for a position of trust.

### **Stage 2 – Decision to Set or Continue Subscription**

Assuming a favorable determination from the initial check, a decision is made to subscribe the person in the Rap Back Service. The decision to initially set the subscription can occur at the same time as the initial inquiry, or in a subsequent subscription transaction after the results of the initial check are received and reviewed. All required authority and protections must be employed during the decision process.

In addition, whenever the Rap Back Service notifies the subscriber in the future of criminal or, in some cases, civil events reported to NGI, the subscriber must decide whether the subscription should be continued or canceled.

### **Stage 3 –Subscription Set**

This step requires three (3) determinations that are essential to setting a subscription:

1. *The Submitter must have made a choice regarding how they will manage the Subscriptions at their level.*
  - a. Event-based; or,
  - b. Category-based

2. *Subscribers must decide on the appropriate Subscription Term for their subscriptions*

A decision must be made as to how long of a subscription period (Term) is purchased. There are three choices available - two (2) years, five (5) years, or Lifetime. Each causes a different fee to be charged.

Provided the legal authority remains, the subscription may run throughout the entire purchased period with no additional charge. However, the required validation/expiration process described below must also be fulfilled.

3. *Submitter and Subscriber must choose an appropriate Privacy Risk Mitigation Strategy for the subscriptions.*

This document, along with Appendix 1, describes the five approved Privacy Risk Mitigation Strategies designed to protect the privacy of subscribed persons and to ensure the integrity of the NGI Rap Back data and Service. The Privacy Risk Mitigation Strategy choice drives the validation/expiration frequency, which determines the required Expiration Date of the subscription.

The Expiration Date is the date at which the subscription expires, even if time remains within the purchased Rap Back Subscription Term. The Privacy Risk Mitigation Strategies require validation of the subscription at varying times. Validation is accomplished through mandatory Expiration Dates, at which

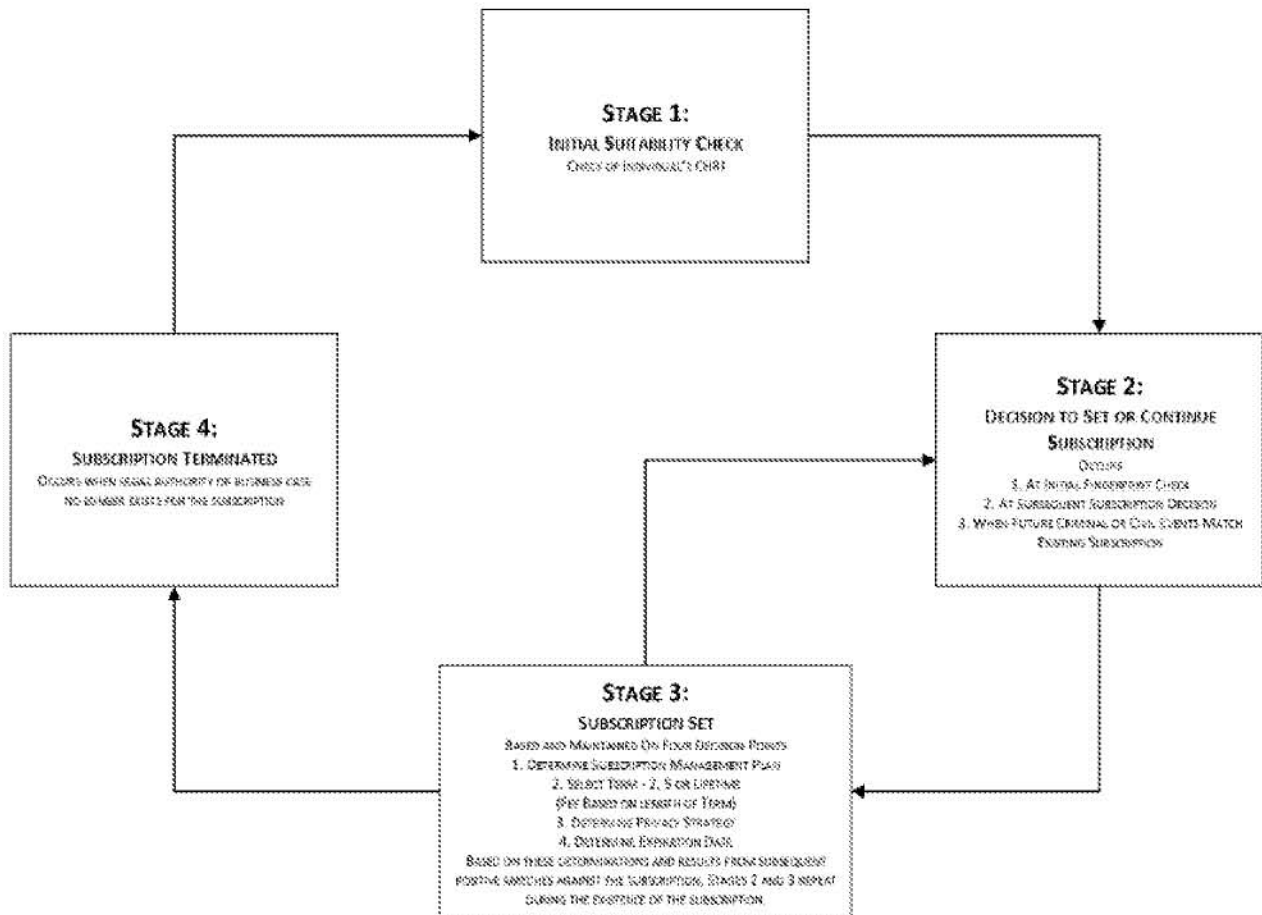
times the subscriptions must be reviewed and can be extended if appropriate. The Expiration Date must be within the Subscription Term and within five years from the day the subscription is established

### **Stage 4 –Subscription Terminated**

This step is taken at the time legal authority for the subscription no longer exists or the subscriber has the authority to subscribe, but no longer desires to subscribe.

Throughout the rest of this guide you will find more detail on these and other start-up requirements and the system transactions that are necessary for deployment of a robust Service.

# NGI RAP BACK



## Roles of the Subscribing and Submitting Entities

The NGI Rap Back Concept of Operations stresses that the Service is being implemented across the country through the SIBs as the Submitting Entities in each state. Likewise, the policies and functions as described throughout this Guide all depend upon the Submitters as the implementers and administrators. The Submitters must not only set and enforce the policies within their states, they must create transactions in the formats required by the Electronic Biometric Transmission Specification (EBTS) for communication to the FBI, and just as importantly, they must create processes whereby their end users—the Subscribing Entities—can communicate the need for these functions to the Submitters. In some states separate authorities manage the fingerprint identification services and the criminal history record repository services. As they do with other CJIS fingerprint and criminal history services, those states will have to coordinate internally on implementation of the NGI Rap Back Service to ensure the desired benefit is delivered to their users.

This critical Rap Back Administration role is also assumed by the Federal Submitting Agencies as Submitters for themselves and for their end users—their Subscribers. In addition, Authorized CHRI Contractors can also act as Submitting Entities and in those instances must administer the functions and EBTS transactions to communicate with the NGI Rap Back Service, and they also must coordinate closely with their end users—their Subscribing Entities—to ensure the correct implementation and administration of the Service.

Because of these responsibilities, which are consistent with the other CJIS services, clear roles emerge for the Subscribers, the Submitters and the FBI CJIS Division. This document highlights those roles related to each system responsibility or function. Appendix 3: Subscribing Entity Reference Guide to NGI's Criminal Justice Rap Back Service (Subscribing Entity Reference Guide) is intended to summarize the requirements in this document for Subscribing Entities. Submitting Entities are encouraged to use that document to assist in discussions with Subscribers, to integrate into their own Rap Back Service documentation, or in any other manner that may be helpful.

In addition to the responsibilities identified later in this document, the Subscribers, Submitters, and CJIS must take on the following high level responsibilities:

### **Subscribers:**

1. Prior to participating in the NGI Rap Back Service, Subscribing Entities must already enjoy or must establish a formal relationship with the appropriate Submitting Entity (for example, the State Department of Education submits through the SIB). The Subscriber must identify with the Submitting Entity the choices for participation (Privacy Risk Mitigation Strategy, triggers, Expiration Dates, etc.) outlined in this document and summarized in Appendix 3: Subscribing Entity Reference Guide.
2. Subscribing Entities must learn and understand the policies and requirements of the NGI Rap Back Service and ensure that their organization incorporates appropriate processes and controls to fulfill those requirements.
3. Subscribing Entities must understand and fully participate in communications procedures created by the Submitter for sending and receiving Rap Back entry, modify, renew, cancel, etc. messages between the Subscriber and the Submitter.
4. Subscribing Entities must understand that they can only subscribe to persons with whom they have official relationships under the statutory or other authority they have identified with the Submitter.

### **Submitters:**

1. Submitting Entities must establish a process for Subscribing Entities to use in preparing for participation in NGI's Rap Back Service that communicates at least the requirements for Subscribers as outlined in the Subscribing Entity Reference Guide.  
Submitting Entities must establish a formal messaging and communications methodology to receive notices from Subscribing Entities regarding setting, modifying, deleting the subscriptions, as well as regarding the transactions associated with future Rap Back Activity Notifications and all NGI Rap Back Service transactions. This document defines the NGI Rap Back functions and transactions that are communicated between the Submitter and NGI, but there must be clear communication regarding those transactions between the Subscribers and the Submitters. That clear communication is the responsibility of those two entities. The messaging and communications methodology may be automated, manual, or a combination of both. Possible approaches include use of secure email, secure website transactions, mailed letters or even phone calls on low volume transactions. Unencrypted internet email is not acceptable. Submitters could require the Subscribers to fill out pre-formatted spreadsheets or on-line forms, or could choose just to accept unformatted text transactions. The requirement is that the Submitter have a clear process so that the Subscriber knows how to enter, modify, and remove their Rap Back subscription data in NGI in a timely manner.
2. It is important that the Subscribers are able to understand the NGI EBTS responses received from the Submitters. The Submitters can either provide the EBTS response, as is, or can reformat them into a specific Submitter defined format. Error handling is especially important. Subscribers must understand the effect of EBTS error messages and whether they need to take any further action. For example, when do they need to correct and re-submit Rap Back subscription information after an error? The Submitters' processes should provide guidance in that regard.

Submitting Entities must establish procedures to fulfill the requirements identified throughout this document for Submitting Entities, which are summarized in Appendix 2: Submitting Entity Start-Up Checklist.

**Note:** It is not necessary for Submitters to have in-state or federal agency Rap Back Services to participate in the NGI Rap Back Service. A state that has no in-state Rap Back Service or a Federal Submitting Agency without current Rap Back capability can participate in the NGI Rap Back Service by creating all the NGI Rap Back EBTS transactions; having an in-state or federal agency communications methodology to send and receive information to and from their Subscribers; and having the required administrative processes to manage the Privacy Risk Mitigation Strategies, monthly Subscription validation/expiration lists, and other Rap Back functions described in this document. Submitters who operate AFIS and CCH repositories do not have to create subscription services within those systems to participate in the NGI Rap Back Service.

### **FBI CJIS Division:**

1. FBI CJIS Division will establish an entity within the CJIS Division the Submitters can work with to request training, to process and maintain the Submitting Entity checklists, to resolve operational problems, to answer or identify the correct person to answer policy questions, and to act as the single point of contact for the Submitters regarding Rap Back issues.
2. FBI CJIS Division will assist Submitting Entities with the Submitting Entity Start-Up checklist and the related start-up questions, such as their Subscription Management Plans, their communications methodology, and other global issues that will be relevant at start-up.

## Criminal Justice Employment Use of Rap Back

The NGI Criminal Justice Rap Back Policy and Implementation Guide describes how criminal justice agencies may use the NGI Rap Back Service. Those subscriptions are handled differently than non-criminal justice subscriptions in that, for example, they do not require a fee, can be established without submission of fingerprints, and are designed for persons under supervision or law enforcement investigation.

Criminal justice agencies may also use the NGI Rap Back Service for their criminal justice applicants, employees, volunteers, and contractors (all hereafter referred to as criminal justice employees) but those subscriptions must be handled under all the rules identified in this document, with the exception that criminal justice employees do not have to pay any Rap Back fees. Importantly, the criminal justice employment subscriptions must be managed under one of the Privacy Risk Mitigation Strategies, with the criminal justice agency validating the record at the intervals required by the chosen strategy. Following are key facts for criminal justice agencies planning to use NGI's Rap Back Service for their criminal justice employees:

- The "criminal justice" status of criminal justice employees does not change. Although the Rap Back subscriptions must be managed under the rules in this Non-Criminal Justice Policy and Implementation Guide, the employees are still considered criminal justice employees for all purposes.
- Submitters sending transactions for criminal justice agencies wanting to subscribe to their criminal justice employees must submit them using Tenprint Fingerprint Identification Submissions (i.e. TOT/MAP) with Retention Code (2.005 RET) set to "Y" and Rap Back Category Code (2.2065 RBC) set to "J". This transaction will not generate a fee.
- In the same manner as for the non-criminal justice subscriptions, the Submitting Entity and the subscribing criminal justice agency must implement a process for validation of these criminal justice employee subscriptions.
- Likewise, criminal justice employee subscriptions must be Extended or Renewed at the mandatory Expiration Date by use of a separate EBTS Rap Back Maintenance (RBMNT) transaction with Rap Back Maintenance Indicator (2.2039 RBMI) "Renew" or "Replace" as described later in this document. The "Renew" transaction is a billable transaction for non-criminal justice Rap Back subscriptions, but does not generate the fee billing process for criminal justice employment subscriptions (Category Code "J").

The Submitting Entity and the subscribing criminal justice agency must comply with the other requirements for Rap Back subscriptions identified throughout this Guide.



# Key Start-Up Requirements

This Section describes the policies and requirements that participating Subscribers and Submitters will have to implement and sustain. Each numbered item identifies the actions required of the Subscribers, Submitters, and the FBI CJIS Division. The key transactions of the NGI Rap Back Service are discussed in the next Section. These requirements are summarized for Submitters in Appendix 2: Submitting Entity Start-Up Checklist and for Subscribers in Appendix 3: Subscribing Entity Reference Guide to NGI's Rap Back Service.

## 1. Authority

Submitters and Subscribers must have appropriate authority to participate in NGI's Rap Back Service

Under NGI's Rap Back Service, the non-criminal justice fingerprints submitted for searching and subscription will be retained in accordance with the requirements of the National Archives and Records Administration (<http://www.Archives.gov/about/regulations/regulations.html>) and will be searched by future submissions to NGI. These new functions require that the participating state and federal agencies and all participating entities have authority:

1. To submit the fingerprints to NGI;
2. For the fingerprints to be retained by NGI; and,
3. For the fingerprints to be searched by future submissions to the NGI system and appropriate responses sent to Submitting and Subscribing Entities. These future searches include latent fingerprint searches.

As a reminder, for non-criminal justice Subscribing Entities this authority can take any of these forms:

1. a nongovernmental entity authorized by federal statute or federal executive order to receive CHRI for non-criminal justice purposes; or
2. a government agency authorized by federal statute, federal executive order, or state statute which has been approved by the United States Attorney General to receive CHRI for non-criminal justice purposes.

**Note:** Civil fingerprints retained in NGI are available for searching against latent fingerprints. When a latent fingerprint matches against civil fingerprints within NGI, the agency owning the latent fingerprint receives notification for comparison purposes. Notification of the match is not provided to the non-criminal justice Subscribing Entity.

### **Subscribers:**

Subscribing Entities must coordinate with their Submitting Entities to ensure that their authorities are appropriate. Upon implementation of the NGI Rap Back Service, a portion of this process will already have been accomplished for most Subscribers, in that they will be entities already approved by the FBI CJIS Division for submission and search of non-criminal justice applicants. However, the authority for the NGI to retain the fingerprints and provide notice of future matches must be reviewed. Subscribers must have ORIs assigned by the CJIS Division. Subscribers must understand they are limited to subscriptions only on persons for whom they have appropriate authority.

### **Submitters:**

Submitting Entities must review the authorities of the Subscribing Entities to which they provide the NGI Rap Back Service to ensure that the Subscribers have appropriate scope of authority and that they have ORIs assigned by the CJIS Division. In addition, the Submitting Entities must ensure that their own role is adequately supported by statutory or other appropriate authority (regulation, executive order, etc.)

### **For Submitters using Category Based Subscription Management**

*Requirement: Manage verification of Subscribers' authority to participate in NGI's Rap Back under the Category Based Subscription Management Approach in the same manner as under Event Based Subscription Management Approach.*

Even though no Subscriber information need be entered in NGI under the Category Based Subscription Management Approach, those Subscribers will receive the same level of Rap Back Activity Notification information, including NGI CHRI. As such, they must have the same level of authority as under the Event Based Subscription Management Approach.

## **2. Subscription Management Plans**

Submitters must decide upon and implement an appropriate Subscription Management Plan for subscriptions they submit

The design of the NGI Rap Back Service provides Submitting Entities a choice between two alternatives for how to manage the subscriptions they submit to NGI. The goal is allow states or Federal Submitting Agencies with current Rap Back services to more easily integrate the national system, and allow states and federal agencies starting new services to decide the best means to take advantage of the NGI Rap Back Service.

### **A. EVENT-BASED SUBSCRIPTION MANAGEMENT**

**The Submitter establishes a new NGI Rap Back subscription for each subscription request from a Subscribing Entity.**

Separate NGI subscriptions are set on the same NGI Identity for each subscription event for that person—each application for a license, application for a covered governmental job, application to volunteer, etc. The subscription is based upon the civil event.

### **B. CATEGORY BASED SUBSCRIPTION MANAGEMENT**

**The Submitter establishes a single subscription for an NGI Identity for each identified Rap Back Category and tracks all subscriptions at the Submitter level, without any Subscriber information residing in NGI.**

The Submitting Entity creates just one subscription for each identified Rap Back Category on an NGI Identity—regardless of how many in-state or federal agency subscriptions they have for that person in that Category—and does not add any Subscriber information to the NGI record. The Submitter manages all adds, deletes, modifications, etc. for each NGI subscription Rap Back Category they maintain. The subscription is based upon the Submitter managing the subscription information at the state level (or federal agency level for Federal Submitting Agencies).

The Category Based Subscription Management Plan is designed for those states or Federal Submitting Agencies that already have robust Rap Back services and want to integrate the new NGI Rap Back Service into their existing functions. The Category Based Subscription Management Plan places significant responsibility on the Submitter to apply the NGI policies to their in-state or Federal Submitting Agency Rap Back services.

The implementation of NGI Category Based Subscription Management requires that the subscriptions maintained within the Submitter's Rap Back Service referenced by NGI Subscriptions entered under this approach are held to the same level of oversight and control as though they had they been entered into NGI under Event Based Subscription Management. The following requirements pertain to participation in Category Based Subscription Management:

Submitters choosing the Category Based Approach are required to have documented processes and controls in place to follow the requirements and Best Practices or Alternate Practices identified throughout this Guide. CJIS and the Submitter will use the required Submitter's Checklist process to discuss, document, and validate the Submitter's plan for fulfilling the requirements of Category Based Subscription Management, with the following considerations:

1. CJIS can enable use of Category Based Subscription Management contingent upon necessary improvements being verified as in place prior to the Submitter using Category Based Subscription Management for their participation in NGI's Rap Back Service.
2. Submitter must discuss with CJIS any changes in the enabled processes. CJIS must document those changes to the Submitter's existing Rap Back plan.
3. Approximately one-year after a Submitter begins participating in Category Based Subscription Management, CJIS will validate that the Submitter's documented processes are still in place and are resulting in the Submitter's compliance with the requirements for Category Based Subscription Management. The CJIS Audit Unit may conduct this one-year review on site or remotely. The CJIS Audit Unit may schedule this approximate one-year review in a manner that fits into the Unit's existing audit activities.
4. In order to ensure Privacy Risk Mitigation Strategies and other system processes are being followed, the regular CJIS audits will have a special emphasis on validating the processes described to CJIS at start-up remain in place, or have been modified only after discussions with CJIS, and that they remain effective.
5. Upon request, the Submitter must be able to provide CJIS with appropriate reports including, but not necessarily limited to:
  - a. All Submitter-maintained subscriptions for the Category Based Subscriptions in NGI, along with the associated Privacy Risk Mitigation Strategies being employed for those subscriptions;
  - b. All Submitter-maintained subscriptions for named Subscribers and the associated Privacy Risk Mitigation Strategies being employed for those Subscribers;
  - c. Other available information that will assist CJIS in validating the processes being employed by the Submitter.

Detailed discussions of the two approaches and considerations for choosing between them are in Appendix 5: NGI Rap Back Subscription Management Plans.

**Subscribers:**

Subscribers have no specific responsibilities regarding the Submitters' choosing the appropriate Subscription Management Plan. In either case, they will have to coordinate with the Submitters on submission of all Rap Back subscriptions and managing their validations/expiration, changes, and deletions.

**Submitters:**

The Submitting Entity must choose between these two Subscription Management Plans, as supported under the NGI Rap Back Service.

**FBI CJIS Division:**

The FBI CJIS Division will work with Submitters on implementation of the above approaches. The expectation is that each Submitter would choose only one of these methods for managing their subscriptions. It is also the FBI CJIS Division's expectation that as the Submitting Entity is establishing their Subscription Management Plan, unanticipated details will emerge, and the FBI CJIS Division will provide assistance to the Submitters as those challenges arise.

Coordination between the CJIS Division and the Submitters will be necessary pre and post implementation.

### **3. Privacy Risk Mitigation Strategies**

Submitters and Subscribers must decide upon and implement approved Privacy Risk Mitigation Strategies

A foundational precept of NGI's Rap Back Service is that it creates no new authorities for access to Criminal History Record Information (CHRI). As such, the CHRI disseminated under Rap Back is subject to all the existing statutes, policies, and requirements. The receiving entities are responsible to know those policies and requirements. Rap Back does create some new privacy risks however, in that it creates a new means of access to the NGI CHRI. The new means of access does introduce some risks inherent to that access.

The following items have been identified as the most important new risks associated with the implementation of Rap Back:

**1. Release of CHRI to unauthorized entities**

Since Rap Back does not provide CHRI to any new users, the greatest new threat here is release to entities that were authorized at one time but no longer are authorized. For example, the system must have controls to prevent data regarding the arrest of a person who used to be a nurse from being sent to the State Board of Nurses if his license is expired and the individual is no longer working in the medical field.

**2. Release of Personally Identifiable Information (PII)**

A new risk here is the new transactions, such as pre-notification, and the need to ensure that the transactions themselves do not create an unauthorized release of PII.

**3. Extended retention of subscriptions for persons no longer of official interest to the end users who initially subscribed to them.**

Responsible system management and privacy strategy require policies and controls that establish an inherent integrity to the data and the operations against that data. For example, the system must guard against a one-year teacher whose subscription stays in file indefinitely.

The Compact Council has endorsed the Privacy Risk Mitigation Strategies set out in Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies as appropriate for mitigating the risk associated with Rap Back.

The Strategies are designed to protect the privacy of the individuals subscribed in Rap Back, as well as to ensure integrity of Rap Back operations and data.

A key component of the privacy strategy decision is determining the appropriate Rap Back Activity Notification Format for each subscribed population. That is, when a future triggering event match occurs, should the Subscriber receive a pre-notification message, the triggering event, or the triggering event and Identity History Summary? Using the considerations discussed in Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies, the Subscriber and Submitter must agree upon the appropriate Rap Back Activity Notification Format and then that choice must be included each time a subscription is established for that Subscriber's population and must be employed for each future Rap Back Activity Notification received for them.

Also very important to the Privacy Risk Mitigation Strategies is the appropriate use of validation and expiration dates. Validation of a subscription requires the Subscribing Entity to confirm that they still have an authorizing relationship to the person (is still licensed, employed, volunteering, etc.). If the Subscribing Entity is still authorized, the subscription may remain in file; if they are not, it must be removed. The NGI Rap Back Service implements the validation function through the use of required Expiration Dates. For example, if the Submitter and Subscriber have chosen One-Year Validation/Expiration as their Privacy Risk Mitigation Strategy, then they must set the Expiration Date of their subscription to no greater than one year from entry.

**Note:** Although there are data fields for Rap Back Activity Notification Format and Expiration Date, both of which are directly related to the Privacy Risk Mitigation Strategies, there is no separate data field in the Rap Back subscription record to indicate which Privacy Risk Mitigation Strategy is being employed for that subscription. It is the responsibility of the Submitters and Subscribers to manage subscriptions under the chosen Privacy Risk Mitigation Strategies.

#### **Subscribers:**

The Subscribing Entity must coordinate with the Submitting Entity on the most appropriate Privacy Risk Mitigation Strategies for their subscriptions. Success of those Strategies relies heavily upon the Subscribing Entities embracing the importance of the privacy controls, creating a culture of privacy protection and implementing reliable processes to implement the chosen approaches. The Subscribing Entity must participate with the Submitting Entity in the activities required for pre-notification, validation/expiration, etc., as detailed in Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies. The Strategies must be established prior to the Subscribing Entity creating any subscriptions in NGI. The Submitter may use the Subscribing Entity Reference Guide in any manner to assist in that discussion and decision.

#### **Submitters:**

The Submitting Entity does not have to use a single Strategy for all their Subscribers; they may use the Strategies most appropriate to the different purposes and capabilities of their users. They must, however, ensure that all of their Subscribers are participating in one of the Strategies and that all subscriptions are covered by an appropriate Strategy. All subscriptions for one population, as determined by their ORI, must be managed under one Privacy Risk Mitigation Strategy. The Submitter must establish reliable processes to implement the Strategies selected, as described in Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies. They also must ensure that the Subscribing Entities understand the importance of these Strategies and have processes in place to implement them. They may use the Subscribing Entity Reference Guide to assist in any appropriate manner.

## **For Submitters using Category Based Subscription Management**

**Requirement:** *Manage Submitter-maintained subscriptions that are related to NGI Category Based subscriptions according to their respectively chosen Privacy Strategies, regardless of the NGI Subscription's Expiration Date or Rap Back Activity Notification Format.*

**Best Practice Regarding Expiration Dates:** *Enter or modify the Expiration Date of the NGI Category Based Subscription to the latest valid date among the Submitter-maintained subscriptions.*

Since the Submitter has agreed under the Category Based Subscription Management approach to manage each population of Subscribers according to the chosen Privacy Strategies, they can make the NGI Category Based subscription as broad as possible. That is, the Submitter is going to apply the validation/expiration rules to their Submitter-maintained subscriptions independently of what happens to be in the NGI Category Based subscription, so they can make the Expiration Date as late as the Submitter-maintained subscriptions will allow.

In that way, they can perform their Submitter-level validation/expiration process as normal, which will have to be shorter than or equal to the validation/expiration period entered in the NGI subscription. They can then use the outcome of their Submitter-level process to “extend” or “renew” the NGI subscription for the persons, as appropriate. This processing will require new procedures to extend the outcome of the Submitter-level validation to the NGI records, but if the Submitter can convert the Submitter-level validation process to successfully update the NGI records in a reliable manner, the Submitter can elect to opt-out of NGI's monthly validation/expiration list processing. They will keep their NGI subscriptions up to date as a by-product of their Submitter-level processing. Any subscription that is not extended or renewed will be removed from NGI on its Expiration Date.

**Best Practice Regarding Rap Back Activity Notification Format:** *Enter Identity History Summary and Triggering Event.*

**Alternate Practice Regarding Rap Back Activity Notification Format:** *Enter the broadest Rap Back Activity Notification Format among the Submitter-maintained subscriptions.*

Similarly, the Submitter can make the Rap Back Activity Notification Format of the NGI subscription as broad as possible. For example, if they are using Pre-notification for a volunteer entity, they can still enter the Identity History Summary and Triggering Event as the Rap Back Activity Notification Format in the NGI Category Based subscription. When they get a Rap Back Activity Notification, they still will do their Submitter-level pre-notification to the volunteer entity, but they will not have to do an Identity History Summary Request to obtain the record when the Subscriber responds positively. They can just provide the one they already received with the Rap Back Activity Notification.

If the same person gets a license with an agency that uses the Identity History Summary and the Triggering Event Rap Back Activity Notification Format, the Submitter will not have to modify the NGI subscription. If a future event happens, the Submitter provides the Identity History Summary and Triggering Event to the licensing agency and still goes through the Submitter-level pre-notification process with the volunteer entity.

Alternately, the Submitter can enter the specific Rap Back Activity Notification Format for the first subscription, and then modify it should another subscription request be received on this person in the same Category that has a broader Rap Back Activity Notification Format.

### **FBI CJIS Division:**

The FBI CJIS Division will coordinate with the Submitters on their respective approaches. Coordination between the FBI CJIS Division and the Submitters may be necessary both pre and post implementation. The FBI CJIS Division will provide Submitters the guidance and training needed to ensure as much instruction as possible is communicated.

## **4. EBTS Transactions**

Submitters must use new Electronic Biometric Transmission Specification (EBTS) transactions to participate in NGI's Rap Back Service

The fingerprint submissions from the SIBs, Federal Submitting Agencies, and other authorized fingerprint contributors are submitted to the CJIS Division in the FBI's national standard format, called the Electronic Biometric Transmission Specification, or EBTS. NGI's Rap Back Service modifies some existing EBTS transactions and creates some entirely new, Rap Back-specific, EBTS transactions. All Submitting Entities must make those modifications and create the appropriate new transactions for them and their Subscribers to participate in NGI's Rap Back. The Rap Back start-up technical requirements are set out in EBTS version 10.0 and Submitters must implement at least those Rap Back EBTS transactions to begin participation in NGI's Rap Back Service. The latest available version of the EBTS can be found at website:

<https://www.fbibiospecs.org/ebts.html>.

For quick reference, Appendix 4: Non-Criminal Justice Rap Back Related Data in EBTS discusses the non-criminal justice Rap Back related data within the EBTS. Those data make up the logical Rap Back Subscription Record within NGI. Please refer to the most current version of the EBTS at the above website for the specific technical requirements for participation in the NGI Rap Back Service. The NGI Rap Back Service Transactions Section of this document describes all the operational transactions the Subscribers and Submitters must perform to participate in Rap Back. Each description of an operational transaction also includes notes on the related EBTS transactions that the Submitter must execute to complete the operational transactions. These notes are not the complete technical requirements for these transactions and are intended only to: outline the EBTS transactions for implementing NGI's Rap Back; assist Submitters in quickly finding the appropriate location of Rap Back related information within the EBTS; and to provide some policy/operational guidance regarding the use of the EBTS transactions. All technical planning, development, and implementation must be done by referring to the EBTS document.

### **Subscribers**

The Subscribing Entity must ensure that the requests for subscription they send to the Submitter contains all the necessary information to complete the corresponding EBTS transaction. The Subscribers must use the Submitter's messaging communications methodology or procedures to forward the correct status information to the Submitter so that the NGI subscription records are accurate and up to date.

### **Submitters**

The Submitting Entity must complete programming to send and receive all Rap Back EBTS transactions to and from NGI at the appropriate times with the appropriate information. Submitters must implement all logic and controls associated with the business activities the EBTS formats represent, as well as the logic and controls associated with the EBTS transactions themselves.

In order to support the Subscribing Entity's role of ensuring their Rap Back subscriptions are synchronized with the status of the person under their purview, the Submitting Entities must establish messaging and

communication protocols and instructions on how Subscribers are to send subscription information to them. They must have trained the Subscribers on the Rap Back functions and how each is fulfilled between the Subscriber and the Submitter. They must then have an internal process for converting all messages received from the Subscriber into the EBTS transaction formats and sending those to NGI.

### **For Submitters using Category Based Subscription Management**

**Requirement:** *Prepare for all EBTS transactions under Category Based Subscription Management Approach in the same manner as under the Event Based Management Approach.*

Even though the Submitter will be entering NGI subscriptions with themselves as the Submitter and the Subscriber, they still must be prepared to use all the EBTS transactions under the Category Based Subscription Management Approach.

### **FBI CJIS Division**

The FBI CJIS Division will provide technical and policy guidance on Rap Back subscriptions, including the logic and controls associated with the related business activity and with the EBTS transactions. The FBI CJIS Division will ensure that EBTS transactions from Submitters are processed and appropriate responses returned within system requirements.

The FBI CJIS Division will have a robust error handling process, including the ability for manual intervention when a Submitter or Subscriber is unable to resolve an error.

## **5. Notification to Applicants**

The applicants must be notified that their fingerprints will be retained in the national file for notification of future criminal history events

Under the Privacy Act, collectively the FBI CJIS Division, the Submitting Entities, and the Subscribing Entities must ensure that the applicant receives notification of the retention within NGI and a summary of intended uses. This requirement can be fulfilled either through each Subscribing Entity's application processes, through a statewide process administered by the Submitter, or other reliable means. The future uses include the searching of latent fingerprints against retained civil fingerprints.

Follow the below link to the FBI's Privacy Act Notification Statement as a guide to the level of notification required.

<http://www.fbi.gov/about-us/cjis/cc/library/privacy-act-statement-1>

### **Subscribers:**

The Subscribing Entity must ensure that their application processes include a verifiable notice to the applicants of such language, or that they participate in a statewide or other process that fulfills this requirement.

### **Submitters:**

The Submitting Entity must educate the Subscribing Entities on the critical importance of this notice and ensure that each of its Subscribing Entities has the above process in place, or that a statewide or other process accomplishes the notice.



## **For Submitters using Category Based Subscription Management**

*Requirement: Manage notification to applicants under Category Based Subscription Management in the same manner as under Event Based Subscription Management.*

### **FBI CJIS Division:**

The FBI CJIS Division will be available to discuss alternative notification processes, or other policy questions, as requested by Submitters.

## **6. Subscription Term and Subscription Expiration**

Subscribers must understand the relationship between the Subscription Term and the Subscription Validation/Expiration period.

Each NGI Rap Back subscription has two key dates: The Rap Back Term Date and the Subscription Expiration Date:

- The Rap Back Term Date reflects how long of a subscription period has been purchased by the Subscriber through the payment of the fee. This date is automatically populated using the information provided in the EBTS Rap Back Subscription Term field.
- The Expiration Date is the date at which the subscription expires to fulfill the validation requirement, even if time still remains on the Subscription Term. If time does remain on the Subscription Term, the subscription may be “extended” with no additional fee.

The NGI Rap Back Service requires both dates in order to fulfill two key requirements of the Service:

1. The desire to provide Subscribers the flexibility to purchase subscriptions at lower fees when they know that many of their subscriptions will not last long term. The multiple Subscription Terms provide this flexibility. This Section discusses how the Subscription Term fulfills this process and how it interacts with the validation/expiration process.
2. The need to protect the privacy of the subscribed persons. This protection is accomplished through the Privacy Risk Mitigation Strategies that require review and validation of all subscriptions at least every five years. The five Privacy Risk Mitigation Strategies provide implementation alternatives so that Submitters and Subscribers can use the Strategies best suited to their operations. This Section discusses how the Expiration Date is the means by which the validation process is accomplished and how it must operate within the timeframes set by the Subscription Term.

The Subscriber must pay a fee for each NGI Subscription. The amount of the fee determines the Rap Back Subscription Term, which is the length of time during which the subscription can be repeatedly “extended” without incurring an additional fee. The available Subscription Terms are as follows:

- 2-Year
- 5-Year
- Lifetime

Although the Subscriber pays a fee for a 5-year Subscription Term, for example, that does not mean that the subscription automatically remains active for five years. Each NGI subscription must be governed by one of the Privacy Risk Mitigation Strategies, as discussed in Item #3: Privacy Risk Mitigation Strategies, above.

Those Privacy Risk Mitigation Strategies require that NGI Rap Back subscriptions be reviewed and validated at certain intervals in order to remain in NGI. That validation process is implemented for NGI Rap Back through the use of the Expiration Date field. That is, even though a Subscriber pays for a 5-year Subscription Term, for example, if they participate in Privacy Risk Mitigation Strategy #4: One Year Validation/Expiration, they must validate the subscription every year. This means that they must set the Expiration Date of their subscriptions to one year from the date of entry.

The logic is as follows:

- a. The Subscriber has paid for the Subscription to remain in NGI for a certain Subscription Term (2 years; 5 years; or lifetime), so they will not be charged again during that Term.
- b. However, the approved Rap Back Privacy Risk Mitigation Strategies require that the Subscriber periodically verify that they are still in an authorizing relationship with the subscribed person—the subscription must be validated at intervals determined by the Privacy Risk Mitigation Strategy chosen by the Subscriber and Submitter.
- c. As the mandatory Expiration Date required by the chosen Privacy Risk Mitigation Strategy approaches, the Subscriber will be provided an opportunity to review their subscription, validate that it can still be in NGI Rap Back and, if it is still valid, “extend” it for a new validation/expiration period that is within the Subscription Term. If they do not extend the subscription, it is automatically removed at the Expiration Date.
- d. The Subscription is “extended” by use of the Rap Back Maintenance “Replace” transaction, through which the Subscriber replaces the expiring Expiration Date field with a new date that is consistent with the selected Privacy Risk Mitigation Strategy, and which does not extend the subscription past the Rap Back Term Date.
- e. No fee is charged for the Rap Back Maintenance “Replace” transaction that replaces the Expiration Date field with a new “extended” Expiration Date that is less than or equal to the Subscription Term.
- f. If the new Expiration Date would extend the Subscription past the Rap Back Term Date, the Subscriber must either:
  - i. Use a different Expiration Date that is less than the Rap Back Term Date;
  - Or
  - ii. “Renew” the Subscription for a new Subscription Term. The renewal is accomplished by the Submitter using the Rap Back Maintenance “Renew” transaction to renew the Subscription, which automatically creates a new Rap Back Term Date. The Submitter must include a new Expiration Date in that transaction.
- g. The Rap Back Maintenance “Renew” transaction which renews the Subscription does cause the billing process to charge the Subscriber a new Rap Back subscription fee.
- h. The subscription is always renewed for the same Subscription Term as originally purchased.

See NGI Service Rap Back Transactions Item #3: Performing Maintenance on Rap Back Subscription Records for more discussion of the transactions.

Following are two examples of how the two dates relate to each other:

1. Five years is the maximum validation/expiration period allowed under the Privacy Risk Mitigation Strategies, meaning that the Expiration Date can never be greater than five years from the date the subscription is established. However, a Subscriber can pay for a lifetime Subscription Term under any of the Strategies. Paying that fee will allow the Subscriber to repeatedly extend the subscription under the validation/expiration requirement for the chosen Strategy, as appropriate, and never have to pay another fee for that subscription.

2. Alternately, a state Licensing Commission may choose a five year Subscription Term for one population of its license holders, because the lower fee makes sense in light of a higher turnover in that industry. But they could also choose Privacy Risk Mitigation Strategy #4: One Year Validation/Expiration because that works best for their operational processing. The Licensing Commission would then set the Expiration Dates of its licensees' subscriptions to one year. For each of the first four years, during the monthly validation/expiration list process, the Licensing Commission would tell the SIB which persons for that month are still licensed and need to be extended for another year. (See Item #5: Receiving and Responding to the Monthly Rap Back Subscription Validation/Expiration Lists under the NGI Rap Back Service Transactions Section, below, for information on the monthly validation/expiration lists.) The SIB would use the Rap Back Maintenance "Replace" transaction to extend the Expiration Dates in those subscriptions for another year. At the end of the fifth year, a "Replace" of the Expiration Date would extend the Expiration Date past the Rap Back Term Date, so at that time, the Licensing Commission would have to initiate a Subscription renewal message to the SIB with a new one-year Expiration Date, which the SIB would send to NGI in the Rap Back Maintenance "Renew" transaction format. That message would renew the Subscription, automatically set the new Rap Back Term Date to five years from the previous Term Date, replace the expiring Expiration Date with the new one-year Expiration Date entered by the Subscriber, and cause a new five-year Rap Back Subscription Term fee to be charged.

Subscribers will have to choose the appropriate Privacy Risk Mitigation Strategies, Expiration Dates, and Subscription Terms based upon their knowledge of the populations to which they subscribe.

## 7. Subscription Term Decisions and Subscription Fees

To determine appropriate fees, Subscribers must decide upon appropriate Subscription Terms for their subscriptions

The NGI Rap Back Service will charge a Rap Back subscription fee for each non-criminal justice subscription. The amount of that fee is determined by the Subscription Term selected for the subscription.

The Interim Rap Back subscription fees that will be charged at start-up have been established, as follows:

2 -Year Rap Back Term --	\$2.25
5 -Year Rap Back Term --	\$6.00
Lifetime Rap Back Term --	\$13.00

NGI will use a transaction-based fee process similar to the non-criminal justice fingerprint search fee process currently in place. The following transactions will cause Rap Back subscription fees to be charged:

1. The Tenprint Fingerprint Identification Submission transaction, when an NGI Rap Back subscription is set using that transaction. The Rap Back subscription fee charged from a Tenprint Fingerprint Identification Submission is in addition to the fingerprint search fee normally charged for non-criminal justice fingerprint submissions.
2. The Subsequent Subscription transaction. This transaction, when used for non-criminal justice subscriptions, will always cause a Rap Back subscription fee to be charged, but will not incur a fingerprint search fee, even when fingerprints are included within the transaction.

3. The Rap Back Maintenance “Renew” transaction, which renews the Subscription. This transaction renews the Subscription for the same period as the original Term (2-year or 5-year) of the subscription, and causes the Rap Back subscription fee for that Term to be charged again.

The Interim Rap Back fee was established as described in the Federal Register Notice for the CJIS User Fee Final Rule, effective May 13, 2010, New Services<sup>1</sup>. The Interim Rap Back fee will remain unchanged until adequate historical data is available to incorporate the Rap Back Service into the annual user fee study which analyzes the actual costs of providing reimbursable services. At such time, the user fee study, to include Rap Back services, will be conducted using the same methodology outlined within the Final Rule. The results of the fee study will be reviewed and a new Rap Back fee class will be established through the regulatory process. The FBI CJIS Division anticipates that it will have collected sufficient data to incorporate fully the Rap Back Service into the annual user fee study by FY 2016.

**Note:** Once a Rap Back subscription is established, the Subscription Term cannot be modified. In addition, if a Subscriber cancels the subscription prior to the end of its Subscription Term, the remainder of that purchased Term is forfeited. There is no refund of a pro-rated amount.

#### **For Submitters using Category Based Subscription Management**

**Requirement:** *Enter the first NGI Category Based subscription for an individual with the Subscription Term chosen by the Subscriber of that particular civil event.*

**Best Practice:** *If a subsequent Submitter-maintained subscription on the person in the same Category has a Subscription Term that extends further into the future than the first NGI subscription, cancel the present NGI subscription and enter a new one with the new Subscription Term. Repeat the process for additional subscriptions on the person in the same Category.*

For example, the Submitter enters the first NGI Category Based subscription for an individual with the Subscription Term chosen by that first Subscriber; the Subscriber is billed for that Term; and the Submitter manages the NGI Subscription to that Term. If one year later another subscription request for the same person in the same Category comes to the Submitter with a five year Subscription Term, the Submitter then has to manage one Submitter-maintained subscription that expires in one year and another Submitter-maintained subscription that expires in five years. The NGI subscription should be changed to accommodate the Submitter-maintained subscription with the longer Term. Of course, the same would always be true for a second (or subsequent) subscription with a lifetime Term.

The Subscription Term and the resulting Rap Back Term Date are not modifiable fields in NGI. So, the only way to change the NGI subscription is to cancel the first subscription and re-enter it with the five-year Subscription Term. NGI will bill the Submitter the five-year Term fee, which the Subscriber will pay, as expected. Cancelling and re-entering with the new, longer Term should not cause a fee problem, since the second Subscriber was anticipating payment of the fee, anyway. If the first subscription had paid a lifetime fee, the Submitter would not have to change the NGI subscription when the second subscription request came in. In that instance, NGI would not charge the Submitter anything for the second subscription, since there would have been no NGI transaction related to the second subscription.

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<sup>1</sup> Federal Register Volume 75, No. 70, dated May 13, 2010, which states: “If the FBI offers a new service or otherwise requires a new fee class in the future, the charge for this new fee class will be based upon the closest existing fee class until such time as a new fee class can be established. Authorized users will be advised of the new service or new fee class by CJIS Information Letter or other CJIS communication.”

Requirement Regarding Fees: *Determine whether you have the authority and resources to manage the NGI Rap Back fees associated with the subscription requests you will receive.*

A key issue for any Submitter implementing NGI's Rap Back is their coordination and management of the NGI fees with their own fees. This question becomes more complicated if the Submitter chooses the Category Based Subscription Management Approach. The Submitter will send NGI the fees for the first subscription on a person in a certain Category. If another subscription is requested on that same person in the same Category, the Submitter will not send that subscription to NGI, and will not pay NGI any fee for that subscription. The Submitter must be able to accommodate the fact that the second subscription will not have to pay an NGI subscription fee. The Submitter must consider that the NGI subscription needs to be managed to accommodate all the Submitter-maintained subscriptions referenced by the NGI Category Based subscription.

For example, the Submitter must accommodate the fact that a "lifetime" Subscription Term Subscriber can "extend" their subscription an indefinite number of times, without ever having to pay another NGI fee, but there could be another Submitter-maintained subscription on that person from an entity who expected to pay a new fee every two or five years.

## **8. Subscription Expiration Decisions**

Subscribers must determine appropriate Expiration Dates for their Rap Back subscription records

Every NGI Rap Back subscription record must contain an Expiration Date. Subscribers and Submitters must ensure that the Expiration Date field is correctly used according to the guidelines for the Privacy Risk Mitigation Strategies listed below. If no Expiration Date is indicated in the subscription request transaction, the transaction will be rejected. The Submitter and Subscriber must have agreed upon a Rap Back Privacy Risk Mitigation Strategy for each of their populations. Then the Expiration Date must be determined from that Privacy Risk Mitigation Strategy choice and the chosen Subscription Term. Refer to Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies for the details of these Strategies.

### **Strategy 1: Pre-Notification with Mandatory Validation/Expiration within Three Years**

This Strategy requires the Expiration Date field to contain a date within the Subscription Term and no later than three years from the date the subscription is established.

### **Strategy 2: Authority for Duration of a License**

This Strategy requires the Expiration Date field to contain the end date of the term of license, or, if the licensing entity prefers, a date somewhat prior to that date. The Expiration Date must contain a date within the Subscription Term and no later than five years from the date the subscription is established.

### **Strategy 3: Statutory Authority for a Set Period of Time**

This Strategy is equivalent to Strategy 2, and similarly requires the Expiration Date field to contain a date within the Subscription Term; no later than the end of the Set Period of Time authorized in the statute; and no later than five years from the date the subscription is established.

#### **Strategy 4: One-Year Validation/Expiration**

This Strategy requires the Expiration Date to contain a date no later than one year from the date the subscription is established.

#### **Strategy 5: Subscription Synchronization Through Automated or Formalized Procedures**

This Strategy requires the Expiration Date field to contain a date within the Subscription Term and no later than five years from the date the subscription is established.

#### **Subscribers**

The Subscribing Entity must understand the Privacy Risk Mitigation Strategy that is being employed for their population(s) and ensure that they place the correct Expiration Date in the subscription request sent to the Submitter. This includes managing changes to the Expiration Date or other parts of the subscription as they occur. It is important that the Subscriber sends a request to remove the subscription when they are no longer authorized to receive the CHRI, such as the person leaves employment, license expires, or other terminating occurrence.

Critical to the correct managing of validation/expiration of subscriptions is the timely review of validation/expiration lists that are provided monthly by the Submitter. The Subscriber must receive those lists, review them in a timely manner, and notify the Submitters of appropriate actions.

The processing of monthly validation/expiration lists and use of the Rap Back Maintenance transactions for the Expiration Date and Subscription Term fields are discussed under the NGI Rap Back Transactions Section, Item #5: Receiving and Responding to the Monthly Rap Back Subscription Validation/Expiration Lists, below.

#### **Submitters**

The Submitting Entity must have communicated to the Subscribers the appropriate means of determining the Expiration Date based upon the chosen Privacy Risk Mitigation Strategy. The Submitting Entity must ensure that appropriate Expiration Dates are entered and modified based upon communications from the Subscribing Entities and must process errors and other responses efficiently.

The Submitter must have robust processes in place to receive the validation/expiration lists from NGI, divide them among the Subscribers, and deliver them as quickly as possible. The Submitter then must be able to quickly process the responses from the Subscribers to ensure that the appropriate Subscriptions are extended or renewed and are not accidentally removed from file.

**Note:** While validating subscriptions is mandatory, the validation/expiration list process described throughout this document is not mandatory. It is a process provided by CJIS to assist Submitters in administering the validation process. However, Submitters may opt out of receiving these monthly lists if they have an alternate validation process in place that ensures all subscriptions are validated within NGI in a timely manner.

#### **For Submitters using Category Based Subscription Management**

Please see Expiration Date discussion under Privacy Risk Mitigation Strategies in Item, #2, above.

#### **FBI CJIS Division**

The FBI CJIS Division will be available to assist Submitters when questions arise regarding the Expiration Date functions or when they have technical difficulties with the transactions.

## 9. Subscription Triggering Events

Subscribers may identify additional events that will trigger Rap Back Activity Notifications in each subscription

All Rap Back Subscribers will be notified via a Rap Back Activity Notification when one of the following events occurs:

1. A future arrest fingerprint submission matches against one of their subscribed Identities.
2. One of their subscribed Identities is involved in a consolidation.
3. One of their subscribed Identities is deleted.
4. One of their subscribed Identities is Restored its previous state after an expungement, consolidation, or deletion.

In addition to those default notification triggers, the Subscribing Entity may choose one, some, or all of the remaining triggers to generate notifications, with the exception that civil event notifications are only authorized for select federal agencies who have specific statutory authority to receive that information.

There are two EBTS transactions that allow for setting the triggers and one that allows for modification of the triggers. Triggers may be set with the original non-criminal justice fingerprint submission (Search and Subscribe), or with the Subsequent Subscription transaction. The triggers may be modified anytime thereafter by a Rap Back Maintenance transaction. Whenever a trigger is activated, a Rap Back Activity Notification transaction is sent to the Submitting Entity of the Subscriber. As discussed elsewhere, the contents of that Rap Back Activity Notification will depend upon the Privacy Risk Mitigation Strategy agreed upon between the Subscriber and the Submitter.

If no triggering event is indicated in the Rap Back request transaction, the subscription will be established with the default “Criminal Retain Submission” as the only trigger. The available triggering events are:

- a. Criminal Retain Submission  
This trigger will activate whenever a retained criminal Tenprint Fingerprint Identification Submission transaction or NFF Criminal Print Identification (CPI) transaction matches against a subscribed NGI Identity. This trigger is automatically set for all subscriptions, regardless of whether it is requested or not.
- b. Dispositions  
This trigger will activate whenever a reported disposition transaction is matched against a subscribed NGI Identity. The disposition transactions included are:
  - Disposition Fingerprint Search Request
  - Disposition Submission Request
  - Disposition Maintenance Request
- c. Civil Retain Submission  
This trigger will activate whenever a retained civil Tenprint Fingerprint Identification Submission matches against a subscribed NGI Identity, and it will provide notification of civil event information. This trigger is limited to certain federal agencies that have specific statutory authority to receive this information [e. g. for Office of Personnel Management (OPM), Security Clearance Information Act (SCIA)].
- d. Expunge/Partial Expungement  
This trigger will activate whenever all or a portion of a subscribed NGI Identity is expunged and provide notification of the information being removed from the record.
- e. Warrant entry with FBI number included

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is entered into the NCIC Wanted Person file or Immigration Violator file.

f. Warrant Deletion

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is deleted from the NCIC Wanted Persons file or Immigration Violator file. This trigger will be activated by NCIC Cancel, Clear, or Locate transactions.

g. Warrant Modification

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is modified within the NCIC Wanted Persons file or Immigration Violator file.

h. Sex Offender Registry entry

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is entered in the NCIC Sex Offender Registry.

i. Sex Offender Registry Deletion

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is deleted from the Sex Offender Registry. This trigger will be activated by Cancel or Clear transactions.

j. Sex Offender Registry Modification

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is modified within the Sex Offender Registry. Transactions that will cause this trigger to activate are limited to modification of any of the following fields:

- Name
- Case Number
- Registration Date
- Registry Expiration Date
- Registering Agency

k. Death Notices

This trigger will activate whenever NGI receives a death notice and associates it with a subscribed NGI Identity. This will include both fingerprint-based and non-fingerprint-based death notice submissions. The Rap Back Activity Notification will include whether it was a fingerprint supported death notice or not. NGI does not remove the Rap Back subscription as result of a fingerprint based or non-fingerprint based death notice.

### **Subscribers**

The Subscribing Entity must choose one of the following alternatives:

- a. Indicate on each subscription request the desired triggers for that subscription; or,
- b. If the Submitting Entity agrees, the Subscriber can ask the Submitter to always insert the same set of identified triggers in each NGI subscription request for the Subscriber; or,
- c. Allow the triggers for each subscription to default to only the default triggers of arrest notification, Identity consolidation, Identity deletion, and Identity restoration.

### **Submitters**

The Submitting Entity must ensure that all Subscribing Entities understand the concept of triggers and the effects of choosing the different trigger options. The Submitting Entity may agree with individual Subscribers to always insert the same set of identified triggers for their subscription requests to NGI.



## **For Submitters using Category Based Subscription Management**

**Best Practice:** *Enter the NGI Subscription with the broadest number of Triggering Events that you will allow for any subscriptions in the state or federal agency.*

**Alternate Practice:** *Since Triggering Events is a modifiable field, the Submitter can enter just the Triggering Events appropriate to the first subscription received, and then add any additional Triggering Events as appropriate to any subsequent subscription requests received for this person within the present Category.*

Since the Submitter will filter future Rap Back Activity Notifications to the in-state or federal agency level Subscribers, it is permissible for the Submitter to enter the first NGI subscription with all authorized Triggering Events and then only forward future Rap Back Activity Notifications to Subscribers when they are caused by Triggering Events appropriate to those Subscribers.

Alternately, the Submitter may subscribe with only the Triggering Events appropriate to the initial Subscriber and then modify the NGI subscription if additional Subscribers request subscriptions on this person in this Category with different Triggering Events. Even under that approach, however, the Submitter will have to filter the Rap Back Activity Notifications. The second Subscriber could have allowable Triggering Events that were unauthorized for the first Subscriber

### **FBI CJIS Division**

The FBI CJIS Division will ensure that Submitters understand role of the triggers, and their effects.

## **10. Opting Out of In-State Notifications**

SIBs may opt out of receiving in-state notifications

Many states currently have Rap Back programs in place, and will likely choose to continue their current business processes when the NGI Rap Back Service becomes available. The default NGI functionality is that Rap Back Activity Notifications will be sent on all identified triggering events, regardless of state of origin of the event. States will have the capability, however, to indicate in each subscription request transaction whether or not that subscription should be opted out of receiving the in-state notifications. This capability will allow those states who do not want to receive notifications on in-state events to prevent that from happening. It will also allow states to receive in-state notifications on some populations, but not receive them on others, if that is the desired configuration. Federal arrests matching NGI Rap Back subscriptions will always cause notifications to the Submitters.

**Note:** When CJIS Service Providers make additions or corrections to the criminal history records within CJIS, those transactions do not process through the SIB and cannot cause in-state notifications to the states in which they occur. A good example is when CJIS Service Providers add dispositions provided by internal sections to the CJIS criminal history records. As such, Rap Back provides in-state notifications on all transactions entered by CJIS Service Providers, even if the state has “Opted Out” of in-state notifications for that Subscription.

### **Subscribers:**

This function will be largely transparent to Subscribers. No action is required since they will continue to get the in-state Rap Back notifications from the in-state Rap Back service, plus they will receive the benefit of

out-of-state Rap Back Activity Notifications from NGI's Rap Back through whatever process they have agreed to with their Submitting Entity.

**Submitters:**

Submitting Entities who want to opt out of receiving in-state notices from the NGI Rap Back Service must establish this preference within each transaction creating an NGI subscription. Of importance, if the Submitting Entity does not indicate the preference of not receiving in-state events on the transaction establishing the NGI Rap Back subscription, the transaction will not be rejected. NGI will insert the default value, which is that NGI will send all identified triggering events, regardless of state of origin of the event.

**For Submitters Using Category Based Subscription Management**

*Requirement: Manage Opting Out of In-State Notifications under the Category Based Subscription Management Approach in the same manner as under Event Based Subscription Management.*

**FBI CJIS Division:**

The FBI CJIS Division will coordinate with Submitters to ensure that they are aware of this option and properly establish Rap Back subscriptions in accordance with the EBTS.

## **11. Linking Plan**

Subscribers must create a plan for linking future Rap Back Activity Notifications back to the right person or section to take action

The Subscribing Entity may receive future Rap Back Activity Notifications years after a subscription is set. A key goal of NGI's Rap Back Service is to be sure that future unsolicited Rap Back Activity Notifications are delivered to the right person or section within the Subscribing Entity, so that appropriate action will occur in a timely manner.

The fields available for internal linking include the following. This information will be included in Rap Back Activity Notifications sent to Subscribers:

1. FBI/UCN Number;
2. Subscribing Entity ORI (CRI)
3. The Rap Back Attention field  
This is a 100-character, free text field.
4. Ten User Defined fields
  - i. Appropriate use is determined by the Submitter
  - ii. These are free text fields of 100 characters each
  - iii. Can contain additional linking information such as State SID; Subscribing Entity's reference number; more detailed internal contact information; reminder notes regarding the subscription; or any other relevant information.

**Subscribers**

The Subscribing Entity must decide how they are going to use these fields to ensure future Rap Back Activity Notifications, and other Rap Back messages are delivered to the right person or section within their organization.

The Subscribing Entity should coordinate with the Submitter to see whether and how they have prescribed use of the User Defined fields for their Subscribers.

### **Submitters**

The Submitting Entity must educate the Subscribing Entities regarding the importance of using these fields to link the Rap Back messages to the right person or section within their organization.

The Submitting Entity must decide whether it would be an effective strategy to implement Submitter-level standardization of the information being entered into the User Defined fields for linking to the right Subscribing Entity, and within the Subscribing Entity to the right section or person. It is highly recommended that the Submitter engage Subscribers in that decision and then be sure to communicate to all Subscribers any Submitter-level standardization that is implemented.

### **For Submitters using Category Based Subscription Management**

*Best Practice: Enter adequate information in the NGI subscription's User Defined fields to enable linking to all related Submitter-maintained subscriptions for this Identity.*

The Submitter must be able to find and administer all Submitter-maintained subscriptions related to each NGI Category Based subscription. This linking can be accomplished with the SID or in any reliable manner established by the Submitter. The User Defined fields are appropriate for creating this linking.

### **FBI CJIS Division**

The FBI CJIS Division will ensure that the Submitting Entities are aware of the availability and uses of the linking fields. The FBI CJIS Division will be available to answer questions from Submitting Agencies regarding the requirement.

## **12. Training and Auditing**

The FBI CJIS Division and Submitters must have training and audit programs in place

As with all the FBI CJIS Division services, training and auditing are foundational to establishing and maintaining the NGI Rap Back Service's effectiveness and the integrity of operations and data. CJIS system users are accustomed to following the policies established by the CJIS Advisory Policy Board, the CJIS Division, and the Compact Council. The Subscribers who will take advantage of the NGI Rap Back Service are already governed by the policies of these entities; Rap Back emphasizes the importance of those existing policies and increases them only to preserve the same level policy control and protection as required at present.

As such, the present training and auditing requirements in place for non-criminal justice use of CHRI are expanded to include training on the functions of Rap Back as well as the need for protection of the data as it is accessed, sent, received, and used as a result of Rap Back. Those new requirements include the need for the Subscribers and the Submitters to employ an appropriate Privacy Risk Mitigation Strategy, as detailed in Item #3: Privacy Risk Mitigation Strategies, above, and in Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies.

This Section will be further detailed with Submitter and Subscribing Entity responsibilities upon coordination with the FBI CJIS Division's Audit Unit.

**For Submitters Using Category Based Subscription Management**

*Requirement: Manage Training and Auditing under Category Based Subscription Management in the same manner as under Event Based Subscription Management.*

# NGI Rap Back Service Transactions

The following operational transactions are all based on the Rap Back automated system transactions and together create the core of the NGI Rap Back Service. These are the operational transactions the Submitting Entities must process to provide the NGI Rap Back Service to their Subscribers:

1. Set the NGI Rap Back subscription and collection of fees
2. Receive Rap Back Activity Notifications
3. Perform Maintenance on Rap Back subscription records, which includes:
  - a) Modify Rap Back subscription data
  - b) Extend and Renew the Rap Back subscription, and collect fees if necessary
  - c) Discontinue/cancel the Rap Back subscription
4. Retrieve a Subscriber's Rap Back Subscription List
5. Receive a Rap Back Subscription Renewal Notification
6. Request a Rap Back Identity History Summary
7. Process monthly validation/expiration lists

The above operational transactions are accomplished through the following EBTS electronic transactions.

## **EBTS electronic transactions and processes the Submitters must create to implement the new NGI Rap Back Service.**

1. Tenprint Fingerprint Identification Submission (EBTS Section 3.1.1.20 Rap Back Subscription Requests) – with Rap Back subscription information
  - Response: Submission Results – Electronic (SRE - EBTS Section 3.1.1.21) – with Rap Back subscription information
2. Rap Back Subsequent Subscription Request – Civil (RBSCVL - EBTS Section 3.6.20)
  - Response: Rap Back Subscription Response (RBSR – EBTS Section 3.6.21)
3. Rap Back Subsequent Subscription Request – Criminal (RBSCRM - EBTS Section 3.6.19)
  - Response: Rap Back Subscription Response (RBSR – EBTS Section 3.6.21)
4. Rap Back Maintenance Submission (RBMNT - EBTS Section 3.6.22)
  - Response: Rap Back Maintenance Response (RBMNTR – EBTS Section 3.6.23)
5. Rap Back Subscription List Request (RBRPT - EBTS Section 3.3.3.1)
  - Response: Rap Back Subscription List Response (RBRPTR – EBTS Section 3.3.3.2)
6. Rap Back Identity History Summary Request (RBIHS - EBTS Section 3.3.3.3)
  - Response: Rap Back Identity History Response (RBIHSR – EBTS Section 3.3.3.4)

## **Unsolicited EBTS Transactions that the Submitter must be able to receive and process from NGI**

1. Rap Back Activity Notifications (RBN – EBTS Section 3.5.2)
2. Rap Back Renewal Notifications (RBRN – EBTS Section 3.5.3)

## **Related automation activities that Submitters must process**

1. Processing Monthly Rap Back Subscription Validation/Expiration Lists
2. Creating and receiving bulk transactions

These EBTS transactions are described below in their operational context. The descriptions also include relevant EBTS notes. These notes do not contain the complete technical requirements for these transactions. These notes are intended only to assist Submitters in quickly finding the appropriate location of Rap Back related information within the EBTS and to provide some policy/operational guidance regarding the use of the EBTS transactions. There is no intention to replicate the EBTS requirements here in this document, only to highlight certain items. Submitters must refer to EBTS for complete technical implementation details. The information in EBTS controls any unintentional conflict between this document and EBTS. All technical planning, development, and implementation must be done by referring to the EBTS document.

These transactions do not include other automation activities that will be required, according to the Submitters' particular situation. Deciding whether to automate communication with Subscribers is one example.

The nature of these functions again emphasizes the critical role of communication and coordination between the Submitting Entities and the Subscribing Entities to receive and maintain notice of the correct status of the subscribed individuals. Only through that accurate exchange and the submission of the correct transactions by the Submitting Entities can the system ensure that the NGI Rap Back subscriptions accurately reflect the correct status of the subscribed persons.

## **1. Setting the NGI Rap Back Subscription**

There are two alternative means for a Submitting Entity to set an NGI Rap Back subscription on behalf of a Subscribing Entity. First, the Tenprint Fingerprint Identification Submission transaction that sends the applicant fingerprints to NGI for search can also include a request to set the subscription at that time (called Search and Subscribe). Alternately, if the requesting entity prefers to review the results of the fingerprint search before making the subscription decision, they may do so by the Submitter sending the Tenprint Fingerprint Identification Submission to NGI to search and retain the fingerprints, but not to set the subscription (called Search and Retain). The Subscriber reviews the results and notifies the Submitter of the applicants who pass. The Submitter sets those subscriptions using the Subsequent Subscription function, as described below. The choice of which method to use is up to the Subscriber, who can choose the method that works best with their population of applicants. The Submitter now will have to decide how to administer the charging of the subscription fees in addition to the fingerprint search fee that has always been charged.

A non-criminal justice NGI Rap Back subscription is a subscription placed upon a biometrically matched or created NGI Identity based upon an authorized civil event (teacher application, volunteer application, medical license application, etc.). The fingerprints from the authorized event must be submitted to and retained in NGI at least for the duration of the subscription for Event Based subscriptions. For Category Based Subscription Management, only one set of civil event prints per person per Category must be sent to NGI.

The above fingerprint requirements can be fulfilled through the processes described in this Section.

Not all Tenprint Types of Transactions (TOT) will be able to establish Rap Back subscriptions. For example, the Humanitarian TOT submissions already provide internal notifications, and therefore will not be allowed to establish Rap Back subscriptions. Neither will Departmental Orders/FOIA Requests. The entire list is included for reference.

Tenprint Fingerprint Identification Submission Transaction	TOT	Can be used to create Rap Back Subscription
Criminal Tenprint Submission (Answer Required)	CAR	Yes
Criminal Tenprint Submission (No Answer Necessary)	CNA	No
Criminal Fingerprint Direct Route	CPDR	Yes
Criminal Fingerprint Processing Non-Urgent	CPNU	Yes
Departmental Order Channeling Electronic	DOCE	No
Electronic In/Manual Out User Fee Submission	EMUF	No
Federal Applicant (No Charge)	FANC	Yes
Federal Applicant User Fee	FAUF	Yes
Federal No Charge Direct Route	FNDR	Yes
Non-Federal No Charge Direct Route	NNDR	Yes
Non-Federal User Fee Expedite	NFUE	Yes
Non Federal Applicant User Fee	NFUF	Yes
Miscellaneous Applicant Civil	MAP	Yes
Known Deceased	DEK	No
Unknown Deceased	DEU	No
Missing Person	MPR	No
Amnesia Victim	AMN	No
Freedom of Information Document	FOID	No

### For Submitters using Category Based Subscription Management

**Requirement:** *Enter all Category Based Subscriptions in NGI as the Submitter and Subscriber (Submitter ORI in ORI and CRI fields). Enter the following fields as discussed in this Guide:*

1. *Expiration Date*
2. *Rap Back Activity Notification Format*
3. *Subscription Term*
4. *Triggering Events*
5. *Opt Out of In-State Notification*
6. *Linking information (User Defined fields)*

No Subscriber information is required in the NGI subscription record under the Category Based Subscription Management Approach. The Submitter only enters one NGI subscription for each Category for each Identity, regardless of how many Submitter-maintained subscriptions exist or are created for that person in that Category. All Rap Back activities must be managed as discussed in this Guide.

**Requirement When Additional Subscription Requests are Received on a Submitter-level Identity that already has an NGI Category Based Subscription Established:** *Review the Submitter-level subscription request to determine whether any changes need to be made in the NGI subscription regarding the following data according to the requirements and Best Practices in this Guide:*

1. *Expiration Date*
2. *Rap Back Activity Notification Format*
3. *Subscription Term*
4. *Triggering Events*
5. *Opt Out of In-State Notification*
6. *Linking Information (User Defined Fields)*

## A. Setting Subscription with initial criminal history search (Search and Subscribe)

In the non-criminal justice environment, the first step in the Rap Back process is the submission of the non-criminal justice fingerprints for initial determination of whether the applicant for an entrusted position has a disqualifying criminal history. The Search and Subscribe transaction allows the non-criminal justice entity to include the request to set the NGI Rap Back subscription within the fingerprint search request submission (EBTS Tenprint Fingerprint Identification Submission). A subscription fee will be charged in addition to the fingerprint search fee in this instance. If the results of the fingerprint search turn out to be disqualifying, the Subscriber will have to request that the newly established subscription be canceled.

Some Submitters using the Category Based Subscription Management Plan may not want to use the Search and Subscribe transaction because it links the NGI subscription to the present civil event, making the subscription subject to deletion if that civil event is deleted. See discussion in Item B, Setting the Subscription subsequent to the initial fingerprint submission (Subsequent Subscription), below.

### **Operational flow and EBTS notes for setting the subscription with the initial criminal history search**

EBTS Section 3.1.1.20 Rap Back Subscription Requests discusses setting a Rap Back subscription with the initial criminal history search (Search and Subscribe). The Submitting Entity must use one of the EBTS Tenprint Fingerprint Identification Submission transactions listed in EBTS Section 3.1.1 Tenprint Fingerprint Identification Submission. The Tenprint Fingerprint Identification Submission transactions that have been approved for establishing Rap Back subscriptions are listed in the table above with their respective Types of Transaction (TOTs). Beginning in version 10.0 of the EBTS, the transaction formats for those TOTs allow for the inclusion of all the appropriate Rap Back information (summarized in Appendix 4: Non-Criminal Justice Rap Back Related Data in EBTS). Accordingly, to set a Rap Back subscription with the initial fingerprint search, the Submitter must submit the fingerprints to NGI for search with the appropriate TOT as follows:

1. The Subscriber sends the fingerprints to the Submitter, as for any non-criminal justice fingerprint search, but under the pre-established communications process, includes within the transaction that they want the prints to be retained, and to establish a Submitter-level (if applicable) and NGI Rap Back subscription upon this individual, regardless of search results.
2. The Submitter receives the Subscriber-generated set of fingerprints and subscription information and transforms that into the EBTS transaction format, including the appropriate TOT and any default values agreed upon with the Subscriber.
3. The Submitter must set the Retention Code field (2.005 RET) to “Y”.
4. The Submitter must set the ORI and CRI fields according to their Subscription Management Plan.
  - a. If the Submitter is using Event-Based Subscription Management, they must enter the Subscriber’s ORI in the CRI field and their own ORI in the ORI field.
  - b. If they are using Category-Based Subscription Management, they must place their own ORI in the CRI and ORI fields.
5. After receipt of the EBTS transaction, NGI processes the fingerprints; matches them to an existing Identity or establishes a new Identity if one does not exist; retains the prints; establishes the Rap Back subscription on the Identity; and sends the appropriate Submission Results – Electronic (SRE) response to the Submitter.
  - a. The SRE will contain all Rap Back subscription data that were stored in NGI. In some instances NGI will modify Rap Back information prior to it being stored in NGI. For example if a Subscriber asks for the civil event trigger when they are not authorized, NGI



will create the subscription, but without the civil event trigger. In those instances, the SRE will indicate that the Rap Back subscription was established with modifications. It will also indicate which field was changed.

- b. If the Rap Back subscription could not be established because of an error in the subscription information fields, an unauthorized TOT, or other error-causing situation, the SRE will indicate that the search was completed (results are in the SRE), but that the subscription was not established. No subscription fee is charged if the subscription fails. The Subscriber and Submitter will have to correct the information and resubmit. The resubmission must be in a Subsequent Subscription transaction, described in sub-Item B, below. There is no fingerprint search fee for the Subsequent Subscription transaction. There will be a Rap Back subscription fee if the re-submission successfully establishes the subscription.
- c. If the subscription is established, the SRE will contain all of the information established in the subscription plus a Rap Back Subscription Identifier (2.2048 RBSI). This number will be used within all EBTS transactions with the FBI CJIS Division related to this subscription.

**Note:** The name (2.018 NAM) entered in the Tenprint Fingerprint Identification Submission will be used to set the subscription. If that name is different than the master name in the NGI record, that Submitted Name will be returned in the Submitted Name field (2.2008 SNAM) of the SRE. In addition, when the Tenprint Fingerprint Identification Submission is used to set a subscription, the first date of birth (2.022 DOB) entered in the Tenprint Fingerprint Identification Submission will be used to set the subscription and will be returned in the Submitted DOB field (2.2007 SDOB) of the SRE.

6. If the fingerprints are rejected, the subscription will not be established from that transaction. If the Subscriber resubmits fingerprints that are accepted, the subscription will be established from that transaction, if the subscription data are acceptable, and the subscription fee will be charged. If the Subscriber resubmits fingerprints that are rejected and the Subscriber receives a name search response, no subscription will be established and no subscription fee will be charged.
7. The Submitter forwards the results information to the Subscriber.
8. The NGI subscription is now set from the initial non-criminal justice applicant fingerprint submission and no additional action needs to be taken by the Subscriber or Submitter for its creation.
9. If the fingerprint search results include disqualifying criminal history information, the Subscriber will have to send a message to the Submitter indicating that the subscription needs to be canceled. The NGI fingerprint and subscription fees have already been charged, and the Subscriber will be billed for those. Those fees will not be refunded.

**Note:** Placing a value in the Rap Back Category field indicates to NGI that the Tenprint Fingerprint Identification Submission includes subscription information for processing in addition to the fingerprint search processing. The subscription edits are applied and subscription responses are included with the fingerprint search results in the SRE response when the Rap Back Category field has a value in it. There is no separate EBTS field within the Tenprint Fingerprint Identification Submission used solely to indicate the Submitter's intention to set a subscription in addition to searching the fingerprints.

## B. Setting the Subscription subsequent to the initial fingerprint submission (Subsequent Subscription)

### Five main scenarios exist for use of the Subsequent Subscription request:

1. Setting the subscription after review of fingerprint search results: If the Subscribing Entity wants to subscribe to their applicants only after they make a suitability determination that includes the results of the Tenprint Fingerprint Identification Submission search, they may do so by using the Subsequent Subscription transaction. With this approach, they pay the fingerprint search fee based upon the initial retained fingerprint search submission (Search and Retain), and they pay the subscription fee based upon the Subsequent Subscription transaction. To make this process as efficient as possible, the Subsequent Subscription also includes a bulk submission capability.

After NGI Rap Back start-up, there is no time limit on how long after the initial fingerprint Search and Retain submission that the Subscribing Entity may submit a Subsequent Subscription transaction. Because a triggering event may have occurred between the time that an initial ten print fingerprint Search and Retain transaction was submitted and when the Subsequent Subscription transaction was submitted, NGI will always send the Submitting Entity a new Identity History Summary in response to each Subsequent Subscription request. That Identity History Summary must be provided to the Subscribing Entity by the Submitting Entity to allow the Subscriber the opportunity to review the record for any disqualifying activity that may have occurred in the time between the original fingerprint submission and the Subsequent Subscription transaction

2. Setting the subscription after making a Submitter-level identification to an NGI record: The Subsequent Subscription transaction can also be used when an SIB or Federal Submitting Agency has made an identification of the applicant to a Submitter-level record that is linked to an NGI Identity. The Submitter can run the QR PUR/I transaction to obtain the person's Identity History Summary, so the applicant entity is aware of any disqualifying information. Since the Submitter has already matched the applicant to an NGI Identity, they should not have to pay the fingerprint search fee; but, they should still be able to set the NGI Rap Back subscription, if the applicant entity wants to accept the person. They can do that using the Subsequent Subscription transaction. A Rap Back subscription fee will be charged, but no fingerprint search fee will be incurred.
3. Setting the subscription under the Category Based Management Approach: The state SIBs and Federal Submitting Agencies choosing Category Based Subscription Management must be aware that how they establish their NGI Category Based Subscriptions can cause their subscriptions to be deleted if the related civil event is deleted at some point in the future. Specifically, the Search and Subscribe transaction and the Subsequent Subscription transactions—with the exception of the Subsequent Subscription transaction submitted with UCN, fingerprints, and no civil Event Identifier (EVI)—cause the NGI Rap Back subscription to be linked to the related civil event, making it subject to deletion if the civil event is deleted.

If this potential scenario is a problem for an SIB or Federal Submitting Agency, the best way for them to de-couple the NGI subscription from the event and avoid the problem is to establish all their NGI Category Based subscriptions with the following two steps:

1. Search the fingerprints with the Search and Retain Tenprint Fingerprint Identification Submission, rather than the Search and Subscribe Tenprint Fingerprint Identification Submission.

2. Then set the NGI Category Based subscription with the Subsequent Subscription transaction:
  - a. Including the UCN received in response to the Search and Retain Submission;
  - b. Including the same set of fingerprints that was included with the Search and Retain Submission;
  - c. NOT including the EVI received in response to the Search and Retain Submission; and,
  - d. Including the other EBTS fields for the Subsequent Subscription.

This Subsequent Subscription transaction will establish the NGI Category Based subscription without linking it to the earlier civil event. As a result the earlier civil event now can be deleted with the CDEL transaction (EBTS 3.6.7 Civil Event Deletion Request) without removing the NGI Identity or the NGI subscription, if that is the appropriate action.

The NGI Category Based subscriptions on a person are created based upon the fingerprints of the first civil event for that person in a Category. To avoid the potential problem being discussed, the above methodology should be used whether that first Subscribing Entity wants to review the results of the fingerprint search before deciding to set their subscriptions, or the Subscribing Entity wants to subscribe immediately to all their applicants (in which case they would have normally used the Search and Subscribe methodology).

**Note:** This process creates two instances in NGI of the fingerprints from that civil submission: one with the Search and Retain civil event and one with the NGI Category Based subscription. The existence of these two instances of the same fingerprints creates considerations for the deletion of the underlying civil event. Please refer to the discussion at the end of Appendix 5: NGI Rap Back Subscription Management Plans, in the Section titled Deletion of Civil Events and Fingerprints.

4. Setting the Subscription after it failed to set within a Search and Subscribe transaction: The initial Tenprint Fingerprint Identification Submission transaction included the request to set the subscription, but the subscription failed for some reason: The Subscriber can correct the subscription information and ask the Submitter to re-submit. That re-submission must be in a Subsequent Subscription transaction in a manner similar to Subsequent Subscription scenario #1, above.
5. Re-establishing a subscription in the following situations:
  - a) A subscription was canceled in error by the Subscriber or Submitter, and the 60-day period during which Maintenance transactions can still be processed on the subscription has also passed.
  - b) A subscription that is eligible to be “extended” or “renewed” has reached its Expiration Date; the monthly validation/expiration lists have been sent; the Rap Back Renewal Notification message has been sent; through an internal error, the Subscriber has not responded to those notices; the subscription has expired in error; and the 60-day period during which Maintenance transactions can still be processed on the subscription has also passed.

Now the only option to re-establish either of these subscriptions is to create a new subscription and pay a new subscription fee. Since the Subscriber/Submitter has already submitted the prints for this civil event and should have the associated civil Event Identifier (EVI), they can create a new subscription for this person using a Subsequent Subscription transaction with the UCN and EVI from that previous Tenprint Fingerprint Identification Submission, in a manner similar to Subsequent Subscription scenario #1. There will be an additional subscription fee, but no new fingerprint search fee.

## **Operational flow and EBTS notes for setting the subscription subsequent to the initial fingerprint submission**

*When the Subscribing Entity wants to review the results of the tenprint fingerprint search before deciding whether to subscribe to the person:*

In this scenario, the Subsequent Subscription transaction can only be used with a civil Event Identifier that was returned from an initial tenprint submission under a TOT approved for setting a Rap Back subscription.

1. The Subscriber sends the fingerprints to the Submitter, as for any non-criminal justice fingerprint search, but under the pre-established communications process, includes in the transaction that they want the prints to be retained, but NOT to establish a Submitter-level (if applicable) or NGI Rap Back subscription upon this individual. The Submitting Entity knows from communication with the Subscriber that they will send Subsequent Subscription requests only on those individuals who pass the background check and are accepted for the position, license, volunteer, etc. The Subscriber normally would not supply any subscription information at this point.
2. The Submitter receives the fingerprints from the Subscriber and creates the EBTS Tenprint Fingerprint Identification Submission transaction, with the Retention Code field (2.005 RET) set to "Y".
3. After receipt of that EBTS transaction, NGI processes the fingerprints; matches them to an existing Identity or establishes a new Identity if one does not exist; retains the prints; DOES NOT establish a Rap Back subscription on the Identity; and sends the appropriate criminal history search results in the Submission Results – Electronic (SRE) transaction back to the Submitter.
4. The SRE will contain within it the civil Event Identifier (2.2035 EVI), which identifies this event and must be included with the Subsequent Subscription transaction, should the Subscriber decide to set a Rap Back subscription after reviewing the applicant's criminal history response. This civil Event Identifier can only be used to set a subscription related to this civil event. It may not be used to set a subscription for a different civil event this person may have in the future (or past). For example, if this event is a teacher license, this civil Event Identifier cannot be used to set a subscription for this person later applying with the YMCA to provide after-school volunteer soccer coaching.
5. If the potential Subscribing Entity reviews the results of the criminal history search and decides to set the subscription, they must send the appropriate subscription information to the Submitter. The Submitter uses that data to fill out and send NGI the Rap Back Subsequent Subscription – Civil (RBSCVL) transaction, as discussed in EBTS Section 3.6.20, which provides for all the required and optional Rap Back fields. The transaction also must include a set of fingerprints or a civil Event Identifier. In the scenario being described here, the Submitter must include the civil Event Identifier from the previous NGI search of the fingerprints related to this event. They must also include the UCN of the NGI Identity matched by the previous fingerprint search. They do not need to include the associated fingerprints.
6. The Submitter must set the ORI and CRI fields in the Subsequent Subscription transaction according to their Subscription Management Plan.
  - a. If the Submitter is using Event-Based Subscription Management, they must enter the Subscriber's ORI in the CRI and their own ORI in the ORI field.
  - b. If they are using Category-Based Subscription Management, they must place their own ORI in the CRI and ORI fields.
7. NGI will then send the Submitter a Rap Back Subscription Response (RBSR) transaction (EBTS Section 3.6.21), which will contain the Rap Back Subscription Identifier (RBSI 2.2048) for the

- newly created subscription. Note that while a subscription set with a Subsequent Subscription transaction results in a Rap Back Subscription Response (RBSR) transaction in response, a subscription set with a Tenprint Fingerprint Identification Submission transaction does not receive an RBSR response. The Rap Back response information in that instance is all contained within the SRE that is sent in the normal course in response to the Tenprint Fingerprint Identification Submission.
8. For civil subscriptions, the response will always contain an Identity History Summary. This Summary is to ensure that the Subscribing Entity receives notice of any event that may have occurred between the time they received and reviewed the results of their initial fingerprint search request and the time that they made their licensing/employment decision and set the Rap Back subscription with the Subsequent Subscription transaction. The Subscribing Entity should always review the new Identity History Summary for new data.
  9. The only situations in which no fingerprints are required within the Subsequent Subscription transaction are the one described here and the situations described in Subsequent Subscription scenarios #4 and #5, above.
  10. If the Subscriber had reviewed the results of the initial tenprint search and had decided not to subscribe to the individual, no further action would have been necessary on their part or the part of the Submitter.

**Note:** The name and DOB returned in the Type 2 NAM (2.018) and DOB (2.022) fields of the RBSR are the name and DOB the Subscriber used to set the Subscription.

### **Operational flow and EBTS notes for setting the subscription subsequent to a Submitter-level identification to an NGI Identity**

*The state or Federal Submitting Agency has made an identification to an Identity within their own AFIS that is linked to an NGI Identity. They want to set a subscription without paying the fingerprint search fee.*

This scenario can occur whether the Subscriber chooses to set subscriptions on all their applicant fingerprint search subjects, or only after they have reviewed the CHRI results of the fingerprint search and made a suitability determination. In this scenario, NGI does not have the fingerprints from the related civil event on file, so the Submitter must send those fingerprints to NGI along with the Rap Back subscription request.

1. The Subscriber sends the applicant fingerprints to the Submitter, as for all their non-criminal justice fingerprint searches. The Submitter searches the fingerprints in their AFIS and matches a fingerprint record that is linked to an NGI Identity. In this manner they have obtained a valid UCN to which they want to subscribe based upon an authorized set of fingerprints that were biometrically matched to an NGI Identity. The Subsequent Subscription transaction allows them to do that.
2. One of the following scenarios will then transpire:
  - a. If the Subscribing Entity only subscribes to persons after reviewing the results of the fingerprint search submission, the Submitter can run the QR - PUR/I transaction and provide the results to the Subscriber. Then, if the Subscriber wants to set the subscription after reviewing the CHRI results, they must send the Submitter all the subscription information with an indication they want the subscription set. The Submitter then transforms that information into the Rap Back Subsequent Subscription Request – Civil

(RBSCVL) transaction (EBTS Section 3.6.20). That transaction provides for all the required and optional Rap Back fields and in this instance must include the UCN that was matched with the in-state identification and the tenprint fingerprints associated with the related civil event (the teacher application, volunteer application, medical license application, etc.).

Or

- b. If the Subscribing Entity subscribes to all applicants for whom it submits fingerprints to the Submitter, the Submitter would not send a Tenprint Fingerprint Identification Submission with Rap Back information to NGI: instead, they would transform the Rap Back information that the Subscriber had already provided within the initial Tenprint Fingerprint Identification Submission into an EBTS Subsequent Subscription transaction and send it to NGI. That transaction must include the fingerprints associated with the related civil event (the teacher application, volunteer application, medical license application, etc.).
  - c. No fingerprint search fee is incurred in either scenario.
3. After submission of the Subsequent Subscription transaction, NGI will send the Submitter a Rap Back Subscription Response (RBSR) transaction (EBTS Section 3.6.21). For civil subscriptions, the RBSR will always contain an Identity History Summary. The Subscribing Entity should always review the new Identity History Summary for new data. The RBSR will contain the civil Event Identifier for the civil application and submission of fingerprints, as well as the Subscription Identifier for the Subscription.

**Note:** The name and DOB returned in the Type 2 NAM (2.018) and DOB (2.022) of the RBSR are the name and DOB the Subscriber used to set the Subscription.

### **Operational flow and EBTS notes for setting a Category Based NGI subscription that is not linked to a particular civil event.**

*When the Submitter wants to avoid the possibility of their NGI Category Based subscription being deleted when the related civil event is deleted with the CDEL transaction:*

A Category Based subscription on a person is based upon the fingerprints of that person's first civil event in a Category. If desired by the Subscriber, the Submitter can provide the results of the initial fingerprint search to the first Subscriber before setting the NGI Category Based subscription. Additional subscription requests received by the Submitter for that person in that Category do not need to be sent to NGI, but may result in the need for maintenance to be performed on the established NGI subscription. It is recommended, however, that the fingerprints collected from the additional subscription requests be sent to NGI with the Fingerprint Image Submission (FIS) transaction. The following operational flow is for the first subscription request on this person in this Category.

1. The Subscriber sends the fingerprints to the Submitter, as for any non-criminal justice fingerprint search. They have previously agreed with the Submitter as to whether they want to review the criminal history results before setting the subscription.
2. The Submitter receives the fingerprints from the Subscriber and creates the EBTS Tenprint Fingerprint Identification Submission transaction, with the Retention Code field (2.005 RET) set to "Y" (Search and Retain). No subscription information is included in the submission.
3. After receipt of that EBTS transaction, NGI processes the fingerprints; matches them to an existing Identity or establishes a new Identity if one does not exist; retains the prints; DOES NOT

- establish a Rap Back subscription on the Identity; and sends the appropriate criminal history search results in the Submission Results – Electronic (SRE) transaction back to the Submitter.
4. The SRE will contain within it the civil Event Identifier, which identifies this event.
  5. If the potential Subscribing Entity reviews the results of the criminal history search, they will indicate to the Submitter whether to subscribe. If they indicate in the affirmative, they must send the appropriate subscription information to the Submitter, if they have not done so already. The Submitter uses that data to fill out and send NGI the Rap Back Subsequent Subscription–Civil (RBSCVL) transaction, as discussed in EBTS Section 3.6.20. The Submitter must set the ORI and CRI fields to the Submitter’s ORI. The transaction must include the UCN of the NGI Identity matched by the Search and Retain fingerprint search conducted in Step #2. **It also must include the set of fingerprints that was submitted with that Search and Retain submission, but it must NOT include the EVI returned to the Subscriber/Submitter from that transaction.**
  6. If the Subscriber does not want to review the results of the fingerprint search before setting the subscription, the Submitter simply creates and sends the RBSCVL transaction as described in Step #5.
  7. NGI will then send the Submitter a Rap Back Subscription Response (RBSR) transaction (EBTS Section 3.6.21), which will contain the Rap Back Subscription Identifier (RBSI 2.2048) for the newly created subscription. In this situation, the setting of the subscription is considered an event, and the RBSR will also contain the Event Identifier (2.2035 EVI) for that event. This subscription is not linked to the original Search and Retain fingerprint submission.
  8. For civil subscriptions, the response will always contain an Identity History Summary. In this scenario that Summary is to ensure that the Subscribing Entity who wanted to review the results before making the subscription decision receives notice of any event that may have occurred between the time they received and reviewed the results of their initial fingerprint search request and the time that they made their licensing/employment decision. The Subscribing Entity must always review the new Identity History Summary for new data.
  9. If the Submitter sent the RBSCVL without the Subscriber reviewing the Identity History Summary, the Identity History Summary supplied with the RBSR can serve as notice to the Subscriber of the results of the fingerprint search.
  10. The NGI Category Based subscription is now created, without a link to the civil event from the Search and Retain submission. The Search and Retain civil event can be deleted without deleting the subscription, if that is the appropriate action.

**Note:** The name and DOB returned in the Type 2 NAM (2.018) and DOB (2.022) of the RBSR are the name and DOB the Subscriber used to set the Subscription.

## 2. Receiving Future Rap Back Activity Notifications

If a future fingerprint or other identified triggering event transaction matches against an NGI Identity containing a Rap Back subscription, NGI will notify the Submitting Entity who established the Rap Back subscription. Depending upon the setting of the Rap Back Activity Notification Format field within the subscription, NGI will send a Rap Back Activity Notification containing either:

- a) the triggering event information;
- b) the triggering event information and the Identity History Summary; or
- c) pre-notification.

The Submitting Entity and Subscribing Entity will have already established which of these three notification formats the Subscriber will receive.

Each time a Rap Back event matches against a subscribed Identity, NGI creates a unique identifying number called the Rap Back Activity Notification Identifier (2.2041 RBNI). The Rap Back Activity Notification Identifier is unique to that Rap Back event, and does not refer to the subscription as a whole. The Rap Back Subscription Identifier refers to the subscription as a whole. If an Identity History Summary is requested in response to a Rap Back Activity Notification, the Identity History Summary Request must include the Rap Back Activity Notification Identifier.

### **Operational flow for receiving and processing the Rap Back Activity Notification — Triggering Event or Triggering Event and Identity History Summary**

1. The NGI Subscription is already established on an NGI Identity, with the associated Rap Back Activity Notification Format set to either the “Triggering Event” or “Triggering Event and Identity History Summary”.
2. A subsequent arrest fingerprint submission—or other transaction that is on the triggering event list for this subscription—matches against the subscribed NGI Identity. NGI automatically sends the Submitting Entity the Rap Back Activity Notification including the Rap Back Activity Notification Identifier, the User Defined fields, and other relevant information from the subscription. The notification also contains the appropriate event information for that Subscribing Entity: the triggering event or the triggering event and Identity History Summary.
3. The Submitting Entity receives the transaction from NGI and uses its established communication methodology to send the Rap Back Activity Notification including all the associated information to the Subscribing Entity.
4. Since the Subscriber received the Identity History Summary and/or the triggering event, they can determine whether any administrative licensing/employment/volunteer action is needed on their part. They must update the NGI subscription if the status of the person changes relative to the Subscriber’s authority to receive future Rap Back Activity Notifications.
5. If a Subscriber receives a Rap Back Activity Notification with just the Rap Back trigger and would like to see the Identity History Summary, they may submit an Identity History Summary Request transaction with the Rap Back Activity Notification Identifier any time after receipt of the Activity Notification.
6. There is no time limit for how long after receipt of a Rap Back Activity Notification that a Subscriber may submit an Identity History Summary Request on an active subscription. In addition, there is no limit to the number of times the Identity History Summary may be requested.

### **Operational flow for receiving and processing the Rap Back Activity Notification—Pre-Notification**

1. The NGI Subscription is already established on an NGI Identity, with an indication that the Rap Back Activity Notification Format is “pre-notification”. As a result, in this case the Subscriber will receive only pre-notification when a future event matches against this subscription in NGI.
2. A subsequent arrest fingerprint submission—or other transaction that is on the triggering event list for this subscription—matches against the subscribed NGI Identity. NGI automatically sends the Submitting Entity the Rap Back Activity Notification including the Rap Back Activity Notification Identifier, the User Defined fields, and other relevant information from the subscription. The notification also contains the pre-notification language.
3. The Submitting Entity contacts the Subscriber by the Submitter’s established communications methodology with the pre-notification information.
4. The Subscriber verifies whether they are still in an authorizing relationship with that person—the person is still licensed, is still employed, is still volunteering, etc.



5. The Subscriber then sends an affirmative or negative response to the Submitter:
  - a. If the Subscriber's response to the pre-notification is affirmative, the Submitter generates an Identity History Summary Request to NGI and includes the Rap Back Activity Notification Identifier. NGI sends the Identity History Summary in response, again including all User Defined fields.  
Upon receipt of the Identity History Summary, the Submitter forwards it to the Subscriber through the pre-established processes. Once the Subscriber receives the Identity History Summary, they are able to proceed with any appropriate administrative action. They must update the NGI subscription if the status of the person changes related to the Subscriber's authority to receive future Rap Back Activity Notifications.
  - b. If the Subscriber's response to the pre-notification is negative, the Submitter sends a Rap Back Maintenance transaction removing the subscription from the NGI Identity.
6. If no response is received at NGI to the Rap Back Activity Notification with pre-notification within 15 days, the system will generate a second notice to the Submitting Entity. NGI will take no further action to notify the Submitter/Subscriber after that second notice.
7. There is no time limit for how long after receipt of a pre-notification message that a Subscriber may submit an Identity History Summary Request on an active subscription. In addition, there is no limit to the number of times the Identity History Summary may be requested following pre-notification.

#### **EBTS notes for receiving Rap Back Activity Notifications**

Receiving Rap Back Activity Notifications is discussed in EBTS Section 3.5.2 Rap Back Activity Notification (RBN).

As noted above, a Subscribing Entity may request an Identity History Summary after receiving an RBN. This function is accomplished with the EBTS Rap Back Identity History Summary Request (RBIHS) transaction discussed in EBTS Section 3.3.3.3. That transaction must include the Rap Back Subscription Identifier and the Rap Back Activity Notification Identifier(s) (2.2041 RBNI) provided within the RBN transaction. NGI will respond with a Rap Back Identity History Summary Response (RBIHSR) discussed in EBTS Section 3.3.3.4.

A Subscriber may respond to a pre-notification RBN negatively, that is, they are no longer authorized to receive the CHRI related to the applicant, and they want both the subscription and the civil event removed from NGI. Please refer to Item #3: Performing Maintenance on Rap Back Subscription Records, for discussion of removing the subscription with an EBTS Rap Back Maintenance transaction and removing the related civil event with an EBTS Data Management Service transaction.

**Note:** There is no EBTS message for communicating a "positive" or "negative" response to a Rap Back Activity Notification with Pre-Notification to NGI. The Subscriber needs to respond positively or negatively to the Submitter, but the EBTS responses from the Submitter to NGI for Pre-Notification are either (1) a Rap Back Identity History Summary Request, or (2) a Rap Back Maintenance Request to remove the subscription. NGI will send a second notice if neither of these is received within 15 days.

**Note:** The name and DOB included in the Type 2 NAM (2.018) and DOB (2.022) of the RBN are the name and DOB the Subscriber used to set the Subscription.

### **For Submitters using Category Based Subscription Management**

**Requirement:** *Upon receipt of Rap Back Activity Notifications, review Submitter-maintained subscription records and notify the Subscriber of the Rap Back Activity in the correct format and for the correct Triggering Events based upon the information stored in the state Rap Back system, independent of those values in the NGI Category Based Rap Back Subscription record.*

The Rap Back Activity Notifications must be provided to the Subscriber only as appropriate to the Privacy Strategy chosen for the Subscriber. For example, if the NGI subscription uses Rap Back Activity Notification Format “Identity History Summary and Triggering Event” but the Submitter-maintained subscription is being managed under Privacy Strategy #1: Pre-Notification with Mandatory Validation/Expiration within Three Years, then the Submitter must hold the Identity History Summary and Triggering Event information until they have performed their established in-state or within-federal-agency pre-notification process. When the Subscriber responds with verification that they are still authorized, the Submitter can provide the Identity History and Triggering Event information already received from NGI.

## **3. Performing Maintenance on Rap Back Subscription Records**

The NGI Rap Back maintenance functions are designed to allow the Subscribing Entities to keep their subscriptions up to date and accurate. As such, the Subscribers must communicate the need for these changes to their respective Submitting Entities using the established communication methodologies. In addition during the Submitting Entity Start-Up Checklist process, the Submitting Entities acknowledged that they will provide the Subscribing Entities access to all these functions.

Maintenance includes the ability to: modify Rap Back subscription data, renew the Rap Back subscription, and discontinue/cancel the Rap Back subscription.

The maintainable Rap Back subscription data are:

1. Biographic Data – Subscription Name and Subscription DOB
2. Rap Back Activity Notification Format (2.2062 RBNF)
3. Rap Back Opt Out In-State Indicator (2.2063 RBOO)
4. Rap Back Attention Indicator (2.2070 RBATN)
5. Rap Back Expiration Date (2.2015 RBXD)
6. Triggering Event(s) (2.2040 RBT)
7. Rap Back Recipients - up to 9 (2.2020 RBR)
8. User Defined Fields - up to 10 (2.2064 RBUD)
9. Rap Back Disclosure Indicator (2.2067 RBDI) - Indicator to include this Rap Back subscription information on the Identity History Summary when provided for criminal justice purposes.

### **Operational flow for Maintaining Rap Back Subscriptions**

1. Through the agreed upon Submitter and Subscriber processes, the NGI Subscription is already established on an NGI Identity.
2. The status of one of the Subscriber’s subscriptions has changed and they need to reflect that change in the NGI Rap Back record associated with that person’s NGI Identity. Accordingly, they send the agreed upon message to the Submitting Entity to make the appropriate change.

3. The Submitting Entity formats the information received from the Subscriber into the appropriate EBTS Rap Back Maintenance transaction and sends it to NGI.
4. NGI processes the maintenance transaction and makes the appropriate change in the NGI Rap Back subscription. NGI sends the Submitter a transaction verifying the completion of the change.
5. The Submitter passes the subscription change verification along to the requesting Subscriber under the agreed upon communications methodology.

### **EBTS notes for Performing Maintenance on Rap Back Subscriptions**

Refer to EBTS Section 3.6.22 Rap Back Maintenance Submission (RBMNT) for details regarding these EBTS transactions. The results of RBMNT transactions are sent to the Submitter in the Rap Back Maintenance Response (RBMNTR) transaction. See EBTS Section 3.6.23.

**Note:** The name and DOB returned in the Type 2 NAM (2.018) and DOB (2.022) of the RBMNTR are the name and DOB the Subscriber used to set the Subscription.

As described within the EBTS, Rap Back provides for the following maintenance functions:

- Replace
- Delete
- Append
- Cancel
- Renew
- Un-cancel

Those functions are identified with the Rap Back Maintenance Indicator field (2.2039 RBMI) of each Rap Back Maintenance Submission transaction.

#### **“Replace” and “Renew”**

The distinction between these two Maintenance transaction functions for expiration/validation processing is discussed above, in Key Start-Up Requirements Item 6: Subscription Term and Subscription Expiration.

When the RBMNT transaction is used with RBMI “Replace” and the replaced field is the Expiration Date:

- NGI checks to see if the new Expiration Date is greater than the Rap Back Term Date in the subscription;
- If it is, the transaction will reject;
- If it is not, NGI places the new Expiration Date from the transaction into the subscription;
- The Subscription is now extended to the new Expiration Date;
- No new fee is charged.

When the RBMNT transaction is used with RBMI “Renew” and includes a new Expiration Date:

- NGI checks to see the Rap Back Subscription Term of the subscription;
- NGI calculates a new Rap Back Term Date for the subscription by adding the same Subscription Term as used to create the subscription and automatically inserts that date into the Rap Back Term Date field of the subscription—the calculation is from the existing Rap Back Term Date, not from the date the subscription is renewed;
- NGI verifies that the Expiration Date in the “Renew” transaction is equal to or less than the new calculated Rap Back Term Date. If it is, NGI places it into the Expiration Date field. If it is not, the transaction rejects;

- The Rap Back fee associated with the Subscription Term is billed to the Subscriber as a result of this transaction;
- The Subscription is now renewed with new Rap Back Term Date and Expiration Date, and the Subscriber will not have to pay a new fee for that period of time.

The RBMNT Transaction with RBMI “Renew” can only be used with civil Rap Back subscriptions that have a two-year or five-year Subscription Term. There is no need to “renew” a subscription for which a lifetime subscription Term was purchased.

Deletion of the Rap Back civil event

When a subscription is deleted with the Rap Back Maintenance transaction, the associated fingerprints and civil event remains on file within NGI. The Rap Back Maintenance transaction does not include the ability to remove the civil event from NGI.

Based upon state or federal law, the individual may have the authority to request that their civil fingerprints and other information related to their civil event be removed. NGI provides for that capability under the Data Management Service (EBTS Section 3.6) suite of transactions. EBTS Section 3.6.7 describes the Civil Event Deletion Request (CDEL) transaction that Submitters must use to remove a civil event from NGI. The CDEL transaction will result in a Civil Event Deletion Response (CDELR) in reply. See EBTS Section 3.6.8. If a civil event with an associated Rap Back subscription is deleted, the subscription is also removed and this will be noted in the CDELR.

Maintenance transactions on expired or canceled subscriptions

The EBTS states that Rap Back Maintenance can be performed on expired or cancelled Subscriptions for a configurable time period after the expiration date or cancellation date. At implementation that configurable period of time is 60 days. This capability provides Submitters/Subscribers two powerful functions as described in EBTS Section 3.6.22 Rap Back Maintenance Submission (RBMNT):

- a. Submitters/Subscribers can “Un-Cancel” records that were erroneously canceled for up to 60 days after the cancel transaction was processed. That is, a Subscriber can notify the Submitter of an erroneously canceled record, and the Submitter can send NGI a Rap Back Maintenance transaction with the RBMI value of “Un-Cancel”. The Subscription will be restored to its previous state with no fee.
- b. If a Submitter/Subscriber allows a record to expire when it should have been “renewed” or “extended” they can renew or extend that subscription with a Rap Back Maintenance transaction with RBMI “Renew” or “Replace” for 60 days after the subscription expired.

If a subscription was canceled or expired in error and more than 60 days have elapsed, the Submitter/Subscriber will have to submit a new subscription request and pay a new Rap Back subscription fee. Since the associated civil event is already on file, the new subscription request in this instance can be accomplished with a Subsequent Subscription transaction using the civil Event Identifier of the associated civil event, and no fingerprint search fee will be incurred.

As noted above regarding Civil Deletion Request, the EBTS contains biometric file maintenance transactions in the Data Management Section (EBTS Section 3.6) that are relevant to Rap Back subscriptions.

**For Submitters using Category Based Subscription Management**

*Requirement: Perform Rap Back Maintenance transactions on Category Based Rap Back subscription records in the same manner as under Event Based Subscription Management.*

Rap Back Maintenance transactions will be used to modify the NGI Category Based subscription when necessary to sustain it within NGI under the NGI requirements and the Best Practices identified in this Topic Paper and the Non-Criminal Justice Policy and Implementation Guide.

## 4. Retrieving a Subscriber's Rap Back Subscription List

This transaction provides the Rap Back Subscriber the ability to retrieve their Subscription List including each of their subscriptions, along with the associated Designated Recipients and subscription status.

The non-criminal justice Rap Back Subscription List will contain:

1. UCN
2. Rap Back Subscription Subscribing Entity (CRI)
3. Biographic Data – Subscription Name and Subscription DOB
4. Rap Back Category
5. Rap Back Notification Format
6. Opting out of receiving in-state triggering events
7. Rap Back Subscription Date
8. Civil Rap Back Subscription Term
9. Expiration Date.
10. Triggering Event(s)
11. Rap Back Recipients (up to 9)
12. User Defined Fields (up to 10)
13. Indicator to include Rap Back subscription information on the Identity history summary
14. Rap Back Subscription Identifier
15. Associated Event Identifier
16. Rap Back Attention Indicator

The Rap Back Subscription Lists will be supplied in a format easily imported into popular spreadsheet programs. The Submitter/Subscriber may request that these lists be filtered by values in any combination of the following fields:

1. Rap Back Subscription Identifier
2. Rap Back Subscription Subscribing Entity (CRI)
3. Rap Back Designated Recipients
4. Expiration Date range

Subscribers can use these filters to define and restrict the number of records received within these broad categories. Since the subscription lists can be imported into spreadsheet programs, the Subscribers can then sort and search the received lists in any way desired.

### **Operational flow for retrieving a Subscriber's Rap Back Subscription List**

1. Through the agreed upon Submitter and Subscriber processes, the Subscriber's NGI Subscriptions are already established on NGI Identities.
2. In order to verify their own records—or any other reason—the Subscribing Entity wants to retrieve a complete or partial list of their subscriptions, with associated Designated Recipients and status.

Accordingly, they send the agreed upon message to the Submitting Entity to retrieve the Subscription List.

3. The Submitting Entity transforms the information received from the Subscriber into the EBTS Rap Back Subscription List Request transaction format and sends it to NGI.
4. NGI processes the request according to the parameters included within the request and returns the results to the Submitter.
5. The Submitter passes it along to the requesting Subscriber according to the agreed upon communications methodology and in the agreed upon format.
6. The Subscriber imports the data into a spreadsheet program to further sort and view the subscriptions.

### **EBTS notes for requesting a Rap Back Subscription List**

This transaction is discussed in EBTS Section 3.3.3 Rap Back Information Retrieval Submission, specifically EBTS Section 3.3.3.1 Rap Back Subscription List Request (RBRPT). The Subscription List Response is discussed in EBTS Section 3.3.3.2 Rap Back Subscription List Response (RBRPTR).

The Submitter uses the Return All Records (2.2047 RAR) field to indicate that a Subscription List Request should return all Rap Back Subscriptions that are routed through the Submitting ORI. If omitted the default is 'N', where only subscriptions where the Submitter is also the Subscriber (Submitter ORI in ORI and CRI fields) are returned.

The response transaction (RBRPTR) contains the Rap Back Subscription List field (2.2050 RBSL), which is a comma-separated-values (CSV) file with filename results.csv that contains the Subscription List information. If the RBSL field exceeds 10MB in size, the transaction will be rejected, and the requestor will have to apply more filtering parameters or contact their NGI Representative for other subscription list report options.

### **For Submitters using Category Based Subscription Management**

*Best Practice: Use the Rap Back Subscription List request to view Category Based Rap Back subscriptions entered by your agency as Submitter and Subscriber.*

The Rap Back Subscription List request is the same under Category Based Subscription Management as it is for Event Based Subscription Management. However, since the Subscriber ORI is not in the CRI field and there is no requirement for any Subscriber information in the NGI Category Based subscription, the Subscription Lists will not provide the same level of detail regarding Subscribers from the state as under Event Based Subscription Management. That level of detail will have to be obtained from the Submitter's Rap Back system.

## 5. Receiving and Responding to the Monthly Rap Back Subscription Validation/Expiration Lists

The Expiration Date field must be set by the Subscriber and Submitter as discussed above in Key Start Up Requirements Item #6: Subscription Term and Subscription Expiration. Each month, NGI will provide Submitters a list of all the records that will expire in the month that occurs approximately 45-75 days in the future. For example, on or around June 15, NGI will send a list that contains all the records that will expire in the coming August. The Submitters will send each Subscriber their portion of the list through their agreed upon communications methodology. The Subscribers then must determine whether the Subscriptions can be extended or renewed or they should be allowed to expire. The Subscriber then provides the Submitter a list of the records to be extended or renewed, including what their new Expiration Dates should be. No action is required on the ones that should be allowed to expire, or the Subscriber can indicate that they be canceled immediately, if that is appropriate.

In addition, NGI will then send a Rap Back Renewal Notification transaction to the Submitter 10 days prior to the designated Expiration Date for each Rap Back subscription. This message will serve as an additional reminder to the Submitter/Subscriber that a subscription is about to expire. The Submitter may opt out of receiving these Renewal Notifications. On the Expiration Date of any record that was not extended, the subscription will expire.

The Expiration Date is separate from the Rap Back Term Date. If the Expiration Date renewal process as described in this Section would extend the Rap Back subscription past the Rap Back Term Date, the Subscriber must also renew the subscription and pay a new fee. See EBTS notes below regarding this important point.

**Note:** While validating subscriptions is mandatory, the validation/expiration list process described throughout this document is not mandatory. It is a process provided by CJIS to assist Submitters in administering the validation process. However, Submitters may opt out of receiving these monthly lists if they have an alternate validation process in place that ensures all subscriptions are validated within NGI in a timely manner. Submitters may also opt out of receiving the Rap Back Renewal Notifications and the list of all records canceled in the previous month. These opt-in/opt-out decisions are not established through EBTS transactions or settings. Submitters will communicate these decisions within their Submitting Entity Start-Up Checklist (Appendix 2).

### **Operational flow example for receiving and responding to Monthly Rap Back Subscription Validation/Expiration Lists**

1. In January two years and ten and one-half months ago, an NGI Subscription was established by a Subscribing Entity using Privacy Risk Mitigation Strategy 1: Pre-Notification with Mandatory Validation/Expiration within Three Years.
2. It is now November 15<sup>th</sup>, and the NGI Rap Back system generates a Rap Back Subscription Validation/Expiration List to the Submitting Entities with all their records that will expire in January, including this one.
3. The list is sorted by Subscriber ORI. The Submitter separates the list and sends each Subscriber their portion through secure electronic means (or whatever agreed upon secure communications methodology).
4. The Subscriber must review all the subscriptions and verify whether they still have the authorizing relationship with each person, including the present record, and can therefore extend or renew the subscriptions. They create a bulk response to the validation/expiration list, indicating which subscriptions

should be extended, which ones should be renewed, and which ones are no longer valid or will expire at the date indicated on the list. For those that can be extended, they must include the new Expiration Date. If the new Expiration Date would extend the subscription past the Rap Back Term Date, the Subscriber must renew the Subscription and pay the fee resulting from that transaction. See EBTS notes, below. If the subscription is no longer valid at present, the Subscriber should include in their response to the validation/expiration list that it should be canceled immediately.

5. For all the responses on the list from the Subscriber, the Submitter formats that information into a bulk EBTS Rap Back Maintenance Request submission that “extends” the Expiration Dates of all those Subscriptions that should be extended; that “renews” the Subscription for those that should be renewed; or that cancels those that should be canceled immediately, and sends it to NGI. NGI processes the maintenance transactions, as appropriate.
6. Ten days prior to the expiration of each of the January subscriptions that were not renewed by the Subscriber and Submitter. NGI will send an EBTS Rap Back Renewal Notification as an additional reminder. (The Submitter can opt out of receiving those notifications.) For each one, if no response is received by NGI by the date of expiration, the NGI System deletes the subscription. The civil event associated with the subscription remains in file. If the expiration was an error, the Subscriber can re-establish the subscription at no charge for 60 days after the expiration. See Section #3, Performing Maintenance on Rap Back Subscriptions for more information. After that time period, a new subscription transaction and a new fee must be submitted.
7. After the end of January, NGI sends the Submitter a list of all the January Subscriptions that were removed from file. As previously agreed upon by the Submitters and Subscribers, the Submitter sends those lists of deleted records to the Subscribers for them to check for any errors.

### **EBTS notes for responding to a Monthly Subscription Validation/Expiration Lists**

As stated above, the monthly validation/expiration lists are used to notify the Subscribers of the subscriptions about to expire. They are actually just Rap Back Subscription Lists that are automatically generated by NGI on a monthly basis with Expiration Date range as an input parameter. As such, they are not a specific EBTS transaction and are not discussed in the EBTS. They are an operational function of the NGI Rap Back Service and will be administered as described in this document.

#### **Regarding “Replace” and “Renew”**

The previously discussed differences between extending the subscription with a Rap Back Maintenance “Replace” transaction and renewing the subscription with a Rap Back Maintenance “Renew” transaction are critical to the correct processing of the monthly validation/expiration lists. The Subscriber must know when they can safely extend a subscription without exceeding the Rap Back Term Date, and when extending the subscription would exceed the Term Date, and they must renew the subscription instead. This monitoring of the Subscription Term and managing the extending or renewing of subscriptions during validation/expiration list processing is the responsibility of the Subscriber. Maintenance transactions to extend the Expiration Dates that would exceed the Subscription Term will be rejected by NGI.

#### **Regarding the extending or renewing of a Rap Back Subscription that expires due to an error**

This feature can be used whether the subscription expires in error through the monthly validation/expiration listing or in any other expiration situation. This function is accomplished by the Submitter using the Rap Back Maintenance Submission transaction with RBMI “Replace” or “Renew” as described in EBTS Section 3.6.22 for up to 60 days after the subscription expired. Refer to NGI Rap Back Service Transactions Item #3: Performing Maintenance on Rap Back Subscription Records, above, for a discussion of when this function is used.



### Regarding the Rap Back Renewal Notifications

This transaction is discussed in EBTS Section 3.5.3 Rap Back Renewal Notification (RBRN). These are individual notices sent to the Submitters/Subscribers 10 days prior to the Expiration Date in the subscription record. The Subscriber can extend, renew, or cancel the subscription, as appropriate, after receiving this notice. If no action is taken by the Subscriber, the subscription will be placed in expired status on the Expiration Date.

**Note:** The name and DOB included in the Type 2 NAM (2.018) and DOB (2.022) of the RBRN are the name and DOB the Subscriber used to set the Subscription.

### For Submitters using Category Based Subscription Management

**Best Practice:** *Create an alternative in-state or within-federal-agency validation/expiration process that ensures all Submitter-maintained subscriptions (that are referenced by NGI subscriptions) are validated under an approved NGI Privacy Risk Mitigation Strategy.*

**Alternate Practice:** *Create an in-state or within-federal-agency process to use the monthly Rap Back Subscription Validation/Expiration Lists to validate your Category Based Rap Back Subscriptions.*

The Submitter using Category Based Subscription Management has agreed to apply NGI Rap Back Privacy Risk Mitigation Strategies to the Submitter-maintained subscription records referenced by their related NGI Category Based subscriptions. That can be done by the Submitter using the monthly Validation/Expiration List process to review the Category Based subscriptions entered into NGI and using in-state or within-federal-agency processes to validate all the Submitter-maintained subscriptions referenced by those NGI Category Based subscriptions. Or, the Submitter can opt out of receiving the monthly Validation/Expiration Lists and instead use an in-state or within-federal-agency process to perform the validations in the time periods required by the chosen Privacy Risk Mitigation Strategies for all their subscriptions, including the Category Based subscriptions entered into NGI. The in-state or within-federal-agency processes must result in the NGI Category Based Rap Back subscriptions being extended or renewed before they expire, or they will be removed automatically from NGI.

## **6. Receiving Notification of Consolidations on Rap Back Subscribed Identities**

This function notifies the Rap Back Subscribing Entities when NGI consolidates any of their subscribed Identities with another NGI identity. “Consolidation” refers to the situation when CJIS discovers that there are two NGI Identities for the same person. The NGI will consolidate the two Identities into a single Identity, and under this function, notify any Subscribing Entities that have subscriptions to either of the Identities. This function is important, because the Subscribing Entity probably has not seen the CHRI associated with the other NGI Identity of their subscribed person. The Rap Back subscription will be retained on the UCN of the Identity that is kept active by NGI, which may be a different UCN than the one in the Subscriber/Submitter files.

### Operational flow for receiving a Consolidation Notice

1. Through a previously missed identification at CJIS, there are two NGI Identities for a single person.
2. Through the agreed upon Submitter’s processes, a Subscriber has set a subscription for one of their employees/applicants/volunteers, etc. on one of those NGI Identities.

3. Through receipt of an additional criminal or civil event at NGI (or other means), CJIS identifies that two separate Identities exist for this person.
4. The NGI consolidation process combines the records. As a part of that process, the NGI program sends a Rap Back Activity Notification message to the Submitting Entity indicating the consolidation. That Notification includes the combined Identity History Summary, which reflects the criminal activity that was previously listed separately on the two records and contains new information for the Subscribing Entity.
5. Using the established Submitter's communication methodology, the Submitting Entity forwards the consolidation information to the Subscribing Entity.
6. The Subscribing Entity must review the consolidated Identity History Summary to determine whether any disqualifying information is now provided, which was previously not provided because it was on the NGI Identity not originally associated with their NGI Rap Back subscription. If they discover that the individual is no longer eligible for the position or any information that in any way affects the subscription, the Subscribing Entity must send the appropriate communication to the Submitting Entity to remove or modify the NGI Rap Back subscription. If the new information does not affect the subscription, no action is required on the part of the Subscribing Entity.
7. The Submitter and Subscriber must update their records with the new UCN, if it changed, or other changed information received from NGI regarding the subscription, as appropriate.

### **EBTS notes for receiving a notification of consolidated on Rap Back subscribed Identities**

This function is accomplished through the Rap Back Activity Notification transaction. The consolidated identity is an automatic trigger for all Rap Back subscriptions, so all Subscribers will receive these Rap Back Activity Notifications whenever a consolidation occurs on any of their subscriptions. Refer to NGI Rap Back Service Transactions, Item #2: Receiving Future Rap Activity Notifications for more information regarding receipt and processing of Activity Notifications.

### **For Submitters using Category Based Subscription Management**

Requirement: *This process is performed under Category Based Subscription Management in the same manner as under Event Based Subscription Management.*

## **7. Performing Bulk Submissions**

The bulk submission capabilities of NGI's Rap Back Service allow Submitters and Subscribers to perform large quantity functions efficiently. Bulk submissions are files of large numbers of single EBTS transactions. NGI will process the Bulk Submissions as a series of single transactions. The response file then will contain both the file of individual EBTS response transactions and summaries listing the results of each transaction in the following categories. Each transaction will be identified by at least its assigned UCN:

1. The transactions that succeeded;
2. The transactions that failed; and
3. The transactions that succeeded, but had some modification/correction by NGI, such as if three triggers were requested, including civil events, but the Subscriber was not authorized to receive civil events, then the Subscription would be set, but only with the two remaining triggers.

These separate lists will allow the Submitters and Subscribers to quickly tell which Subscription Requests need further attention, without having to sort through large quantities of individual transaction results.

Bulk Submissions can also be used for Maintenance transactions, such as to extend or renew large numbers of Subscriptions. The results will be provided in formats easily imported into popular spreadsheet programs.

**For Submitters using Category Based Subscription Management**

Requirement: *This process is performed under Category Based Subscription Management in the same manner as under Event Based Subscription Management.*

## **8. Requesting an Identity History Summary**

As discussed under NGI Rap Back Service Transactions Item #2: Receiving Future Rap Back Activity Notifications, a Subscribing Entity may request an Identity History Summary after receiving an Activity Notification. There is no limit on the number of times an Identity History Summary may be requested after receipt of a Rap Back Activity Notification.

**EBTS notes for Requesting an Identity History Summary**

This function is accomplished with the EBTS Rap Back Identity History Summary Request (RBIHS) transaction discussed in EBTS Section 3.3.3.3. The Rap Back Activity Notification Identifier from the Rap Back Activity Notification must be included in the RBIHS. The response from NGI is in the Rap Back Identity History Response (RBIHSR) transaction discussed in EBTS Section 3.3.3.4.

Note: The name and DOB returned in the Type 2 NAM (2.018) and DOB (2.022) of the RBIHSR are the name and DOB the Subscriber used to set the Subscription.

**For Submitters using Category Based Subscription Management**

Requirement: *This process is performed under Category Based Subscription Management in the same manner as under Event Based Subscription Management.*

# Considerations for NFF States

By definition, National Fingerprint File (NFF) states do not send subsequent arrest tenprint submissions or any disposition information to the FBI on state-maintained records. Rather, that information is retained at the state level and accessed by NGI when needed for response to criminal or authorized non-criminal justice inquiries. NFF policy does require that NFF states send a Criminal Print Ident (CPI) message to NGI when a subsequent set of arrest fingerprints is received and identified at the state to an existing NFF record. Below are several considerations for NFF states to keep in mind.

## 1. The use of the CPI transaction as a default triggering event

The NGI Rap Back Program will use the CPI transaction as a trigger in the same manner as a Criminal Retain Submission to NGI. As such, the NFF states do not need to make any changes for their in-state arrests to cause appropriate triggering actions in the NGI Rap Back Service.

## 2. Possible programming changes if Disposition is a trigger event

The NFF states do not send any notice to NGI of subsequent in-state dispositions that occur. As such, with “Dispositions” as a valid Rap Back trigger, policy decisions will have to be made regarding the role of NFF states, whether an NFF Disposition Event Notice transaction similar to the CPI transaction would be created, and if so, whether that transaction would be mandatory for NFF states to program. Those decisions will be added to this document as they occur.

## 3. NFF State considerations for managing subscriptions

NFF states can participate in either of the Subscription Management Plans identified in Item #2: Subscription Management Plans under Key Start-Up Requirements, above.

### a. Event-Based Subscription Management

**The Submitter (the NFF State) establishes a new NGI Rap Back subscription for each subscription request from a Subscribing Entity.**

As for any state, an NFF state can establish separate subscriptions for each new civil event a person applies for or participates in. Using the functionality described under NGI Rap Back Service Transactions Item #1: Setting the NGI Rap Back Subscription, an NFF state can set the subscription with a new set of fingerprints if there is no in-state match; or can use the Subsequent Subscription transaction to set the subscription if there is an in-state match against a state record with a corresponding NGI Identity. NFF states would have to submit the fingerprints according to the functional flow described in Setting the NGI Rap Back Subscriptions.

### b. Category-Based Subscription Management

**The Submitter (the NFF State) establishes a single subscription for an NGI Identity for each identified Category and tracks all subscriptions internally, without any Subscriber information residing in NGI.**

As for any state, an NFF state can simply establish a Rap Back subscription for the “state” and then manage the additional subscriptions in-state, providing Rap Back Activity Notifications and other information to the in-state Subscribers from the in-state subscription records, following NGI guidelines.

**FINAL**

U. S. Department of Justice  
Federal Bureau of Investigation  
Criminal Justice Information Services Division



# Next Generation Identification Program (NGI) Rap Back Service



## Non-Criminal Justice Policy and Implementation Guide

Version 2.0

July 19, 2013

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# Introduction

## 1. Purpose of this Document

The purpose of this document is to provide a roadmap of required policies and operations to the SIBs, Federal Submitting Agencies and Channelers who may choose to participate in FBI's Next Generation Identification (NGI) Rap Back Service. The goal is to describe how the service will be implemented for the Subscribing Entities, the Submitting Entities, and the FBI CJIS Division so that each potential Submitting Entity can understand their roles and responsibilities and make an informed decision regarding participation for themselves and their subordinate Subscribing Entities.

This document refers only to non-criminal justice use of NGI's Rap Back Service. Criminal justice use is detailed in the separately available document, Next Generation Identification Program (NGI) Rap Back Service: Criminal Justice Policy and Implementation Guide.

## 2. Terms Used in This Document

This Section defines terms used in this document. These definitions do not necessarily have any specific association outside of their use within this document.

**Category based subscription management:** refers to the subscription management approach wherein the Submitter retains information about their subscriptions for a person within their own Rap Back system and places just one subscription in NGI per person per Category, regardless of how many subscriptions the Submitter has in their own Rap Back system for that person in that Category. The Submitter establishes the NGI Subscriptions with themselves as the Submitter and the Subscriber (their own ORI in the ORI and CRI fields).

**Channeler:** refers to a government agency, private business, non-profit organization or individual that is not itself an Authorized Recipient of criminal history record information (CHRI) with respect to a particular non-criminal justice purpose, but who has entered into a contract, pursuant to 28 CFR Part 906, with an Authorized Recipient to perform Channeler functions requiring access to CHRI.

**Event based subscription management:** refers to the subscription management approach wherein the Submitter establishes a new NGI Rap Back subscription for each subscription request they receive from a Subscribing Entity. That is, the Submitter establishes separate NGI subscriptions on the same NGI Identity for each subscription request they receive from their Subscribing Entities, regardless of how many requests they receive for that person. The Submitter establishes the subscriptions with the requesting entity as the Subscriber (Submitter ORI in ORI field and Subscribing Entity in CRI field).

**Federal Submitting Agency or Federal Agency:** refers to an authorized federal agency who submits fingerprints to NGI for background searches and Rap Back subscriptions. These agencies include the Office of Personnel Management (OPM), agencies authorized under the Security Clearance Information Act, and others. They may be submitting for themselves as the Subscribing Entity or for another authorized federal agency as the Subscribing Entity.



**Identity History Summary:** refers to the report of all identification, demographic, and event information, criminal and/or civil, within an NGI Identity record that may be disseminated to an authorized recipient. Since an NGI Identity record may now contain criminal and/or civil information, the existence of an NGI Identity History Summary alone does not reflect that any criminal history events exist for that person.

This term is unique to NGI and is not intended to affect other agencies' use of the term "Rap Sheet" to describe reports of information in their identification repositories.

**NGI Identity:** refers to a record of information within NGI associated through biometric identification to a unique individual, that is, a person's record within NGI.

**Rap Back:** refers to the following process:

1. Authorized Contributors submit fingerprints of civil applicants, employees, volunteers, licensees, security clearance candidates, etc. to a repository such as a state SIB or the FBI NGI Program, and ask to subscribe to those fingerprints;
2. The repository retains those fingerprints (as new Identities or within existing Identities) in their Automated Fingerprint Identification System and sets subscriptions for those authorized Contributors;
3. The repository notifies the Contributors of any future reported events the Contributors would normally be authorized to receive that are matched to those subscribed Identities.

Rap Back can also provide notice of reported events to criminal justice agencies in a similar manner.

**Rap Back Subscription Date:** refers to the date the subscription is established within NGI. It is added to the subscription automatically by NGI.

**Rap Back Subscription Term:** refers to the period of time purchased by the Subscriber for the subscription to remain in NGI without paying an additional fee. The Term may be two years, five years, or lifetime.

**Two-Year Subscription Term:** refers to a purchased Rap Back Subscription Term that requires "renewal" and payment of a new fee no later than two years from the Rap Back Subscription Date in order for the subscription to remain in NGI longer than two years.

**Five-Year Subscription Term:** refers to a purchased Rap Back Subscription Term that requires "renewal" and payment of a new fee no later than five years from the Rap Back Subscription Date in order for the subscription to remain in NGI longer than five years.

**Lifetime Subscription Term:** refers to a purchased Rap Back Subscription Term that requires neither "renewal" nor payment of a new fee to remain in file.

**Renewing a Subscription:** refers to a Subscriber reviewing a subscription at its Expiration Date; validating that they are still authorized to receive criminal history record information for the individual; calculating the new Expiration Date; and determining that the subscription must be renewed for another Subscription Term, rather than extended within the existing Term. This transaction is used when the desired Expiration Date would exceed the existing Rap Back Term Date. The Submitter must purchase a new Subscription Term, which establishes a new Rap Back Term Date and allows for the entry of the desired Expiration Date. The "renew" transaction causes a new fee to be charged to the Subscriber. The subscription is renewed by using the Rap Back Maintenance transaction with a "Renew" indicator.

**Extending a Subscription:** refers to a Subscriber reviewing a subscription at its Expiration Date; validating that they are still authorized to receive criminal history record information for the individual;

determining that the new Expiration Date will not exceed the existing Rap Back Term Date; and notifying the Submitter that the subscription needs to be “extended” in NGI for another expiration period. No fee is charged to extend a subscription. If the new Expiration Date would have exceeded the Rap Back Term Date, the subscription would have to have been “renewed”. The Subscription is extended by using a Rap Back Maintenance transaction with a “Replace” indicator, which replaces the existing Expiration Date with an extended Expiration Date.

**State Identification Bureau (SIB):** refers to the state governmental agency charged with criminal fingerprint identification services within the state and with submitting fingerprints (and Rap Back subscriptions) to NGI for jurisdictions within the state not served by Federal Submitting Agencies or Channelers.

**Submitting Entity or Submitter:** refers to the SIB, Federal Submitting Agency, or Channeler submitting fingerprints and Rap Back transactions for Subscribing Entities. All NGI Rap Back transactions must come to NGI through an authorized Submitting Entity. In some instances the Submitting Entity may also be the Subscribing Entity.

**Subscribing Entity or Subscriber:** refers to those entities authorized under statute, executive order or regulation to receive CHRI and who are subscribing to NGI Identities through the NGI Rap Back Service.

**Validation:** refers to the process whereby the Subscriber reviews a subscription to determine whether they are still authorized to receive criminal history record information on that individual and updates the subscription accordingly. That is, are they still in an authorizing relationship with that person—is the person still licensed, employed, volunteering, etc.? In the NGI Rap Back Service, this function is accomplished through a mandatory Expiration Date within the subscription, which periodically requires the Subscriber to make this review and (1) “extend” the subscription; (2) “renew” the subscription; (3) allow the subscription to expire on its Expiration Date; or (4) cancel the subscription, as appropriate.

### **3. Understanding the NGI Rap Back Service**

Through their legal and regulatory decisions, policy makers have determined that the nation’s criminal history record information (CHRI) assists in determining whether or not individuals should be placed into positions of trust. The intent, while employing a high level of privacy protection for the record subjects, is to safeguard those individuals and properties that must rely on these persons of trust for their protections. Children and the elderly are priority benefactors, but the list includes a wide range of critical licensing and employment positions and the nation’s key physical and economic infrastructures.

Up until the deployment of the Next Generation Identification Program’s Increment 4, the FBI CJIS Division has been unable on a national scope to leverage fully the value of their CHRI repository. There has not been an ability to continually advise employing, licensing, volunteer, etc. entities of any reported activity against the CHRI files by individuals in positions of trust. With this implementation, NGI delivers the capability to more fully utilize the CHRI. Authorized non-criminal justice entities can now subscribe to NGI fingerprint Identities to receive notifications of future reported activities that might affect whether or not a person in a position of trust should remain there. Based on notices from triggering events, evaluations can be made about their continued suitability. This NGI Service allows for the continued awareness of activity within the CHRI records—and a few related databases—after a subscription has been set for a person of trust who was determined to be suitable after the initial background check of the national repository. This Service provides

significant potential savings by eliminating the need for repeated background checks from the same applicant agency on a single person.

In simple terms, utilizing the Rap Back Service for non-criminal justice purposes will involve the process Stages highlighted below. Full details on these Stages are provided within the Key Start-Up Requirements Section.

**Stage 1 - Initial check of NGI**

This retained fingerprint based search of the NGI files is for the initial determination of suitability of a person being considered for a position of trust.

**Stage 2 – Decision to Set or Continue Subscription**

Assuming a favorable determination from the initial check, a decision is made to subscribe the person in the Rap Back Service. The decision to initially set the subscription can occur at the same time as the initial inquiry, or in a subsequent subscription transaction after the results of the initial check are received and reviewed. All required authority and protections must be employed during the decision process.

In addition, whenever the Rap Back Service notifies the subscriber in the future of criminal or, in some cases, civil events reported to NGI, the subscriber must decide whether the subscription should be continued or canceled.

**Stage 3 –Subscription Set**

This step requires three (3) determinations that are essential to setting a subscription:

1. *The Submitter must have made a choice regarding how they will manage the Subscriptions at their level.*
  - a. Event-based; or,
  - b. Category-based
  
2. *Subscribers must decide on the appropriate Subscription Term for their subscriptions*

A decision must be made as to how long of a subscription period (Term) is purchased. There are three choices available - two (2) years, five (5) years, or Lifetime. Each causes a different fee to be charged.

Provided the legal authority remains, the subscription may run throughout the entire purchased period with no additional charge. However, the required validation/expiration process described below must also be fulfilled.

3. *Submitter and Subscriber must choose an appropriate Privacy Risk Mitigation Strategy for the subscriptions.*

This document, along with Appendix 1, describes the five approved Privacy Risk Mitigation Strategies designed to protect the privacy of subscribed persons and to ensure the integrity of the NGI Rap Back data and Service. The Privacy Risk Mitigation Strategy choice drives the validation/expiration frequency, which determines the required Expiration Date of the subscription.

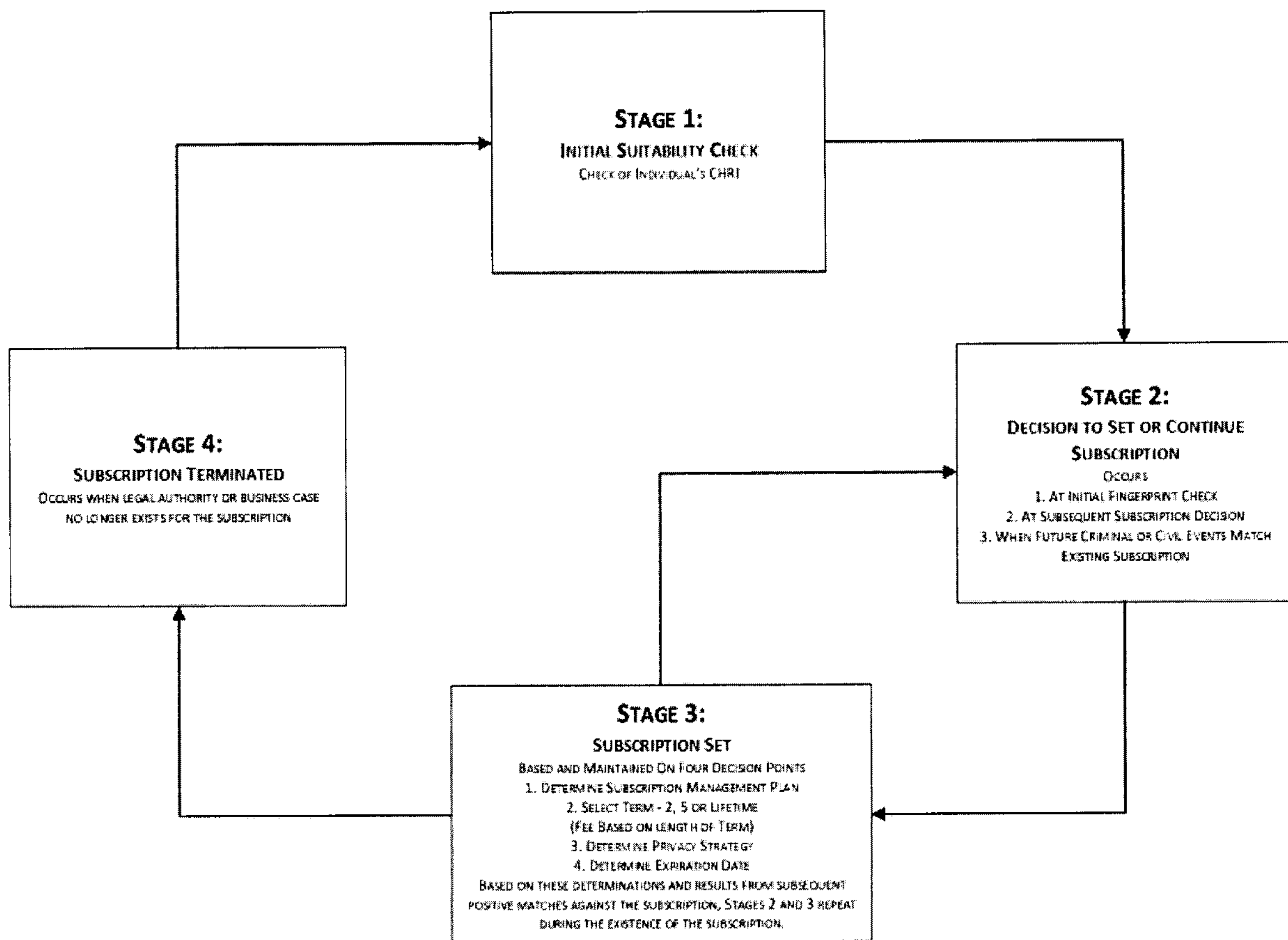
The Expiration Date is the date at which the subscription expires, even if time remains within the purchased Rap Back Subscription Term. The Privacy Risk Mitigation Strategies require validation of the subscription at varying times. Validation is accomplished through mandatory Expiration Dates, at which times the subscriptions must be reviewed and can be extended if appropriate. The Expiration Date must be within the Subscription Term and within five years from the day the subscription is established

**Stage 4 –Subscription Terminated**

This step is taken at the time legal authority for the subscription no longer exists or the subscriber has the authority to subscribe, but no longer desires to subscribe.

Throughout the rest of this guide you will find more detail on these and other start-up requirements and the system transactions that are necessary for deployment of a robust Service.

# NGI RAP BACK



## Roles of the Subscribing and Submitting Entities

The NGI Rap Back Concept of Operations stresses that the Service is being implemented across the country through the SIBs as the Submitting Entities in each state. Likewise, the policies and functions as described throughout this Guide all depend upon the Submitters as the implementers and administrators. The Submitters must not only set and enforce the policies within their states, they must create transactions in the formats required by the Electronic Biometric Transmission Specification (EBTS) for communication to the FBI, and just as importantly, they must create processes whereby their end users—the Subscribing Entities—can communicate the need for these functions to the Submitters. In some states separate authorities manage the fingerprint identification services and the criminal history record repository services. As they do with other CJIS fingerprint and criminal history services, those states will have to coordinate internally on implementation of the NGI Rap Back Service to ensure the desired benefit is delivered to their users.

This critical role is also assumed by the Federal Submitting Agencies as Submitters for themselves and for their end users—their Subscribers. In addition, Channelers can also act as Submitting Entities and in those instances must administer the functions and EBTS transactions to communicate with the NGI Rap Back Service, and they also must coordinate closely with their end users—their Subscribing Entities—to ensure the correct implementation and administration of the Service.

Because of these responsibilities, which are consistent with the other CJIS services, clear roles emerge for the Subscribers, the Submitters and the FBI CJIS Division. This document highlights those roles related to each system responsibility or function. Appendix 3: Subscribing Entity Reference Guide to NGI's Criminal Justice Rap Back Service (Subscribing Entity Reference Guide) is intended to summarize the requirements in this document for Subscribing Entities. Submitting Entities are encouraged to use that document to assist in discussions with Subscribers, to integrate into their own Rap Back Service documentation, or in any other manner that may be helpful.

In addition to the responsibilities identified later in this document, the Subscribers, Submitters, and CJIS must take on the following high level responsibilities:

### **Subscribers:**

1. Prior to participating in the NGI Rap Back Service, Subscribing Entities must already enjoy or must establish a formal relationship with the appropriate Submitting Entity (for example, the State Department of Education submits through the SIB). The Subscriber must identify with the Submitting Entity the choices for participation (Privacy Risk Mitigation Strategy, triggers, Expiration Dates, etc.) outlined in this document and summarized in the Subscribing Entity Reference Guide.
2. Subscribing Entities must learn and understand the policies and requirements of the NGI Rap Back Service and ensure that their organization incorporates appropriate processes and controls to fulfill those requirements.
3. Subscribing Entities must understand and fully participate in communications procedures created by the Submitter for sending and receiving Rap Back entry, modify, renew, cancel, etc. messages between the Subscriber and the Submitter.
4. Subscribing Entities must understand that they can only subscribe to persons with whom they have official relationships under the statutory or other authority they have identified with the Submitter.

### **Submitters:**

1. Submitting Entities must establish a process for Subscribing Entities to use in preparing for participation in NGI's Rap Back Service that communicates at least the requirements for Subscribers as outlined in the Subscribing Entity Reference Guide.  
Submitting Entities must establish a formal messaging and communications methodology to receive notices from Subscribing Entities regarding setting, modifying, deleting the subscriptions, as well as regarding the transactions associated with future Rap Back Activity Notifications and all NGI Rap Back Service transactions. This document defines the NGI Rap Back functions and transactions that are communicated between the Submitter and NGI, but there must be clear communication regarding those transactions between the Subscribers and the Submitters. That clear communication is the responsibility of those two entities. The messaging and communications methodology may be automated, manual, or a combination of both. Possible approaches include use of secure email, secure website transactions, mailed letters or even phone calls on low volume transactions. Unencrypted internet email is not acceptable. Submitters could require the Subscribers to fill out pre-formatted spreadsheets or on-line forms, or could choose just to accept unformatted text transactions. The requirement is that the Submitter have a clear process so that the Subscriber knows how to enter, modify, and remove their Rap Back subscription data in NGI in a timely manner.  
It is important that the Subscribers are able to understand the NGI EBTS responses received from the Submitters. The Submitters can either provide the EBTS response, as is, or can reformat them into a specific Submitter defined format. Error handling is especially important. Subscribers must understand the effect of EBTS error messages and whether they need to take any further action. For example, when do they need to correct and re-submit Rap Back subscription information after an error? The Submitters processes should provide guidance in that regard.
2. Submitting Entities must establish procedures to fulfill the requirements identified throughout this document for Submitting Entities, which are summarized in Appendix 2: Submitting Entity Start-Up Checklist.

**Note:** It is not necessary for Submitters to have in-state or federal agency Rap Back Services to participate in the NGI Rap Back Service. A state that has no in-state Rap Back Service or a Federal Submitting Agency without current Rap Back capability can participate in the NGI Rap Back Service by creating all the NGI Rap Back EBTS transactions; having an in-state communications methodology to send and receive information to and from their Subscribers; and having the required administrative processes to manage the Privacy Risk Mitigation Strategies, monthly Subscription validation/expiration lists, and other Rap Back functions described in this document. Submitters who operate AFIS and CCH repositories do not have to create subscription services within those systems to participate in the NGI Rap Back Service.

### **FBI CJIS Division:**

1. FBI CJIS Division will establish an entity within the CJIS Division the Submitters can work with to request training, to process and maintain the Submitting Entity checklists, to resolve operational problems, to answer or identify the correct person to answer policy questions, and to act as the single point of contact for the Submitters regarding Rap Back issues.
2. FBI CJIS Division will assist Submitting Entities with the Submitting Entity Start-Up checklist and the related start-up questions, such as their Subscription Management Plans, their communications methodology, and other global issues that will be relevant at start-up.

# Key Start-Up Requirements

This Section describes the policies and requirements that participating Subscribers and Submitters will have to implement and sustain. Each numbered item identifies the actions required of the Subscribers, Submitters, and the FBI CJIS Division. The key transactions of the NGI Rap Back Service are discussed in the next Section. These requirements are summarized for Submitters in Appendix 2: Submitting Entity Start-Up Checklist and for Subscribers in Appendix 3: Subscribing Entity Reference Guide to NGI's Rap Back Service.

## 1. Authority

Submitters and Subscribers must have appropriate authority to participate in NGI's Rap Back Service

Under NGI's Rap Back Service, the non-criminal justice fingerprints submitted for searching and subscription will be retained in accordance with the National Archives and Records Administration (<http://www.archives.gov/about/regulations/regulations.html>) requirements and will be searched by future submissions to NGI. These new functions require that the participating state and federal agencies and all participating entities have authority:

1. To submit the fingerprints to NGI;
2. For the fingerprints to be retained by NGI; and,
3. For the fingerprints to be searched by future submissions to the NGI system and appropriate responses sent to Submitting and Subscribing Entities. These future searches include latent fingerprint searches.

As a reminder, for non-criminal justice Subscribing Entities this authority can take any of these forms:

1. a nongovernmental entity authorized by federal statute or federal executive order to receive CHRI for non-criminal justice purposes; or
2. a government agency authorized by federal statute, federal executive order, or state statute which has been approved by the United States Attorney General to receive CHRI for non-criminal justice purposes.

**Note:** Civil fingerprints retained in NGI are available for searching against latent fingerprints. When a latent fingerprint matches against civil fingerprints within NGI, the agency owning the latent fingerprint receives notification for comparison purposes. Notification of the match is not provided to the non-criminal justice Subscribing Entity.

### **Subscribers:**

Subscribing Entities must coordinate with their Submitting Entities to ensure that their authorities are appropriate. Upon implementation of the NGI Rap Back Service, a portion of this process will already have been accomplished for most Subscribers, in that they will be entities already approved by the FBI CJIS Division for submission and search of non-criminal justice applicants. However, the authority for the NGI to retain the fingerprints and provide notice of future matches must be reviewed. Subscribers must have ORIs assigned by the CJIS Division. Subscribers must understand they are limited to subscriptions only on persons for whom they have appropriate authority.



**Submitters:**

Submitting Entities must review the authorities of the Subscribing Entities to which they provide the NGI Rap Back Service to ensure that the Subscribers have appropriate scope of authority and that they have ORIs assigned by the CJIS Division. In addition, the Submitting Entities must ensure that their own role is adequately supported by statutory or other appropriate authority (regulation, executive order, etc.)

## **2. Subscription Management Plans**

Submitters must decide upon and implement an appropriate Subscription Management Plan for subscriptions they submit

The design of the NGI Rap Back Service provides Submitting Entities a choice between two alternatives for how to manage the subscriptions they submit to NGI. The goal is allow states or Federal Submitting Agencies with current Rap Back services to more easily integrate the national system, and allow states and federal agencies starting new services to decide the best means for them to take advantage of the NGI Rap Back Service.

### **A. EVENT-BASED SUBSCRIPTION MANAGEMENT**

**The Submitter establishes a new NGI Rap Back subscription for each subscription request from a Subscribing Entity.**

Separate NGI subscriptions are set on the same NGI Identity for each subscription event for that person—each application for a license, application for a covered governmental job, application to volunteer, etc. The subscription is based upon the civil event.

### **B. CATEGORY BASED SUBSCRIPTION MANAGEMENT**

**The Submitter establishes a single subscription for an NGI Identity for each identified Rap Back Category and tracks all subscriptions at the Submitter level, without any Subscriber information residing in NGI.**

The Submitting Entity creates just one subscription for each identified Rap Back Category on an NGI Identity—regardless of how many in-state subscriptions they have for that person in that Category—and does not add any Subscriber information to the NGI record. The Submitter manages all adds, deletes, modifications, etc. for each NGI subscription Rap Back Category they maintain. The subscription is based upon the Submitter managing the subscription information at the state level (or federal level for Federal Submitting Agencies).

The Category Based Subscription Management Plan is designed for those states or Federal Submitting Agencies that already have robust Rap Back services and want to integrate the new NGI Rap Back Service into their existing functions. The Category Based Subscription Management Plan places significant responsibility on the Submitter to apply the NGI policies to their in-state or Federal Submitting Agency Rap Back services.

Detailed discussions of the two approaches and considerations for choosing between them are in Appendix 5: NGI Rap Back Subscription Management Plans.

**Subscribers:**

Subscribers have no specific responsibilities regarding the Submitters' choosing the appropriate Subscription Management Plan. In either case, they will have to coordinate with the Submitters on submission of all Rap Back subscriptions and managing their validations/expiration, changes, and deletions.

**Submitters:**

The Submitting Entity must choose between these two Subscription Management Plans, as supported under the NGI Rap Back Service.

**FBI CJIS Division:**

The FBI CJIS Division will work with Submitters on implementation of the above approaches. The expectation is that each Submitter would choose only one of these methods for managing their subscriptions. It is also the FBI CJIS Division's expectation that as the Submitting Entity is establishing their Subscription Management Plan, unanticipated details will emerge, and the FBI CJIS Division will provide assistance to the Submitters as those challenges arise.

Coordination between the CJIS Division and the Submitters will be necessary pre and post implementation.

### **3. Privacy Risk Mitigation Strategies**

Submitters and Subscribers must decide upon and implement approved Privacy Risk Mitigation Strategies

A foundational precept of NGI's Rap Back Service is that it creates no new authorities for access to Criminal History Record Information (CHRI). As such, the CHRI disseminated under Rap Back is subject to all the existing statutes, policies and requirements. The receiving entities are responsible to know those policies and requirements. Rap Back does create some new privacy risks however, in that it creates a new means of access to the NGI CHRI. The new means of access does introduce some risks inherent to that access.

The following items have been identified as the most important new risks associated with the implementation of Rap Back:

**1. Release of CHRI to unauthorized entities**

Since Rap Back does not provide CHRI to any new users, the greatest new threat here is release to entities that were authorized at one time but no longer are authorized. For example, the system must have controls to prevent data regarding the arrest of a person who used to be a nurse from being sent to the State Board of Nurses if his license is expired and the individual is no longer working in the medical field.

**2. Release of Personally Identifiable Information (PII)**

A new risk here is the new transactions, such as pre-notification, and the need to ensure that the transactions themselves do not create an unauthorized release of PII.

**3. Extended retention of subscriptions for persons no longer of official interest to the end users who initially subscribed to them.**

Responsible system management and privacy strategy require policies and controls that establish an inherent integrity to the data and the operations against that data. For example, the system must guard against a one-year teacher whose subscription stays in file indefinitely.

The Compact Council has endorsed the Privacy Risk Mitigation Strategies set out in Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies as appropriate for mitigating the risk associated with Rap Back.

The Strategies are designed to protect the privacy of the individuals subscribed in Rap Back, as well as to ensure integrity of Rap Back operations and data.

A key component of the privacy strategy decision is determining the appropriate Rap Back Activity Notification Format for each subscribed population. That is, when a future triggering event match occurs, should the Subscriber receive a pre-notification message, the triggering event, or the triggering event and Identity History Summary? Using the considerations discussed in Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies, the Subscriber and Submitter must agree upon the appropriate Rap Back Activity Notification Format and then that choice must be included each time a subscription is established for that Subscriber's population and must be employed for each future Rap Back Activity Notification received for them.

Also very important to the Privacy Risk Mitigation Strategies is the appropriate use of validation and expiration dates. Validation of a subscription requires the Subscribing Entity to confirm that they still have an authorizing relationship to the person (is still licensed, employed, volunteering, etc.). If the Subscribing Entity is still authorized, the subscription may remain in file; if they are not, it must be removed. The NGI Rap Back Service implements the validation function through the use of required Expiration Dates. For example, if the Submitter and Subscriber have chosen One-Year Validation/Expiration as their Privacy Risk Mitigation Strategy, then they must set the Expiration Date of their subscription to no greater than one year from entry.

**Note:** Although there are data fields for Rap Back Activity Notification Format and Expiration Date, both of which are directly related to the Privacy Risk Mitigation Strategies, there is no separate data field in the Rap Back subscription record to indicate which Privacy Risk Mitigation Strategy is being employed for that subscription. It is the responsibility of the Submitters and Subscribers to manage subscriptions under the chosen Privacy Risk Mitigation Strategies.

**Subscribers:**

The Subscribing Entity must coordinate with the Submitting Entity on the most appropriate Privacy Risk Mitigation Strategies for their subscriptions. Success of those Strategies relies heavily upon the Subscribing Entities embracing the importance of the privacy controls, creating a culture of privacy protection and implementing reliable processes to implement the chosen approaches. The Subscribing Entity must participate with the Submitting Entity in the activities required for pre-notification, validation/expiration, etc., as detailed in Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies. The Strategies must be established prior to the Subscribing Entity creating any subscriptions in NGI. The Submitter may use the Subscribing Entity Reference Guide in any manner to assist in that discussion and decision.

**Submitters:**

The Submitting Entity does not have to use a single Strategy for all their Subscribers; they may use the Strategies most appropriate to the different purposes and capabilities of their users. They must, however, ensure that all of their Subscribers are participating in one of the Strategies and that all subscriptions are covered by an appropriate Strategy. The Submitter must establish reliable processes to implement the Strategies selected, as described in Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies. They also must ensure that the Subscribing Entities understand the importance of these Strategies and have processes in place to implement them. They may use the Subscribing Entity Reference Guide to assist in any appropriate manner.

**FBI CJIS Division:**

The FBI CJIS Division will coordinate with the Submitters on their respective approaches. Coordination between the FBI CJIS Division and the Submitters may be necessary both pre and post implementation. The FBI CJIS Division will provide Submitters the guidance and training needed to ensure as much instruction as possible is communicated.

#### **4. EBTS Transactions**

Submitters must use new Electronic Biometric Transmission Specification (EBTS) transactions to participate in NGI's Rap Back Service

The fingerprint submissions from the SIBs, Federal Submitting Agencies, and other authorized fingerprint contributors are submitted to the CJIS Division in the FBI's national standard format, called the Electronic Biometric Transmission Specification, or EBTS. NGI's Rap Back Service modifies some existing EBTS transactions and creates some entirely new, Rap Back-specific, EBTS transactions. All Submitting Entities must make those modifications and create the appropriate new transactions for them and their Subscribers to participate in NGI's Rap Back. The Rap Back start-up technical requirements are set out in EBTS version 10.0 and Submitters must implement at least those Rap Back EBTS transactions to begin participation in NGI's Rap Back Service. The latest available version of the EBTS can be found at website: <https://www.fbibiospecs.org/ebts.html>.

For quick reference, Appendix 4: Non-Criminal Justice Rap Back Related Data in EBTS discusses the non-criminal justice Rap Back related data within the EBTS. Those data make up the logical Rap Back Subscription Record within NGI. Please refer to the most current version of the EBTS at the above website for the specific technical requirements for participation in the NGI Rap Back Service. The NGI Rap Back Service Transactions Section of this document describes all the operational transactions the Subscribers and Submitters must perform to participate in Rap Back. Each description of an operational transaction also includes notes on the related EBTS transactions that the Submitter must execute to complete the operational transactions. These notes are not the complete technical requirements for these transactions and are intended only to: outline the EBTS transactions for implementing NGI's Rap Back; assist Submitters in quickly finding the appropriate location of Rap Back related information within the EBTS; and to provide some policy/operational guidance regarding the use of the EBTS transactions. All technical planning, development, and implementation must be done by referring to the EBTS document.

**Subscribers**

The Subscribing Entity must ensure that the requests for subscription they send to the Submitter contains all the necessary information to complete the corresponding EBTS transaction. The Subscribers must use the Submitter's messaging communications methodology or procedures to forward the correct status information to the Submitter so that the NGI subscription records are accurate and up to date.

**Submitters**

The Submitting Entity must complete programming to send and receive all Rap Back EBTS transactions to and from NGI at the appropriate times with the appropriate information. Submitters must implement all logic and controls associated with the business activities the EBTS formats represent, as well as the logic and controls associated with the EBTS transactions themselves.

In order to support the Subscribing Entity's role of ensuring their Rap Back subscriptions are synchronized with the status of the person under their purview, the Submitting Entities must establish messaging and

communication protocols and instructions on how Subscribers are to send subscription information to them. They must have trained the Subscribers on the Rap Back functions and how each is fulfilled between the Subscriber and the Submitter. They must then have an internal process for converting all messages received from the Subscriber into the EBTS transaction formats and sending those to NGI.

**FBI CJIS Division**

The FBI CJIS Division will provide technical and policy guidance on Rap Back subscriptions, including the logic and controls associated with the related business activity and with the EBTS transactions. The FBI CJIS will ensure that EBTS transactions from Submitters are processed and appropriate responses returned within system requirements.

The FBI CJIS Division must have a robust error handling process, including the ability for manual intervention when a Submitter or Subscriber is unable to resolve an error.

## **5. Notification to Applicants**

The applicants must be notified that their fingerprints will be retained in the national file for notification of future criminal history events

Under the Privacy Act, collectively the FBI CJIS Division, the Submitting Entities, and the Subscribing Entities must ensure that the applicant receives notification of the retention within NGI and a summary of intended uses. This requirement can be fulfilled either through each Subscribing Entity's application processes, through a statewide process administered by the Submitter, or other reliable means. The future uses include the searching of latent fingerprints against retained civil fingerprints.

**Subscribers:**

The Subscribing Entity must ensure that their application processes include a verifiable notice to the applicants of such language, or that they participate in a statewide or other process that fulfills this requirement.

**Submitters:**

The Submitting Entity must educate the Subscribing Entities on the critical importance of this notice and ensure that each of its Subscribing Entities has the above process in place, or that a statewide or other process accomplishes the notice.

**FBI CJIS Division:**

The FBI CJIS Division will be available to discuss alternative notification processes, or other policy questions, as requested by Submitters.

While this is an existing requirement, the new Rap Back information now included and the need to ensure its complete implementation may raise new questions among Submitting and Subscribing Entities. FBI CJIS will provide appropriate language to be used for this notice.

## 6. Subscription Term and Subscription Expiration

Subscribers must understand the relationship between the Subscription Term and the Subscription Validation/Expiration period.

Each NGI Rap Back subscription has two key dates: The Rap Back Term Date and the Subscription Expiration Date:

- The Rap Back Term Date reflects how long of a subscription period has been purchased by the Subscriber through the payment of the fee. This date is automatically populated using the information provided in the EBTS Rap Back Subscription Term field.
- The Expiration Date is the date at which the subscription expires to fulfill the validation requirement, even if time still remains on the Subscription Term. If time does remain on the Subscription Term, the subscription may be “extended” with no additional fee.

The NGI Rap Back Service requires both dates in order to fulfill two key requirements of the Service:

1. The desire to provide Subscribers the flexibility to purchase subscriptions at lower fees when they know that many of their subscriptions will not last long term. The multiple Subscription Terms provide this flexibility. This Section discusses how the Subscription Term fulfills this process and how it interacts with the validation/expiration process.
2. The need to protect the privacy of the subscribed persons. This protection is accomplished through the Privacy Risk Mitigation Strategies that require review and validation of all subscriptions at least every five years. The five Privacy Risk Mitigation Strategies provide implementation alternatives so that Submitters and Subscribers can use the Strategies best suited to their operations. This Section discusses how the Expiration Date is the means by which the validation process is accomplished and how it must operate within the timeframes set by the Subscription Term.

The Subscriber must pay a fee for each NGI Subscription. The amount of the fee determines the length of time during which the subscription can be repeatedly “extended” without incurring an additional fee. The available Subscription Terms are as follows:

- 2-Year
- 5-Year
- Lifetime

Although the Subscriber pays a fee for a 5-year Subscription Term, for example, that does not mean that the subscription automatically remains active for five years. Each NGI subscription must be governed by one of the Privacy Risk Mitigation Strategies, as discussed in Item #3: Privacy Risk Mitigation Strategies, above.

Those Privacy Risk Mitigation Strategies require that NGI Rap Back subscriptions be reviewed and validated at certain intervals in order to remain in NGI. That validation process is implemented for NGI Rap Back through the use of the Expiration Date field. That is, even though a Subscriber pays for a 5-year Subscription Term, for example, if they participate in Privacy Risk Mitigation Strategy #4: One Year Validation/Expiration, they must validate the subscription every year. This means that they must set the Expiration Date of their subscriptions to one year from the date of entry.

The logic is as follows:

- a. The Subscriber has paid for the Subscription to remain in NGI for a certain Subscription Term (2 years; 5 years; or lifetime), so they will not be charged again during that Term.

- b. However, the approved Rap Back Privacy Risk Mitigation Strategies require that the Subscriber periodically verify that they are still in an authorizing relationship with the subscribed person—the subscription must be validated at intervals determined by the Privacy Risk Mitigation Strategy chosen by the Subscriber and Submitter.
- c. As the mandatory Expiration Date required by the chosen Privacy Risk Mitigation Strategy approaches, the Subscriber will be provided an opportunity to review their subscription, validate that it can still be in NGI Rap Back and, if it is still valid, “extend” it for a new validation/expiration period that is within the Subscription Term. If they do not extend the subscription, it is automatically removed at the Expiration Date.
- d. The Subscription is “extended” by use of the Rap Back Maintenance “Replace” transaction, through which the Subscriber replaces the expiring Expiration Date field with a new date that is consistent with the selected Privacy Risk Mitigation Strategy, and which does not extend the subscription past the Rap Back Term Date.
- e. No fee is charged for the Rap Back Maintenance “Replace” transaction that replaces the Expiration Date field with a new “extended” Expiration Date that is less than or equal to the Subscription Term.
- f. If the new Expiration Date would extend the Subscription past the Rap Back Term Date, the Subscriber must either:
  - i. Use a different Expiration Date that is less than the Rap Back Term Date;
  - Or
  - ii. “Renew” the Subscription for a new Subscription Term. The renewal is accomplished by the Submitter using the Rap Back Maintenance “Renew” transaction to renew the Subscription, which automatically creates a new Rap Back Term Date. The Submitter must include a new Expiration Date in that transaction.
- g. The Rap Back Maintenance “Renew” transaction which renews the Subscription does cause the billing process to charge the Subscriber a new Rap Back subscription fee.
- h. The subscription is always renewed for the same Subscription Term as originally purchased.

See NGI Service Rap Back Transactions Item #3: Performing Maintenance on Rap Back Subscription Records for more discussion of the transactions.

Following are two examples of how the two dates relate to each other:

1. Five years is the maximum validation/expiration period allowed under the Privacy Risk Mitigation Strategies, meaning that the Expiration Date can never be greater than five years from the date the subscription is established. However, a Subscriber can pay for a lifetime Subscription Term under any of the Strategies. Paying that fee will allow the Subscriber to repeatedly extend the subscription under the validation/expiration requirement for the chosen Strategy, as appropriate, and never have to pay another fee for that subscription.
2. Alternately, a state may choose a five year Subscription Term for one population of its license holders, because the lower fee makes sense in light of a higher turnover in that industry. But they could also choose Privacy Risk Mitigation Strategy #4: One Year Validation/Expiration because that works best for their operational processing. The Licensing Commission would then set the Expiration Dates of its licensees’ subscriptions to one year. For each of the first four years, during the monthly validation/expiration list process, the Licensing Commission would tell the SIB which persons for that month are still licensed and need to be extended for another year. (See Item #5: Receiving and Responding to the Monthly Rap Back Subscription Validation/Expiration Lists under the NGI Rap Back Service Transactions Section, below, for information on the monthly validation/expiration lists.) The SIB would use the Rap Back Maintenance “Replace” transaction to extend the Expiration Dates in those subscriptions for another year. At the end of the fifth year, a “Replace” of the Expiration Date would extend the Expiration Date past the Rap Back Term Date, so at that time, the Licensing

Commission would have to initiate a Subscription renewal message to the SIB with a new one-year Expiration Date, which the SIB would send to NGI in the Rap Back Maintenance “Renew” transaction format. That message would renew the Subscription, automatically set the new Rap Back Term Date, replace the expiring Expiration Date with the new one-year Expiration Date entered by the Subscriber, and cause a new five-year Rap Back Subscription Term fee to be charged.

Subscribers will have to choose the appropriate Privacy Risk Mitigation Strategies, Expiration Dates, and Subscription Terms based upon their knowledge of the populations to which they subscribe.

## **7. Subscription Term Decisions and Subscription Fees**

To determine appropriate fees, Subscribers must decide upon appropriate Subscription Terms for their subscriptions

The NGI Rap Back Service will charge a Rap Back subscription fee for each non-criminal justice subscription. The amount of that fee is determined by the Subscription Term selected for the subscription. Non-criminal justice Subscribers will have to choose a 2-year term, 5-year term, or lifetime term subscription. NGI will use a transaction-based fee process similar to the non-criminal justice fingerprint search fee process currently in place. The following transactions will cause Rap Back subscription fees to be charged:

1. The Tenprint Fingerprint Identification Submission transaction, when an NGI Rap Back subscription is set using that transaction. The Rap Back subscription fee charged from a Tenprint Fingerprint Identification Submission is in addition to the fingerprint search fee normally charged for non-criminal justice fingerprint submissions.
2. The Subsequent Subscription transaction. This transaction, when used for non-criminal justice subscriptions, will always cause a Rap Back subscription fee to be charged, but will not incur a fingerprint search fee, even when fingerprints are included within the transaction.
3. The Rap Back Maintenance “Renew” transaction, which renews the Subscription. This transaction renews the Subscription for the same period as the original Term (2-year or 5-year) of the subscription, and causes the Rap Back subscription fee for that Term to be charged again.

The initial Rap Back rate will be established as described in the Federal Register Notice for the CJIS User Fee Final Rule, effective May 13, 2010, New Services<sup>1</sup>. The initial Rap Back rate will remain unchanged until adequate historical data is available to incorporate the Rap Back Service into the annual user fee study which analyzes the actual costs of providing reimbursable services. At such time, the user fee study, to include Rap Back services, will be conducted using the same methodology outlined within the Final Rule. The results of the fee study will be reviewed and a new Rap Back fee class will be established through the regulatory process. The FBI CJIS Division anticipates that it will have collected sufficient data to incorporate fully the Rap Back Service into the annual user fee study by FY 2016.

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<sup>1</sup> Federal Register Volume 75, No. 70, dated May 13, 2010, which states: “If the FBI offers a new service or otherwise requires a new fee class in the future, the charge for this new fee class will be based upon the closest existing fee class until such time as a new fee class can be established. Authorized users will be advised of the new service or new fee class by CJIS Information Letter or other CJIS communication.”



**Note:** Once a Rap Back subscription is established, the Subscription Term cannot be modified. In addition, if a Subscriber cancels the subscription prior to the end of its Subscription Term, the remainder of that purchased Term is forfeited. There is no refund of a pro-rated amount.

## **8. Subscription Expiration Decisions**

Subscribers must determine appropriate Expiration Dates for their Rap Back subscription records

Every NGI Rap Back subscription record must contain an Expiration Date. Subscribers and Submitters must ensure that the Expiration Date field is correctly used according to the guidelines for the Privacy Risk Mitigation Strategies listed below. If no Expiration Date is indicated in the subscription request transaction, the transaction will be rejected. The Submitter and Subscriber must have agreed upon a Rap Back Privacy Risk Mitigation Strategy for each of their populations. Then the Expiration Date must be determined from that Privacy Risk Mitigation Strategy choice and the chosen Subscription Term. Refer to Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies for the details of these Strategies.

### **Strategy 1: Pre-Notification with Mandatory Validation/Expiration within Three Years**

This Strategy requires the Expiration Date field to contain a date within the Subscription Term and no later than three years from the date the subscription is established.

### **Strategy 2: Authority for Duration of a License**

This Strategy requires the Expiration Date field to contain the end date of the term of license, or, if the licensing entity prefers, a date somewhat prior to that date. The Expiration Date must contain a date within the Subscription Term and no later than five years from the date the subscription is established.

### **Strategy 3: Statutory Authority for a Set Period of Time**

This Strategy is equivalent to Strategy 2, and similarly requires the Expiration Date field to contain a date within the Subscription Term; no later than the end of the Set Period of Time authorized in the statute; and no later than five years from the date the subscription is established.

### **Strategy 4: One-Year Validation/Expiration**

This Strategy requires the Expiration Date to contain a date no later than one year from the date the subscription is established.

### **Strategy 5: Subscription Synchronization Through Automated or Formalized Procedures**

This Strategy requires the Expiration Date field to contain a date within the Subscription Term and no later than five years from the date the subscription is established.

### **Subscribers**

The Subscribing Entity must understand the Privacy Risk Mitigation Strategy that is being employed for their population(s) and ensure that they place the correct Expiration Date in the subscription request sent to the Submitter. This includes managing changes to the Expiration Date or other parts of the subscription as they occur. It is important that the Subscriber sends a request to remove the subscription when they are no longer authorized to receive the CHRI, such as the person leaves employment, license expires, or other terminating occurrence.

Critical to the correct managing of validation/expiration of subscriptions is the timely review of validation/expiration lists that are provided monthly by the Submitter. The Subscriber must receive those lists, review them in a timely manner, and notify the Submitters of appropriate actions.

The processing of monthly validation/expiration lists and use of the Rap Back Maintenance transactions for the Expiration Date and Subscription Term fields are discussed under the NGI Rap Back Transactions Section, Item #5: Receiving and Responding to the Monthly Rap Back Subscription Validation/Expiration Lists, below.

### **Submitters**

The Submitting Entity must have communicated to the Subscribers the appropriate means of determining the Expiration Date based upon the chosen Privacy Risk Mitigation Strategy. The Submitting Entity must ensure that appropriate Expiration Dates are entered and modified based upon communications from the Subscribing Entities and must process errors and other responses efficiently.

The Submitter must have robust processes in place to receive the validation/expiration lists from NGI, divide them among the Subscribers, and deliver them as quickly as possible. The Submitter then must be able to quickly process the responses from the Subscribers to ensure that the appropriate Subscriptions are extended or renewed and are not accidentally removed from file.

### **FBI CJIS Division**

The FBI CJIS Division will be available to assist Submitters when questions arise regarding the Expiration Date functions or when they have technical difficulties with the transactions.

The FBI CJIS Division will also work with the Compact Council to establish policies providing guidance on any time requirements associated with this functionality.

## **9. Subscription Triggering Events**

Subscribers may identify additional events that will trigger Rap Back Activity Notifications in each subscription

All Rap Back Subscribers will be notified when a future arrest fingerprint submission to NGI matches against their subscribed Identities. In addition to that default notification trigger, the Subscribing Entity may choose one, some, or all of the remaining triggers to generate notifications, with the exception that civil event notifications are only authorized for select federal agencies who have specific statutory authority to receive that information.

There are two EBTS transactions that allow for setting the triggers and one that allows for modification of the triggers. Triggers may be set with the original non-criminal justice fingerprint submission (Search and Subscribe), or with the Subsequent Subscription transaction. The triggers may be modified anytime thereafter by a Rap Back Maintenance transaction. Whenever a trigger is activated, a Rap Back Activity Notification transaction is sent to the Submitting Entity of the Subscriber. As discussed elsewhere, the contents of that Rap Back Activity Notification will depend upon the Privacy Risk Mitigation Strategy agreed upon between the Subscriber and the Submitter.

If no triggering event is indicated in the Rap Back request transaction, the subscription will be established with the default “Criminal Retain Submission” as the only trigger. The available triggering events are:

- a. **Criminal Retain Submission**

This trigger will activate whenever a retained criminal Tenprint Fingerprint Identification Submission transaction or NFF Criminal Print Identification (CPI) transaction matches against a subscribed NGI Identity. This trigger is automatically set for all subscriptions, regardless of whether it is requested or not.
- b. **Dispositions**

This trigger will activate whenever a reported disposition transaction is matched against a subscribed NGI Identity. The disposition transactions included are:

  - Disposition Fingerprint Search Request
  - Disposition Submission Request
  - Disposition Maintenance Request
- c. **Civil Retain Submission**

This trigger will activate whenever a retained civil Tenprint Fingerprint Identification Submission matches against a subscribed NGI Identity, and it will provide notification of civil event information. This trigger is limited to certain federal agencies that have specific statutory authority to receive this information [e. g. for Office of Personnel Management (OPM), Security Clearance Information Act (SCIA)].
- d. **Expunge/Partial Expungement**

This trigger will activate whenever all or a portion of a subscribed NGI Identity is expunged and provide notification of the information being removed from the record.
- e. **Warrant entry with FBI number included**

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is entered into the NCIC Wanted Person file or Immigration Violator file.
- f. **Warrant Deletion**

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is deleted from the NCIC Wanted Persons file or Immigration Violator file. This trigger will be activated by NCIC Cancel, Clear, or Locate transactions.
- g. **Warrant Modification**

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is modified within the NCIC Wanted Persons file or Immigration Violator file.
- h. **Sex Offender Registry entry**

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is entered in the NCIC Sex Offender Registry.
- i. **Sex Offender Registry Deletion**

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is deleted from the Sex Offender Registry. This trigger will be activated by Cancel or Clear transactions.
- j. **Sex Offender Registry Modification**

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is modified within the Sex Offender Registry. Transactions that will cause this trigger to activate are limited to modification of any of the following fields:

  - Name
  - Case Number

- Registration Date
  - Registry Expiration Date
  - Registering Agency
- k. Death Notices
- This trigger will activate whenever NGI receives a death notice and associates it with a subscribed NGI Identity. This will include both fingerprint-based and non-fingerprint-based death notice submissions. The Rap Back Activity Notification will include whether it was a fingerprint supported death notice or not. NGI does not remove the Rap Back subscription as result of a fingerprint based or non-fingerprint based death notice.

### **Subscribers**

The Subscribing Entity must choose one of the following alternatives:

- a. Indicate on each subscription request the desired triggers for that subscription; or,
- b. If the Submitting Entity agrees, the Subscriber can ask the Submitter to always insert the same set of identified triggers in each NGI subscription request for the Subscriber; or,
- c. Allow the triggers for each subscription to default to only the arrest notification.

### **Submitters**

The Submitting Entity must ensure that all Subscribing Entities understand the concept of triggers and the effects of choosing the different trigger options. The Submitting Entity may agree with individual Subscribers to always insert the same set of identified triggers for their subscription requests to NGI.

### **FBI CJIS Division**

The FBI CJIS Division will ensure that Submitters understand role of the triggers, and their effects.

## **10. Opting Out of In-State Notifications**

SIBs may opt out of receiving in-state notifications

Many states currently have Rap Back programs in place, and will likely choose to continue their current business processes when the NGI Rap Back Service becomes available. The default NGI functionality is that Rap Back Activity Notifications will be sent on all identified triggering events, regardless of state of origin of the event. States will have the capability, however, to indicate in each subscription request transaction whether or not that subscription should be opted out of receiving the in-state notifications. This capability will allow those states who do not want to receive notifications on in-state events to prevent that from happening. It will also allow states to receive in-state notifications on some populations, but not receive them on others, if that is the desired configuration. Federal arrests matching NGI Rap Back subscriptions will always cause notifications to the Submitters.

**Note:** When CJIS Service Providers make additions or corrections to the criminal history records within CJIS, those transactions do not process through the SIB and cannot cause in-state notifications to the states in which they occur. A good example is when CJIS Service Providers add dispositions provided by internal sections to the CJIS criminal history records. As such, NGI is programming Rap Back to provide in-state notifications on all transactions entered by CJIS Service Providers, even if the state has “Opted Out” of in-state notifications for that Subscription.

**Subscribers:**

This function will be largely transparent to Subscribers. No action is required since they will continue to get the in-state Rap Back notifications from the in-state Rap Back service, plus they will receive the benefit of out-of-state Rap Back Activity Notifications from NGI's Rap Back through whatever process they have agreed to with their Submitting Entity.

**Submitters:**

Submitting Entities who want to opt out of receiving in-state notices from the NGI Rap Back Service must establish this preference within each transaction creating an NGI subscription. Of importance, if the Submitting Entity does not indicate the preference of not receiving in-state events on the transaction establishing the NGI Rap Back subscription, the transaction will not be rejected. NGI will insert the default value, which is that NGI will send all identified triggering events, regardless of state of origin of the event.

**FBI CJIS Division:**

The FBI CJIS Division will coordinate with Submitters to ensure that they are aware of this option and properly establish Rap Back subscriptions in accordance with the EBTS.

## **11. Linking Plan**

Subscribers must create a plan for linking future Rap Back Activity Notifications back to the right person or section to take action

The Subscribing Entity may receive future Rap Back Activity Notifications years after a subscription is set. A key goal of NGI's Rap Back Service is to be sure that future unsolicited notifications are delivered to the right person or section within the Subscribing Entity, so that appropriate action will occur in a timely manner.

The fields available for internal linking include the following. This information will be included in Rap Back Activity Notifications sent to Subscribers:

1. FBI/UCN Number;
2. Subscribing Entity ORI (CRI)
3. The Rap Back Attention field  
This is a 100-character, free text field.
4. Ten User Defined fields
  - i. Appropriate use is determined by the Submitter
  - ii. These are free text fields of 100 characters each
  - iii. Can contain additional linking information such as State SID; Subscribing Entity's reference number; more detailed internal contact information; reminder notes regarding the subscription; or any other relevant information.

**Subscriber**

The Subscribing Entity must decide how they are going to use these fields to ensure future Rap Back Activity Notifications, and other Rap Back messages are delivered to the right person or section within their organization.

The Subscribing Entity should coordinate with the Submitter to see whether and how they have prescribed use of the User Defined fields for their Subscribers.

### **Submitter**

The Submitting Entity must educate the Subscribing Entities regarding the importance of using these fields to link the Rap Back messages to the right person or section within their organization.

The Submitting Entity must decide whether it would be an effective strategy to implement Submitter-level standardization of the information being entered into the User Defined fields for linking to the right Subscribing Entity, and within the Subscribing Entity to the right section or person. It is highly recommended that the Submitter engage Subscribers in that decision and then be sure to communicate to all Subscribers any Submitter-level standardization that is implemented.

### **FBI CJIS Division**

The FBI CJIS Division will ensure that the Submitting Entities are aware of the availability and uses of the linking fields. The FBI CJIS Division will be available to answer questions from Submitting Agencies regarding the requirement.

## **12. Training and Auditing**

The FBI CJIS Division and Submitters must have training and audit programs in place

As with all the FBI CJIS Division services, training and auditing are foundational to establishing and maintaining the NGI Rap Back Service's effectiveness and the integrity of operations and data. CJIS system users are accustomed to following the policies established by the CJIS Advisory Policy Board, the CJIS Division, and the Compact Council. The Subscribers who will take advantage of the NGI Rap Back Service are already governed by the policies of these entities; Rap Back emphasizes the importance of those existing policies and increases them only to preserve the same level policy control and protection as required at present.

As such, the present training and auditing requirements in place for non-criminal justice use of CHRI are expanded to include training on the functions of Rap Back as well as the need for protection of the data as it is accessed, sent, received, and used as a result of Rap Back. Those new requirements include the need for the Subscribers and the Submitters to employ an appropriate Privacy Risk Mitigation Strategy, as detailed in Item #3: Privacy Risk Mitigation Strategies, above, and in Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies.

This Section will be further detailed with Submitter and Subscribing Entity responsibilities upon coordination with the FBI CJIS Division's Audit Unit.

# NGI Rap Back Service Transactions

The following operational transactions are all based on the Rap Back automated system transactions and together create the core of the NGI Rap Back Service. These are the operational transactions the Submitting Entities must process to provide the NGI Rap Back Service to their Subscribers:

1. Set the NGI Rap Back subscription and collection of fees
2. Receive Rap Back Activity Notifications
3. Perform Maintenance on Rap Back subscription records, which includes:
  - a) Modify Rap Back subscription data
  - b) Extend and Renew the Rap Back subscription, and collect fees if necessary
  - c) Discontinue/cancel the Rap Back subscription
4. Retrieve a Subscriber's Rap Back Subscription List
5. Receive a Rap Back Subscription Renewal Notification
6. Request a Rap Back Identity History Summary
7. Process monthly validation/expiration lists

The above operational transactions are accomplished through the following EBTS electronic transactions.

## **EBTS electronic transactions and processes the Submitters must create to implement the new NGI Rap Back Service.**

1. Tenprint Fingerprint Identification Submission (EBTS Section 3.1.1.20 Rap Back Subscription Requests) – with Rap Back subscription information
  - Response: Submission Results – Electronic (SRE - EBTS Section 3.1.1.21) – with Rap Back subscription information
2. Rap Back Subsequent Subscription Request – Civil (RBSCVL - EBTS Section 3.6.20)
  - Response: Rap Back Subscription Response (RBSR – EBTS Section 3.6.21)
3. Rap Back Subsequent Subscription Request – Criminal (RBSCRM - EBTS Section 3.6.19)
  - Response: Rap Back Subscription Response (RBSR – EBTS Section 3.6.21)
4. Rap Back Maintenance Submission (RBMNT - EBTS Section 3.6.22)
  - Response: Rap Back Maintenance Response (RBMNTR – EBTS Section 3.6.23)
5. Rap Back Subscription List Request (RBRPT - EBTS Section 3.3.3.1)
  - Response: Rap Back Subscription List Response (RBRPTR – EBTS Section 3.3.3.2)
6. Rap Back Identity History Summary Request (RBIHS - EBTS Section 3.3.3.3)
  - Response: Rap Back Identity History Response (RBIHSR – EBTS Section 3.3.3.4)

## **Unsolicited EBTS Transactions that the Submitter must be able to receive and process from NGI**

1. Rap Back Activity Notifications (RBN – EBTS Section 3.5.2)
2. Rap Back Renewal Notifications (RBRN – EBTS Section 3.5.3)

## **Related automation activities that Submitters must process**

1. Processing Monthly Rap Back Subscription Validation/Expiration Lists
2. Creating and receiving bulk transactions

These EBTS transactions are described below in their operational context. The descriptions also include relevant EBTS notes. These notes do not contain the complete technical requirements for these transactions. These notes are intended only to assist Submitters in quickly finding the appropriate location of Rap Back related information within the EBTS and to provide some policy/operational guidance regarding the use of the EBTS transactions. There is no intention to replicate the EBTS requirements here in this document, only to highlight certain items. Submitters must refer to EBTS for complete technical implementation details. The information in EBTS controls any unintentional conflict between this document and EBTS.

These transactions do not include other automation activities that will be required, according to the Submitters' particular situation. Deciding whether to automate communication with Subscribers is one example.

The nature of these functions again emphasizes the critical role of communication and coordination between the Submitting Entities and the Subscribing Entities to receive and maintain notice of the correct status of the subscribed individuals. Only through that accurate exchange and the submission of the correct transactions by the Submitting Entities can the system ensure that the NGI Rap Back subscriptions accurately reflect the correct status of the subscribed persons.

## **1. Setting the NGI Rap Back Subscription**

There are two alternative means for a Submitting Entity to set an NGI Rap Back subscription on behalf of a Subscribing Entity. First, the Tenprint Fingerprint Identification Submission transaction that sends the applicant fingerprints to NGI for search can also include a request to set the subscription at that time (called Search and Subscribe). Alternately, if the requesting entity prefers to review the results of the fingerprint search before making the subscription decision, they may do so by the Submitter sending the Tenprint Fingerprint Identification Submission to NGI to search and retain the fingerprints, but not to set the subscription (called Search and Retain). The Subscriber reviews the results and notifies the Submitter of the applicants who pass. The Submitter sets those subscriptions using the Subsequent Subscription function, as described below. The choice of which method to use is up to the Subscriber, who can choose the method that works best with their population of applicants. The Submitter now will have to decide how to administer the charging of the subscription fees in addition to the fingerprint search fee that has always been charged.

A non-criminal justice NGI Rap Back subscription is a subscription placed upon a biometrically matched or created NGI Identity based upon an authorized civil event (teacher application, volunteer application, medical license application, etc.). The fingerprints from the authorized event must be submitted to and retained in NGI at least for the duration of the subscription.

The above fingerprint requirements can be fulfilled through the processes described in this Section.

Not all Tenprint Types of Transactions (TOT) will be able to establish Rap Back subscriptions. For example, the Humanitarian TOT submissions already provide internal notifications, and therefore will not be allowed to establish Rap Back subscriptions. Neither will Departmental Orders/FOIA Requests. The entire list is included for reference.



Tenprint Fingerprint Identification Submission Transaction	TOT	Can be used to create Rap Back Subscription
Criminal Tenprint Submission (Answer Required)	CAR	Yes
Criminal Tenprint Submission (No Answer Necessary)	CNA	No
Criminal Fingerprint Direct Route	CPDR	Yes
Criminal Fingerprint Processing Non-Urgent	CPNU	Yes
Departmental Order Channeling Electronic	DOCE	No
Electronic In/Manual Out User Fee Submission	EMUF	Yes
Federal Applicant (No Charge)	FANC	Yes
Federal Applicant User Fee	FAUF	Yes
Federal No Charge Direct Route	FNDR	Yes
Non-Federal No Charge Direct Route	NNDR	Yes
Non-Federal User Fee Expedite	NFUE	Yes
Non Federal Applicant User Fee	NFUF	Yes
Miscellaneous Applicant Civil	MAP	Yes
Known Deceased	DEK	No
Unknown Deceased	DEU	No
Missing Person	MPR	No
Amnesia Victim	AMN	No
Freedom of Information Document	FOID	No

#### A. Setting Subscription with initial criminal history search (Search and Subscribe)

In the non-criminal justice environment, the first step in the Rap Back process is the submission of the non-criminal justice fingerprints for initial determination of whether the applicant for an entrusted position has a disqualifying criminal history. The Search and Subscribe transaction allows the non-criminal justice entity to include the request to set the NGI Rap Back subscription within the fingerprint search request submission (EBTS Tenprint Fingerprint Identification Submission). A subscription fee will be charged in addition to the fingerprint search fee in this instance. If the results of the fingerprint search turn out to be disqualifying, the Subscriber will have to request that the newly established subscription be canceled.

Some Submitters using the Category Based Subscription Management Plan may not want to use the Search and Subscribe transaction because it links the NGI subscription to the present civil event, making the subscription subject to deletion if that civil event is deleted. See discussion in Section B, Setting the Subscription subsequent to the initial fingerprint submission (Subsequent Subscription), below.

#### **Operational flow and EBTS notes for setting the subscription with the initial criminal history search**

EBTS Section 3.1.1.20 Rap Back Subscription Requests discusses setting a Rap Back subscription with the initial criminal history search (Search and Subscribe). The Submitting Entity must use one of the EBTS Tenprint Fingerprint Identification Submission transactions listed in EBTS Section 3.1.1 Tenprint Fingerprint Identification Submission. The Tenprint Fingerprint Identification Submission transactions that have been approved for establishing Rap Back subscriptions are listed in the table above with their respective Types of Transaction (TOTs). Beginning in version 10.0 of the EBTS, the transaction formats for those TOTs allow for the inclusion of all the appropriate Rap Back information (summarized in

Appendix 4: Non-Criminal Justice Rap Back Related Data in EBTS). Accordingly, to set a Rap Back subscription with the initial fingerprint search, the Submitter must submit the fingerprints to NGI for search with the appropriate TOT as follows:

1. The Subscriber sends the fingerprints to the Submitter, as for any non-criminal justice fingerprint search, but under the pre-established communications process, includes within the transaction that they want the prints to be retained, and to establish a Submitter-level (if applicable) and NGI Rap Back subscription upon this individual, regardless of search results.
2. The Submitter receives the Subscriber-generated set of fingerprints and subscription information and transforms that into the EBTS transaction format, including the appropriate TOT and any default values agreed upon with the Subscriber.
3. The Submitter must set the Retention Code field (2.005) to “Yes”.
4. The Submitter must set the ORI and CRI fields according to their Subscription Management Plan.
  - a. If the Submitter is using Event-Based Subscription Management, they must enter the Subscriber’s ORI in the CRI field and their own ORI in the ORI field.
  - b. If they are using Category-Based Subscription Management, they must place their own ORI in the CRI and ORI fields.
5. After receipt of the EBTS transaction, NGI processes the fingerprints; matches them to an existing Identity or establishes a new Identity if one does not exist; retains the prints; establishes the Rap Back subscription on the Identity; and sends the appropriate Submission Results – Electronic (SRE) response to the Submitter.
  - a. The SRE will contain all Rap Back subscription data that were stored in NGI. In some instances NGI will modify Rap Back information prior to it being stored in NGI. For example if a Subscriber asks for the civil event trigger when they are not authorized, NGI will create the subscription, but without the civil event trigger. In those instances, the SRE will indicate that the Rap Back subscription was established with modifications. It will also indicate which field was changed.
  - b. If the Rap Back subscription could not be established because of an error in the subscription information fields, an unauthorized TOT, or other error-causing situation, the SRE will indicate that the search was completed (results are in the SRE), but that the subscription was not established. No subscription fee is charged if the subscription fails. The Subscriber and Submitter will have to correct the information and resubmit. The resubmission must be in a Subsequent Subscription transaction, described in sub-Item B, below. There is no fingerprint search fee for the Subsequent Subscription transaction. There will be a Rap Back subscription fee if the re-submission successfully establishes the subscription.
  - c. If the subscription is established, the SRE will contain all of the information established in the subscription plus a Rap Back Subscription Identifier. This number will be used within all EBTS transactions with the FBI CJIS Division related to this subscription.

**Note:** The name (2.018 NAM) entered in the tenprint fingerprint identification submission will be used to set the subscription. If that name is different than the master name in the NGI record, that Submitted Name will be returned in the Submitted Name field (2.2008 SNAM) of the SRE. In addition, when the tenprint fingerprint identification submission is used to set a subscription, the first date of birth (2.022 DOB) entered in the tenprint fingerprint identification submission will be used to set the subscription and will be returned in the Submitted DOB field (2.2007 SDOB) of the SRE.

6. If the fingerprints are rejected, the subscription will not be established from that transaction. If the Subscriber resubmits fingerprints that are accepted, the subscription will be established from that transaction, if the subscription data are acceptable, and the subscription fee will be charged. If the Subscriber resubmits fingerprints that are rejected and the Subscriber receives a name search response, no subscription will be established and no subscription fee will be charged.
7. The Submitter forwards the results information to the Subscriber.
8. The NGI subscription is now set from the initial non-criminal justice applicant fingerprint submission and no additional action needs to be taken by the Subscriber or Submitter for its creation.
9. If the fingerprint search results include disqualifying criminal history information, the Subscriber will have to send a message to the Submitter indicating that the subscription needs to be canceled. The NGI fingerprint and subscription fees have already been charged, and the Subscriber will be billed for those. Those fees will not be refunded.

**Note:** Placing a value in the Rap Back Category field indicates to NGI that the Tenprint Fingerprint Identification Submission includes subscription information for processing in addition to the fingerprint search processing. The subscription edits are applied and subscription responses are included with the fingerprint search results in the SRE response when the Rap Back Category field has a value in it. There is no separate EBTS field within the Tenprint Fingerprint Identification Submission used solely to indicate the Submitter's intention to set a subscription in addition to searching the fingerprints.

## B. Setting the Subscription subsequent to the initial fingerprint submission (Subsequent Subscription)

### **Five main scenarios exist for use of the Subsequent Subscription request:**

1. Setting the subscription after review of fingerprint search results: If the Subscribing Entity wants to subscribe to their applicants only after they make a suitability determination that includes the results of the Tenprint Fingerprint Identification Submission search, they may do so by using the Subsequent Subscription transaction. With this approach, they pay the fingerprint search fee based upon the initial retained fingerprint search submission (Search and Retain), and they pay the subscription fee based upon the Subsequent Subscription transaction. To make this process as efficient as possible, the Subsequent Subscription also includes a bulk submission capability.

After NGI Rap Back start-up, there is no time limit on how long after the initial fingerprint Search and Retain submission that the Subscribing Entity may submit a Subsequent Subscription transaction. Because a triggering event may have occurred between the time that an initial ten print fingerprint Search and Retain transaction was submitted and when the Subsequent Subscription transaction was submitted, NGI will always send the Submitting Entity a new Identity History Summary in response to each Subsequent Subscription request. That Identity History Summary must be provided to the Subscribing Entity by the Submitting Entity to allow the Subscriber the opportunity to review the record for any disqualifying activity that may have occurred in the time between the original fingerprint submission and the Subsequent Subscription transaction

2. Setting the subscription after making a Submitter-level identification to an NGI record: The Subsequent Subscription transaction can also be used when an SIB or Federal Submitting Agency has made an identification of the applicant to a Submitter-level record that is linked to an NGI Identity. The Submitter can run the QR PUR/I transaction to obtain the person's Identity History Summary, so the applicant entity is aware of any disqualifying information. Since the Submitter has already matched the applicant to an NGI Identity, they should not have to pay the fingerprint search fee; but, they should still be able to set the NGI Rap Back subscription, if the applicant entity wants to accept the person. They can do that using the Subsequent Subscription transaction. A Rap Back subscription fee will be charged, but no fingerprint search fee will be incurred.
3. Setting the subscription under the Category Based Management Approach: The state SIBs and Federal Submitting Agencies choosing Category Based Subscription Management must be aware that how they establish their NGI Category Based Subscriptions can cause their subscriptions to be deleted if the related civil event is deleted at some point in the future. Specifically, the Search and Subscribe transaction and the Subsequent Subscription transactions—with the exception of the Subsequent Subscription transaction submitted with UCN, fingerprints, and no civil Event Identifier (EVI)—cause the NGI Rap Back subscription to be linked to the related civil event, making it subject to deletion if the civil event is deleted.

If this potential scenario is a problem for an SIB or Federal Submitting Agency, the best way for them to de-couple the NGI subscription from the event and avoid the problem is to establish all their NGI Category Based subscriptions with the following two steps:

1. Search the fingerprints with the Search and Retain Tenprint Fingerprint Identification Submission, rather than the Search and Subscribe Tenprint Fingerprint Identification Submission.
2. Then set the NGI Category Based subscription with the Subsequent Subscription transaction:
  - a. Including the UCN received in response to the Search and Retain Submission;
  - b. Including the same set of fingerprints that was included with the Search and Retain Submission;
  - c. NOT including the EVI received in response to the Search and Retain Submission; and,
  - d. Including the other EBTS fields for the Subsequent Subscription.

This Subsequent Subscription transaction will establish the NGI Category Based subscription without linking it to the earlier civil event. As a result the earlier civil event now can be deleted with the CDEL transaction (EBTS 3.6.7 Civil Event Deletion Request) without removing the NGI Identity or the NGI subscription, if that is the appropriate action.

The NGI Category Based subscriptions on a person are created based upon the fingerprints of the first civil event for that person in a Category. To avoid the potential problem being discussed, the above methodology should be used whether that first Subscribing Entity wants to review the results of the fingerprint search before deciding to set their subscriptions, or the Subscribing Entity wants to subscribe immediately to all their applicants (in which case they would have normally used the Search and Subscribe methodology).

**Note:** This process creates two instances in NGI of the fingerprints from that civil submission: one with the Search and Retain civil event and one with the NGI Category Based subscription. The existence of these two instances of the same fingerprints creates considerations for the deletion of the underlying civil event. Please refer to the discussion at the end of Appendix 5: NGI Rap Back Subscription Management Plans, in the Section titled Deletion of Civil Events and Fingerprints.

4. Setting the Subscription after it failed to set within a Search and Subscribe transaction: The initial Tenprint Fingerprint Identification Submission transaction included the request to set the subscription, but the subscription failed for some reason: The Subscriber can correct the subscription information and ask the Submitter to re-submit. That re-submission must be in a Subsequent Subscription transaction in a manner similar to Subsequent Subscription scenario #1, above.
5. Re-establishing a subscription in the following situations:
  - a) A subscription was canceled in error by the Subscriber or Submitter, and the 60-day period during which Maintenance transactions can still be processed on the subscription has also passed.
  - b) A subscription that is eligible to be “extended” or “renewed” has reached its Expiration Date; the monthly validation/expiration lists have been sent; the Rap Back Renewal Notification message has been sent; through an internal error, the Subscriber has not responded to those notices; the subscription has expired in error; and the 60-day period during which Maintenance transactions can still be processed on the subscription has also passed.

Now the only option to re-establish either of these subscriptions is to create a new subscription and pay a new subscription fee. Since the Subscriber/Submitter has already submitted the prints for this civil event and should have the associated civil Event Identifier (EVI), they can create a new subscription for this person using a Subsequent Subscription transaction with the UCN and EVI from that previous Tenprint Fingerprint Identification Submission, in a manner similar to Subsequent Subscription scenario #1. There will be an additional subscription fee, but no new fingerprint search fee.

### **Operational flow and EBTS notes for setting the subscription subsequent to the initial fingerprint submission**

*When the Subscribing Entity wants to review the results of the tenprint fingerprint search before deciding whether to subscribe to the person:*

In this scenario, the Subsequent Subscription transaction can only be used with a civil Event Identifier that was returned from an initial tenprint submission under a TOT approved for setting a Rap Back subscription.

1. The Subscriber sends the fingerprints to the Submitter, as for any non-criminal justice fingerprint search, but under the pre-established communications process, includes in the transaction that they want the prints to be retained, but NOT to establish a Submitter-level (if applicable) or NGI Rap Back subscription upon this individual. The Submitting Entity knows from communication with the Subscriber that they will send Subsequent Subscription requests only on those individuals who pass the background check and are accepted for the position, license, volunteer, etc. The Subscriber normally would not supply any subscription information at this point.
2. The Submitter receives the fingerprints from the Subscriber and creates the EBTS Tenprint Fingerprint Identification Submission transaction, with the Retention Code field (2.005) set to “Yes”.
3. After receipt of that EBTS transaction, NGI processes the fingerprints; matches them to an existing Identity or establishes a new Identity if one does not exist; retains the prints; DOES NOT establish a Rap Back subscription on the Identity; and sends the appropriate criminal history search results in the Submission Results – Electronic (SRE) transaction back to the Submitter.
4. The SRE will contain within it the civil Event Identifier (EVI), which identifies this event and must be included with the Subsequent Subscription transaction, should the Subscriber decide to

- set a Rap Back subscription after reviewing the applicant's criminal history response. This civil Event Identifier can only be used to set a subscription related to this civil event. It may not be used to set a subscription for a different civil event this person may have in the future (or past). For example, if this event is a teacher license, this civil Event Identifier cannot be used to set a subscription for this person later applying with the YMCA to provide after-school volunteer soccer coaching.
5. If the potential Subscribing Entity reviews the results of the criminal history search and decides to set the subscription, they must send the appropriate subscription information to the Submitter. The Submitter uses that data to fill out and send NGI the Rap Back Subsequent Subscription – Civil (RBSCVL) transaction, as discussed in EBTS Section 3.6.20, which provides for all the required and optional Rap Back fields. The transaction also must include a set of fingerprints or a civil Event Identifier. In the scenario being described here, the Submitter must include the civil Event Identifier from the previous NGI search of the fingerprints related to this event. They must also include the UCN of the NGI Identity matched by the previous fingerprint search. They do not need to include the associated fingerprints.
  6. The Submitter must set the ORI and CRI fields in the Subsequent Subscription transaction according to their Subscription Management Plan.
    - a. If the Submitter is using Event-Based Subscription Management, they must enter the Subscriber's ORI in the CRI and their own ORI in the ORI field.
    - b. If they are using Category-Based Subscription Management, they must place their own ORI in the CRI and ORI fields.
  7. NGI will then send the Submitter a Rap Back Subscription Response (RBSR) transaction (EBTS Section 3.6.21), which will contain the Rap Back Subscription Identifier (RBSI – 2.2048) for the newly created subscription. Note that while a subscription set with a Subsequent Subscription transaction results in a Rap Back Subscription Response (RBSR) transaction in response, a subscription set with a Tenprint Fingerprint Identification Submission transaction does not receive an RBSR response. The Rap Back response information in that instance is all contained within the SRE that is sent in the normal course in response to the Tenprint Fingerprint Identification Submission.
  8. For civil subscriptions, the response will always contain an Identity History Summary. This Summary is to ensure that the Subscribing Entity receives notice of any event that may have occurred between the time they received and reviewed the results of their initial fingerprint search request and the time that they made their licensing/employment decision and set the Rap Back subscription with the Subsequent Subscription transaction. The Subscribing Entity should always review the new Identity History Summary for new data.
  9. The only situations in which no fingerprints are required within the Subsequent Subscription transaction are the one described here and the situations described in Subsequent Subscription scenarios #4 and #5, above.
  10. If the Subscriber had reviewed the results of the initial tenprint search and had decided not to subscribe to the individual, no further action would have been necessary on their part or the part of the Submitter.

**Note:** The name and DOB returned in the Type 2 NAM (2.018) and DOB (2.022) fields of the RBSR are the name and DOB the Subscriber used to set the Subscription.

## **Operational flow and EBTS notes for setting the subscription subsequent to a Submitter-level identification to an NGI Identity**

*The state or Federal Submitting Agency has made an identification to an Identity within their own AFIS that is linked to an NGI Identity. They want to set a subscription without paying the fingerprint search fee.*

This scenario can occur whether the Subscriber chooses to set subscriptions on all their applicant fingerprint search subjects, or only after they have reviewed the CHRI results of the fingerprint search and made a suitability determination. In this scenario, NGI does not have the fingerprints from the related civil event on file, so the Submitter must send those fingerprints to NGI along with the Rap Back subscription request.

1. The Subscriber sends the applicant fingerprints to the Submitter, as for all their non-criminal justice fingerprint searches. The Submitter searches the fingerprints in their AFIS and matches a fingerprint record that is linked to an NGI Identity. In this manner they have obtained a valid UCN to which they want to subscribe based upon an authorized set of fingerprints that were biometrically matched to an NGI Identity. The Subsequent Subscription transaction allows them to do that.
2. One of the following scenarios will then transpire:
  - a. If the Subscribing Entity only subscribes to persons after reviewing the results of the fingerprint search submission, the Submitter can run the QR - PUR/I transaction and provide the results to the Subscriber. Then, if the Subscriber wants to set the subscription after reviewing the CHRI results, they must send the Submitter all the subscription information with an indication they want the subscription set. The Submitter then transforms that information into the Rap Back Subsequent Subscription Request – Civil (RBSCVL) transaction (EBTS Section 3.6.20). That transaction provides for all the required and optional Rap Back fields and in this instance must include the UCN that was matched with the in-state identification and the tenprint fingerprints associated with the related civil event (the teacher application, volunteer application, medical license application, etc.).

Or
  - b. If the Subscribing Entity subscribes to all applicants for whom it submits fingerprints to the Submitter, the Submitter would not send a Tenprint Fingerprint Identification Submission with Rap Back information to NGI: instead, they would transform the Rap Back information that the Subscriber had already provided within the initial Tenprint Fingerprint Identification Submission into an EBTS Subsequent Subscription transaction and send it to NGI. That transaction must include the fingerprints associated with the related civil event (the teacher application, volunteer application, medical license application, etc.).
  - c. No fingerprint search fee is incurred in either scenario.
3. After submission of the Subsequent Subscription transaction, NGI will send the Submitter a Rap Back Subscription Response (RBSR) transaction (EBTS Section 3.6.21). For civil subscriptions, the RBSR will always contain an Identity History Summary. The Subscribing Entity should always review the new Identity History Summary for new data. The RBSR will contain the civil Event Identifier for the civil application and submission of fingerprints, as well as the Subscription Identifier for the Subscription.

**Note:** The name and DOB returned in the Type 2 NAM (2.018) and DOB (2.022) of the RBSR are the name and DOB the Subscriber used to set the Subscription.

**Operational flow and EBTS notes for setting a Category Based NGI subscription that is not linked to a particular civil event.**

*When the Submitter wants to avoid the possibility of their NGI Category Based subscription being deleted when the related civil event is deleted with the CDEL transaction:*

A Category Based subscription on a person is based upon the fingerprints of that person's first civil event in a Category. If desired by the Subscriber, the Submitter can provide the results of the initial fingerprint search to the first Subscriber before setting the NGI Category Based subscription. Additional subscription requests received by the Submitter for that person in that Category do not need to be sent to NGI, but may result in the need for maintenance to be performed on the established NGI subscription. It is recommended, however, that the fingerprints collected from the additional subscription requests be sent to NGI with the Fingerprint Image Submission (FIS) transaction. The following operational flow is for the first subscription request on this person in this Category.

1. The Subscriber sends the fingerprints to the Submitter, as for any non-criminal justice fingerprint search. They have previously agreed with the Submitter as to whether they want to review the criminal history results before setting the subscription. They have also agreed whether the Subscriber provides the subscription information at this time or later.
2. The Submitter receives the fingerprints from the Subscriber and creates the EBTS Tenprint Fingerprint Identification Submission transaction, with the Retention Code field (2.005) set to "Yes" (Search and Retain). No subscription information is included in the submission.
3. After receipt of that EBTS transaction, NGI processes the fingerprints; matches them to an existing Identity or establishes a new Identity if one does not exist; retains the prints; DOES NOT establish a Rap Back subscription on the Identity; and sends the appropriate criminal history search results in the Submission Results – Electronic (SRE) transaction back to the Submitter.
4. The SRE will contain within it the civil Event Identifier, which identifies this event.
5. If the potential Subscribing Entity reviews the results of the criminal history search, they will indicate to the Submitter whether to subscribe. If they indicate in the affirmative, they must send the appropriate subscription information to the Submitter, if they have not done so already. The Submitter uses that data to fill out and send NGI the Rap Back Subsequent Subscription–Civil (RBSCVL) transaction, as discussed in EBTS Section 3.6.20. The Submitter must set the ORI and CRI fields to the Submitter's ORI. The transaction must include the UCN of the NGI Identity matched by the Search and Retain fingerprint search conducted in Step #2. **It also must include the set of fingerprints that was submitted with that Search and Retain submission, but it must NOT include the EVI returned to the Subscriber/Submitter from that transaction.**
6. If the Subscriber does not want to review the results of the fingerprint search before setting the subscription, the Submitter simply creates and sends the RBSCVL transaction as described in Step #5.
7. NGI will then send the Submitter a Rap Back Subscription Response (RBSR) transaction (EBTS Section 3.6.21), which will contain the Rap Back Subscription Identifier (RBSI – 2.2048) for the newly created subscription.
8. For civil subscriptions, the response will always contain an Identity History Summary. In this scenario that Summary is to ensure that the Subscribing Entity who wanted to review the results before making the subscription decision receives notice of any event that may have occurred



between the time they received and reviewed the results of their initial fingerprint search request and the time that they made their licensing/employment decision. The Subscribing Entity must always review the new Identity History Summary for new data.

9. If the Submitter sent the RBSCVL without the Subscriber reviewing the Identity History Summary, the Identity History Summary supplied with the RBSR can serve as notice to the Subscriber of the results of the fingerprint search.
10. The NGI Category Based subscription is now created, without a link to the civil event from the Search and Retain submission. The civil event can be deleted without deleting the subscription, if that is the appropriate action.

**Note:** The name and DOB returned in the Type 2 NAM (2.018) and DOB (2.022) of the RBSR are the name and DOB the Subscriber used to set the Subscription.

## 2. Receiving Future Rap Back Activity Notifications

If a future fingerprint or other identified triggering event transaction matches against an NGI Identity containing a Rap Back subscription, NGI will notify the Submitting Entity who established the Rap Back subscription. Depending upon the setting of the Rap Back Activity Notification Format field within the subscription, NGI will send a Rap Back Activity Notification containing either:

- a) the triggering event information;
- b) the triggering event information and the Identity History Summary; or
- c) pre-notification.

The Submitting Entity and Subscribing Entity will have already established which of these three notification formats the Subscriber will receive.

Each time a Rap Back event matches against a subscribed Identity, NGI creates a unique identifying number called the Rap Back Activity Notification Identifier. The Rap Back Activity Notification Identifier is unique to that Rap Back event, and does not refer to the subscription as a whole. The Rap Back Subscription Identifier refers to the subscription as a whole. If an Identity History Summary is requested in response to a Rap Back Activity Notification, the Identity History Summary Request must include the Rap Back Activity Notification Identifier.

### **Operational flow for receiving and processing the Rap Back Activity Notification — Triggering Event or Triggering Event and Identity History Summary**

1. The NGI Subscription is already established on an NGI Identity, with the associated Rap Back Activity Notification Format set to either the “Triggering Event” or “Triggering Event and Identity History Summary”.
2. A subsequent arrest fingerprint submission—or other transaction that is on the triggering event list for this subscription—matches against the subscribed NGI Identity. NGI automatically sends the Submitting Entity the Rap Back Activity Notification including the Rap Back Activity Notification Identifier, the User Defined fields, and other relevant information from the subscription. The notification also contains the appropriate event information for that Subscribing Entity: the triggering event or the triggering event and Identity History Summary.
3. The Submitting Entity receives the transaction from NGI and uses its established communication methodology to send the Rap Back Activity Notification including all the associated information to the Subscribing Entity.

4. Since the Subscriber received the Identity History Summary and/or the triggering event, they can determine whether any administrative licensing/employment/ volunteer action is needed on their part. They must update the NGI subscription if the status of the person changes relative to the Subscriber's authority to receive future Rap Back Activity Notifications.
5. If a Subscriber receives a Rap Back Activity Notification with just the Rap Back trigger and would like to see the Identity History Summary, they may submit an Identity History Summary Request transaction with the Rap Back Activity Notification Identifier any time after receipt of the Activity Notification.
6. There is no time limit for how long after receipt of a Rap Back Activity Notification that a Subscriber may submit an Identity History Summary Request on an active subscription. In addition, there is no limit to the number of times the Identity History Summary may be requested.

**Operational flow for receiving and processing the Rap Back Activity Notification—Pre-Notification**

1. The NGI Subscription is already established on an NGI Identity, with an indication that the Rap Back Activity Notification Format is “pre-notification”. As a result, in this case the Subscriber will receive only pre-notification when a future event matches against this subscription in NGI.
2. A subsequent arrest fingerprint submission—or other transaction that is on the triggering event list for this subscription—matches against the subscribed NGI Identity. NGI automatically sends the Submitting Entity the Rap Back Activity Notification including the Rap Back Activity Notification Identifier, the User Defined fields, and other relevant information from the subscription. The notification also contains the pre-notification language.
3. The Submitting Entity contacts the Subscriber by the Submitter's established communications methodology with the pre-notification information.
4. The Subscriber verifies whether they are still in an authorizing relationship with that person—the person is still licensed, is still employed, is still volunteering, etc.
5. The Subscriber then sends an affirmative or negative response to the Submitter:
  - a. If the Subscriber's response to the pre-notification is affirmative, the Submitter generates an Identity History Summary Request to NGI and includes the Rap Back Activity Notification Identifier. NGI sends the Identity History Summary in response, again including all User Defined fields.  
Upon receipt of the Identity History Summary, the Submitter forwards it to the Subscriber through the pre-established processes. Once the Subscriber receives the Identity History Summary, they are able to proceed with any appropriate administrative action. They must update the NGI subscription if the status of the person changes related to the Subscriber's authority to receive future Rap Back Activity Notifications.
  - b. If the Subscriber's response to the pre-notification is negative, the Submitter sends a Rap Back Maintenance transaction removing the subscription from the NGI Identity.
6. If no response is received at NGI to the Rap Back Activity Notification with pre-notification within 15 days, the system will generate a second notice to the Submitting Entity. NGI will take no further action to notify the Submitter/Subscriber after that second notice.
7. There is no time limit for how long after receipt of a pre-notification message that a Subscriber may submit an Identity History Summary Request on an active subscription. In addition, there is no limit to the number of times the Identity History Summary may be requested following pre-notification.

### **EBTS notes for receiving Rap Back Activity Notifications**

Receiving Rap Back Activity Notifications is discussed in EBTS Section 3.5.2 Rap Back Activity Notification (RBN).

As noted above, a Subscribing Entity may request an Identity History Summary after receiving an RBN. This function is accomplished with the EBTS Rap Back Identity History Summary Request (RBIHS) transaction discussed in EBTS Section 3.3.3.3. That transaction must include the Rap Back Subscription Identifier and the Rap Back Activity Notification Identifier(s) provided within the RBN transaction. NGI will respond with a Rap Back Identity History Summary Response (RBIHSR) discussed in EBTS Section 3.3.3.4.

A Subscriber may respond to a pre-notification RBN negatively, that is, they are no longer authorized to receive the CHRI related to the applicant, and they want both the subscription and the civil event removed from NGI. Please refer to Item #3: Performing Maintenance on Rap Back Subscription Records, for discussion of removing the subscription with an EBTS Rap Back Maintenance transaction and removing the related civil event with an EBTS Data Management Service transaction.

**Note:** There is no EBTS message for communicating a “positive” or “negative” response to a Rap Back Activity Notification with Pre-Notification to NGI. The Subscriber needs to respond positively or negatively to the Submitter, but the EBTS responses from the Submitter to NGI for Pre-Notification are either (1) a Rap Back Identity History Summary Request, or (2) a Rap Back Maintenance Request to remove the subscription. NGI will send a second notice if neither of these is received within 15 days.

**Note:** The name and DOB included in the Type 2 NAM (2.018) and DOB (2.022) of the RBN are the name and DOB the Subscriber used to set the Subscription.

## **3. Performing Maintenance on Rap Back Subscription Records**

The NGI Rap Back maintenance functions are designed to allow the Subscribing Entities to keep their subscriptions up to date and accurate. As such, the Subscribers must communicate the need for these changes to their respective Submitting Entities using the established communication methodologies. In addition during the Submitting Entity Start-Up Checklist process, the Submitting Entities acknowledged that they will provide the Subscribing Entities access to all these functions.

Maintenance includes the ability to: modify Rap Back subscription data, renew the Rap Back subscription, and discontinue/cancel the Rap Back subscription.

The maintainable Rap Back subscription data are:

1. Biographic Data – Subscription Name and Subscription DOB
2. Rap Back Activity Notification Format (RBNF)
3. Rap Back Opt Out In-State Indicator (RBOO)
4. Rap Back Attention Indicator (RBATN)
5. Rap Back Expiration Date (RBXD)
6. Triggering Event(s)
7. Rap Back Recipients - up to 9 (RBR)

8. User Defined Fields - up to 10
9. Rap Back Disclosure Indicator (RBDI) - Indicator to include this Rap Back subscription information on the Identity History Summary when provided for criminal justice purposes.

### **Operational flow for Maintaining Rap Back Subscriptions**

1. Through the agreed upon Submitter and Subscriber processes, the NGI Subscription is already established on an NGI Identity.
2. The status of one of the Subscriber's subscriptions has changed and they need to reflect that change in the NGI Rap Back record associated with that person's NGI Identity. Accordingly, they send the agreed upon message to the Submitting Entity to make the appropriate change.
3. The Submitting Entity formats the information received from the Subscriber into the appropriate EBTS Rap Back Maintenance transaction and sends it to NGI.
4. NGI processes the maintenance transaction and makes the appropriate change in the NGI Rap Back subscription. NGI sends the Submitter a transaction verifying the completion of the change.
5. The Submitter passes the subscription change verification along to the requesting Subscriber under the agreed upon communications methodology.

### **EBTS notes for Performing Maintenance on Rap Back Subscriptions**

Refer to EBTS Section 3.6.22 Rap Back Maintenance Submission (RBMNT) for details regarding these EBTS transactions. The results of RBMNT transactions are sent to the Submitter in the Rap Back Maintenance Response (RBMNTR) transaction. See EBTS Section 3.6.23.

**Note:** The name and DOB returned in the Type 2 NAM (2.018) and DOB (2.022) of the RBMNTR are the name and DOB the Subscriber used to set the Subscription.

As described within the EBTS, Rap Back provides for the following maintenance functions:

- Replace
- Delete
- Append
- Cancel
- Renew
- Un-cancel

Those functions are identified with the Rap Back Maintenance Indicator field (EBTS 2.2039 - RBMI) of each Rap Back Maintenance Submission transaction.

#### **“Replace” and “Renew”**

The distinction between these two Maintenance transaction functions for expiration/validation processing is discussed above, in Key Start-Up Requirements Item 6: Subscription Term and Subscription Expiration.

When the RBMNT transaction is used with RBMI “Replace” and the replaced field is the Expiration Date:

- NGI checks to see if the new Expiration Date is greater than the Rap Back Term Date in the subscription;
- If it is, the transaction will reject;
- If it is not, NGI places the new Expiration Date from the transaction into the subscription;
- The Subscription is now extended to the new Expiration Date;
- No new fee is charged.

When the RBMNT transaction is used with RBMI “Renew” and includes a new Expiration Date:

- NGI checks to see the Rap Back Subscription Term of the subscription;
- NGI calculates a new Rap Back Term Date for the subscription by adding the same Subscription Term as used to create the subscription and automatically inserts that date into the Rap Back Term Date field of the subscription;
- NGI verifies that the Expiration Date in the “Renew” transaction is equal to or less than the new calculated Rap Back Term Date. If it is, NGI places it into the Expiration Date field. If it is not, the transaction rejects;
- The Rap Back fee associated with the Subscription Term is billed to the Subscriber as a result of this transaction;
- The Subscription is now renewed with new Rap Back Term Date and Expiration Date, and the Subscriber will not have to pay a new fee for that period of time.

The RBMNT Transaction with RBMI “Renew” can only be used with civil Rap Back subscriptions that have a two-year or five-year Subscription Term. There is no need to “renew” a subscription for which a lifetime subscription Term was purchased.

#### Deletion of the Rap Back civil event

When a subscription is deleted with the Rap Back Maintenance transaction, the associated fingerprints and civil event remains on file within NGI. The Rap Back Maintenance transaction does not include the ability to remove the civil event from NGI.

Based upon state or federal law, the individual may have the authority to request that their civil fingerprints and other information related to their civil event be removed. NGI provides for that capability under the Data Management Service (EBTS Section 3.6) suite of transactions. EBTS Section 3.6.7 describes the Civil Event Deletion Request (CDEL) transaction that Submitters must use to remove a civil event from NGI. The CDEL transaction will result in a Civil Event Deletion Response (CDELR) in reply. See EBTS Section 3.6.8. If a civil event with an associated Rap Back subscription is deleted, the subscription is also removed and this will be noted in the CDELR.

#### Maintenance transactions on expired or canceled subscriptions

The EBTS states that Rap Back Maintenance can be performed on expired or cancelled Subscriptions for a configurable time period after the expiration date or cancellation date. At implementation that configurable period of time is 60 days. This capability provides Submitters/Subscribers two powerful functions as described in EBTS Section 3.6.22 Rap Back Maintenance Submission (RBMNT):

- a. Submitters/Subscribers can “Un-Cancel” records that were erroneously canceled for up to 60 days after the cancel transaction was processed. That is, a Subscriber can notify the Submitter of an erroneously canceled record, and the Submitter can send NGI a Rap Back Maintenance transaction with the RBMI value of “Un-Cancel”. The Subscription will be restored to its previous state with no fee.
- b. If a Submitter/Subscriber allows a record to expire when it should have been “renewed” or “extended” they can renew or extend that subscription with a Rap Back Maintenance transaction with RBMI “Renew” or “Replace” for 60 days after the subscription expired.

If a subscription was canceled or expired in error and more than 60 days have elapsed, the Submitter/Subscriber will have to submit a new subscription request and pay a new Rap Back subscription fee. Since the associated civil event is already on file, the new subscription request in this instance can be

accomplished with a Subsequent Subscription transaction using the civil Event Identifier of the associated civil event, and no fingerprint search fee will be incurred.

As noted above regarding Civil Deletion Request, the EBTS contains biometric file maintenance transactions in the Data Management Section (EBTS Section 3.6) that are relevant to Rap Back subscriptions.

#### **4. Retrieving a Subscriber's Rap Back Subscription List**

This transaction provides the Rap Back Subscriber the ability to retrieve their Subscription List including each of their subscriptions, along with the associated Designated Recipients and subscription status.

The non-criminal justice Rap Back Subscription List will contain:

1. UCN
2. Rap Back Subscription Subscribing Entity (CRI)
3. Biographic Data – Subscription Name and Subscription DOB
4. Rap Back Category
5. Rap Back Notification Format
6. Opting out of receiving in-state triggering events
7. Rap Back Subscription Date
8. Civil Rap Back Subscription Term
9. Expiration Date.
10. Triggering Event(s)
11. Rap Back Recipients (up to 9)
12. User Defined Fields (up to 10)
13. Indicator to include Rap Back subscription information on the Identity history summary
14. Rap Back Subscription Identifier
15. Associated Event Identifier
16. Rap Back Attention Indicator

The Rap Back Subscription Lists will be supplied in a format easily imported into popular spreadsheet programs. The Submitter/Subscriber may request that these lists be filtered by values in any combination of the following fields:

1. Rap Back Subscription Identifier
2. Rap Back Subscription Subscribing Entity (CRI)
3. Rap Back Designated Recipients
4. Expiration Date range

Subscribers can use these filters to define and restrict the number of records received within these broad categories. Since the subscription lists can be imported into spreadsheet programs, the Subscribers can then sort and search the received lists in any way desired.

#### **Operational flow for retrieving a Subscriber's Rap Back Subscription List**

1. Through the agreed upon Submitter and Subscriber processes, the Subscriber's NGI Subscriptions are already established on NGI Identities.
2. In order to verify their own records—or any other reason—the Subscribing Entity wants to retrieve a complete or partial list of their subscriptions, with associated Designated Recipients and status.

Accordingly, they send the agreed upon message to the Submitting Entity to retrieve the Subscription List.

3. The Submitting Entity transforms the information received from the Subscriber into the EBTS Rap Back Subscription List Request transaction format and sends it to NGI.
4. NGI processes the request according to the parameters included within the request and returns the results to the Submitter.
5. The Submitter passes it along to the requesting Subscriber according to the agreed upon communications methodology and in the agreed upon format.
6. The Subscriber imports the data into a spreadsheet program to further sort and view the subscriptions.

### **EBTS notes for requesting a Rap Back Subscription List**

This transaction is discussed in EBTS Section 3.3.3 Rap Back Information Retrieval Submission, specifically EBTS Section 3.3.3.1 Rap Back Subscription List Request (RBRPT). The Subscription List Response is discussed in EBTS Section 3.3.3.2 Rap Back Subscription List Response (RBRPTR).

The Submitter uses the Return All Records (2.2047 RAR) field to indicate that a Subscription List Request should return all Rap Back Subscriptions that are routed through the Submitting ORI. If omitted the default is 'N', where only subscriptions where the Submitter is also the Subscriber (Submitter ORI in ORI and CRI fields) are returned.

The response transaction (RBRPTR) contains the Rap Back Subscription List field (RBSL, EBTS 2.2050), which is a compressed comma-separated-values (CSV) file with filename results.csv that contains the Subscription List information.

## **5. Receiving and Responding to the Monthly Rap Back Subscription Validation/Expiration Lists**

The Expiration Date field must be set by the Subscriber and Submitter as discussed above in Key Start Up Requirements Item #6: Subscription Term and Subscription Expiration. Each month, NGI will provide Submitters a list of all the records that will expire in the month that occurs approximately 45-75 days in the future. For example, on or around June 15, NGI will send a list that contains all the records that will expire in the coming August. The Submitters will send each Subscriber their portion of the list through their agreed upon communications methodology. The Subscribers then must determine whether the Subscriptions can be extended or renewed or they should be allowed to expire. The Subscriber then provides the Submitter a list of the records to be extended or renewed, including what their new Expiration Dates should be. No action is required on the ones that should be allowed to expire, or the Subscriber can indicate that they be canceled immediately, if that is appropriate.

In addition, NGI will then send a Rap Back Renewal Notification transaction to the Submitter 10 days prior to the designated Expiration Date for each Rap Back subscription. This message will serve as an additional reminder to the Submitter/Subscriber that a subscription is about to be canceled. The Submitter may opt out of receiving these Renewal Notifications. On the Expiration Date of any record that was not extended, the Subscription will be canceled.

Submitters may also opt out of receiving the monthly validation/expiration lists. Doing so will mean that their Subscribers will only receive the 10 day Rap Back Renewal Notifications prior to their subscriptions expiring and being removed from NGI.

The Expiration Date is separate from the Rap Back Term Date. If the Expiration Date renewal process as described in this Section would extend the Rap Back subscription past the Rap Back Term Date, the Subscriber must also renew the subscription and pay a new fee. See EBTS notes below regarding this important point.

### **Operational flow example for receiving and responding to Monthly Rap Back Subscription Validation/Expiration Lists**

1. In January two years and ten and one-half months ago, an NGI Subscription was established by a Subscribing Entity using Privacy Risk Mitigation Strategy 1: Pre-Notification with Mandatory Validation/Expiration within Three Years.
2. It is now November 15<sup>th</sup>, and the NGI Rap Back system generates a Rap Back Subscription Validation/Expiration List to the Submitting Entities with all their records that will expire in January, including this one.
3. The list is sorted by Subscriber ORI. The Submitter separates the list and sends each Subscriber their portion through secure electronic means (or whatever agreed upon secure communications methodology).
4. The Subscriber must review all the subscriptions and verify whether they still have the authorizing relationship with each person, including the present record, and can therefore extend or renew the subscriptions. They create a bulk response to the validation/expiration list, indicating which subscriptions should be extended, which ones should be renewed, and which ones are no longer valid or will expire at the date indicated on the list. For those that can be extended, they must include the new Expiration Date. If the new Expiration Date would extend the subscription past the Rap Back Term Date, the Subscriber must renew the Subscription and pay the fee resulting from that transaction. See EBTS notes, below. If the subscription is no longer valid at present, the Subscriber should include in their response to the validation/expiration list that it should be canceled immediately.
5. For all the responses on the list from the Subscriber, the Submitter formats that information into a bulk EBTS Rap Back Maintenance Request submission that “extends” the Expiration Dates of all those Subscriptions that should be extended; that “renews” the Subscription for those that should be renewed; or that cancels those that should be canceled immediately, and sends it to NGI. NGI processes the maintenance transactions, as appropriate.
6. Ten days prior to the expiration of each of the January subscriptions that were not renewed by the Subscriber and Submitter through the monthly validation/expiration list process, NGI will send an EBTS Rap Back Renewal Notification as an additional reminder. (The Submitter can opt out of receiving those notifications.) For each one, if no response is received by NGI by the date of expiration, the NGI System deletes the subscription. The civil event associated with the subscription remains in file. If the expiration was an error, the Subscriber can re-establish the subscription at no charge for 60 days after the expiration. See Section #3, Performing Maintenance on Rap Back Subscriptions for more information. After that time period, a new subscription transaction and a new fee must be submitted.
7. After the end of January, NGI sends the Submitter a list of all the January Subscriptions that were removed from file. As previously agreed upon by the Submitters and Subscribers, the Submitter sends those lists of deleted records to the Subscribers for them to check for any errors.

### **EBTS notes for responding to a Monthly Subscription Validation/Expiration Lists**

As stated above, the monthly validation/expiration lists are used to notify the Subscribers of the subscriptions about to expire. They are actually just Rap Back Subscription Lists that are automatically generated by NGI



on a monthly basis with Expiration Date range as an input parameter. As such, they are not a specific EBTS transaction and are not discussed in the EBTS. They are an operational function of the NGI Rap Back Service and will be administered as described in this document.

#### Regarding “Replace” and “Renew”

The previously discussed differences between extending the subscription with a Rap Back Maintenance “Replace” transaction and renewing the subscription with a Rap Back Maintenance “Renew” transaction are critical to the correct processing of the monthly validation/expiration lists. The Subscriber must know when they can safely extend a subscription without exceeding the Rap Back Term Date, and when extending the subscription would exceed the Term Date, and they must renew the subscription instead. This monitoring of the Subscription Term and managing the extending or renewing of subscriptions during validation/expiration list processing is the responsibility of the Subscriber. Maintenance transactions to extend the Expiration Dates that would exceed the Subscription Term will be rejected by NGI.

#### Regarding the extending or renewing of a Rap Back Subscription that expires due to an error

This feature can be used whether the subscription expires in error through the monthly validation/expiration listing or in any other expiration situation. This function is accomplished by the Submitter using the Rap Back Maintenance Submission transaction with RBMI “Replace” or “Renew” as described in EBTS Section 3.6.22 for up to 60 days after the subscription expired. Refer to NGI Rap Back Service Transactions Item #3: Performing Maintenance on Rap Back Subscription Records, above, for a discussion of when this function is used.

#### Regarding the Rap Back Renewal Notifications

This transaction is discussed in EBTS Section 3.5.3 Rap Back Renewal Notification (RBRN). These are individual notices sent to the Submitters/Subscribers 10 days prior to the Expiration Date in the subscription record. The Subscriber can extend, renew, or cancel the subscription, as appropriate, after receiving this notice. If no action is taken by the Subscriber, the subscription will be canceled on the Expiration Date.

**Note:** The name and DOB included in the Type 2 NAM (2.018) and DOB (2.022) of the RBRN are the name and DOB the Subscriber used to set the Subscription.

## **6. Receiving Notification of Consolidations on Rap Back Subscribed Identities**

This function notifies the Rap Back Subscribing Entities when NGI consolidates any of their subscribed Identities with another NGI identity. “Consolidation” refers to the situation when NGI discovers that there are two NGI Identities for the same person. The NGI will consolidate the two Identities into a single Identity, and under this function, notify any Subscribing Entities that have subscriptions to either of the Identities. This function is important, because the Subscribing Entity probably has not seen the CHRI associated with the other NGI Identity of their subscribed person. The Rap Back subscription will be retained on the UCN of the Identity that is kept active by NGI, which may be a different UCN than the one in the Subscriber/Submitter files.

#### **Operational flow for receiving a Consolidation Notice**

1. Through a previously missed identification at CJIS, there are two NGI Identities for a single person.
2. Through the agreed upon Submitter’s processes, a Subscriber has set a subscription for one of their employees/applicants/volunteers, etc. on one of those NGI Identities.

3. Through receipt of an additional criminal or civil event at NGI (or other means), NGI identifies that two separate Identities exist for this person.
4. The NGI consolidation process combines the records. As a part of that process, the NGI program sends a Rap Back Activity Notification message to the Submitting Entity indicating the consolidation. That Notification includes the combined Identity History Summary, which reflects the criminal activity that was previously listed separately on the two records and contains new information for the Subscribing Entity.
5. Using the established Submitter's communication methodology, the Submitting Entity forwards the consolidation information to the Subscribing Entity.
6. The Subscribing Entity must review the consolidated Identity History Summary to determine whether any disqualifying information is now provided, which was previously not provided because it was on the NGI Identity not originally associated with their NGI Rap Back subscription. If they discover that the individual is no longer eligible for the position or any information that in any way affects the subscription, the Subscribing Entity must send the appropriate communication to the Submitting Entity to remove or modify the NGI Rap Back subscription. If the new information does not affect the subscription, no action is required on the part of the Subscribing Entity.
7. The Submitter and Subscriber must update their records with the new UCN, if it changed, or other changed information received from NGI regarding the subscription, as appropriate.

#### **EBTS notes for receiving a notification of consolidated on Rap Back subscribed Identities**

This function is accomplished through the Rap Back Activity Notification transaction. The consolidated identity is an automatic trigger for all Rap Back subscriptions, so all Subscribers will receive these Rap Back Activity Notifications whenever a consolidation occurs on any of their subscriptions. Refer to NGI Rap Back Service Transactions, Item #2: Receiving Future Rap Activity Notifications for more information regarding receipt and processing of Activity Notifications.

## **7. Performing Bulk Submissions**

The bulk submission capabilities of NGI's Rap Back Service allow Submitters and Subscribers to perform large quantity functions efficiently. Bulk submissions are files of large numbers of single EBTS transactions. NGI will process the Bulk Submissions as a series of single transactions. The response file then will contain both the file of individual EBTS response transactions and summaries listing the results of each transaction in the following categories. Each transaction will be identified by at least its assigned UCN:

1. The transactions that succeeded;
2. The transactions that failed; and
3. The transactions that succeeded, but had some modification/correction by NGI, such as if three triggers were requested, including civil events, but the Subscriber was not authorized to receive civil events, then the Subscription would be set, but only with the two remaining triggers.

These separate lists will allow the Submitters and Subscribers to quickly tell which Subscription Requests need further attention, without having to sort through large quantities of individual transaction results.

Bulk Submissions can also be used for Maintenance transactions, such as to extend or renew large numbers of Subscriptions. The results will be provided in formats easily imported into popular spreadsheet programs.

## **8. Requesting an Identity History Summary**

As discussed under NGI Rap Back Service Transactions Item #2: Receiving Future Rap Back Activity Notifications, a Subscribing Entity may request an Identity History Summary after receiving an Activity Notification. There is no limit on the number of times an Identity History Summary may be requested after receipt of a Rap Back Activity Notification.

### **EBTS notes for Requesting an Identity History Summary**

This function is accomplished with the EBTS Rap Back Identity History Summary Request (RBIHS) transaction discussed in EBTS Section 3.3.3.3. The Rap Back Activity Notification Identifier from the Rap Back Activity Notification must be included in the RBIHS. The response from NGI is in the Rap Back Identity History Response (RBIHSR) transaction discussed in EBTS Section 3.3.3.4.

Note: The name and DOB returned in the Type 2 NAM (2.018) and DOB (2.022) of the RBIHSR are the name and DOB the Subscriber used to set the Subscription.

## Considerations for NFF States

By definition, National Fingerprint File (NFF) states do not send subsequent arrest tenprint submissions or any disposition information to the FBI on state-maintained records. Rather, that information is retained at the state level and accessed by NGI when needed for response to criminal or authorized non-criminal justice inquiries. NFF policy does require that NFF states send a Criminal Print Ident (CPI) message to NGI when a subsequent set of arrest fingerprints is received and identified at the state to an existing NFF record. Below are several considerations for NFF states to keep in mind.

### 1. The use of the CPI transaction as a default triggering event

The NGI Rap Back Program will use the CPI transaction as a trigger in the same manner as a Criminal Retain Submission to NGI. As such, the NFF states do not need to make any changes for their in-state arrests to cause appropriate triggering actions in the NGI Rap Back Service.

### 2. Possible programming changes if Disposition is a trigger event

The NFF states do not send any notice to NGI of subsequent in-state dispositions that occur. As such, with “Dispositions” as a valid Rap Back trigger, policy decisions will have to be made regarding the role of NFF states, whether an NFF Disposition Event Notice transaction similar to the CPI transaction would be created, and if so, whether that transaction would be mandatory for NFF states to program. Those decisions will be added to this document as they occur.

### 3. NFF State considerations for managing subscriptions

NFF states can participate in either of the Subscription Management Plans identified in Item #2: Subscription Management Plans under Key Start-Up Requirements, above.

#### a. Event-Based Subscription Management

**The Submitter (the NFF State) establishes a new NGI Rap Back subscription for each subscription request from a Subscribing Entity.**

As for any state, an NFF state can establish separate subscriptions for each new civil event a person applies for or participates in. Using the functionality described under NGI Rap Back Service Transactions Item #1: Setting the NGI Rap Back Subscription, an NFF state can set the subscription with a new set of fingerprints if there is no in-state match; or can use the Subsequent Subscription transaction to set the subscription if there is an in-state match against a state record with a corresponding NGI Identity. NFF states would have to submit the fingerprints according to the functional flow described in Setting the NGI Rap Back subscriptions.

#### b. Category-Based Subscription Management

**The Submitter (the NFF State) establishes a single subscription for an NGI Identity for each identified Category and tracks all subscriptions internally, without any Subscriber information residing in NGI.**

As for any state, an NFF state can simply establish a Rap Back subscription for the “state” and then manage the additional subscriptions in-state, providing Rap Back Activity Notifications and other information to the in-state Subscribers from the in-state subscription records, following NGI guidelines.

## **Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies**

Submitters must work with each one of their Subscribers to identify the Privacy Risk Mitigation Strategies that will be used for establishing and maintaining the Subscribers' subscriptions. This document first lists the Privacy Risk Mitigation Tools that are used to create the Privacy Risk Mitigation Strategies and then describes the Strategies from which the Subscribers and Submitters must choose.

### **Privacy Risk Mitigation Tools**

#### ***1. Training and Auditing***

As with all CJIS systems, an underlying system discipline must provide an environment of control and respect for the requirements that the APB, Compact Council, and FBI have instituted. Training and Auditing are key to the users' understanding that system discipline and the requirements that they must follow. With Privacy as a principal tenet of NGI's Rap Back Service, training and auditing will emphasize to the Submitters and Subscribers that they play a crucial role in upholding privacy values and implementing privacy protections. Subscribers will be provided specific guidance on how to use the data they receive, restrict its use to the authorized purposes, and prevent breaches. FBI and state audits will verify training and compliance in a manner similar to existing audit programs.

#### ***2. Pre-notification***

Pre-notification requires that when there is a subsequent event, NGI and the Submitters must verify that the Subscriber is still authorized to receive the CHRI or other Rap Back information before releasing it to the Subscribing Entity. The Subscriber must affirm that they still have the authorizing relationship with the person whose record they are about to receive.

#### ***3. Validation through Mandatory Expiration Dates***

Validation requires that the subscribing entity periodically affirm to the Submitter and NGI that their list of subscriptions is still valid. For NGI's Rap Back Service this privacy risk mitigation tool will be implemented through the use of mandatory Expiration Dates within all subscriptions. To administer this process, each month NGI will provide Subscribers, through their Submitting Entities, a list of their records about to expire. The Subscribers will review the records and advise their Submitting Entities which ones are still valid and need to remain in NGI. The Submitters will have to send Rap Back Maintenance transactions to extend or renew those subscriptions. The other subscriptions will automatically be deleted upon their Expiration Dates. That is, rather than having to periodically review and affirm the validity of their subscriptions to have them remain in file, Subscribers will have to review and affirm the validity of their subscriptions just prior to the Expiration Date in order to avoid their removal from file.

FBI CJIS will work with states and Federal Submitting Agencies that currently have validation functions in an effort to determine if it is possible to interface those existing validation activities with NGI as a means of fulfilling the validation requirement. For example, it may be possible for a state or

Federal Submitting Agency to use the outcome of its validation processes to send Rap Back Maintenance transactions to NGI that extend or renew their subscriptions prior to the monthly validation/expiration lists being generated, thereby allowing their existing validation process to prevent their subscriptions from being included in those monthly validation/expiration lists.

### ***5. Use of Specific Language to Notify Applicants of Use of Fingerprints and CHRI***

An important aspect of privacy is that the applicant is aware of the present and potential future uses of his or her fingerprints, including that they will remain in NGI and cause notices of future criminal or other activity. The applicant's awareness of these uses of the fingerprints and records helps mitigate the NGI Rap Back Service privacy risks.

### ***6. Use of Formalized Subscription Management Procedures***

Formalized procedures within the Subscribing Entity and between the Subscribing Entity and Submitting Entity for setting, modifying, extending, renewing, deleting, and synchronizing subscriptions can be an effective means of ensuring the NGI Rap Back subscription is an accurate reflection of the person's status with the Subscribing Entity. For example, a formalized process that requires a check off that the Rap Back Subscription has been set when the applicant becomes licensed, is employed, begins volunteer work, etc. is one way to ensure the Rap Back subscription is established in a timely manner. Likewise, the Subscriber must have a process whereby when the person is no longer under their license, employ, or other authority, the person's subscription is removed.

For this tool to be used as part of Privacy Strategy #5, below, the procedures must be well documented and auditable. In addition, to employ Strategy #5 for one or more of its Subscribers, the Submitter must demonstrate appropriate controls—whether automated or manual—and the associated time frames. Examples could include how a synchronization process with a particular Subscriber is implemented, how frequently that occurs, how errors are handled, etc. Other examples are discussed with Strategy #5, below.

## **Approved Privacy Risk Mitigation Strategies**

The above tools have been used in different combinations to create the approved Privacy Risk Mitigation Strategies for use by the Submitters (State SIBs, Federal Submitting Agencies, Channelers) and the related non-criminal justice Subscribing Entities. The intention is to create a variety of acceptable Strategies to address the wide variety of Submitter and Subscriber situations..

These Strategies assume that different populations of Subscribers within a state or served by a Federal Submitting Agency will be treated differently. These Strategies are per-end user population and are not exclusive; they can be used in combination. A Submitting Entity must ensure that all its Subscribers and subscriptions are covered by at least one of the Strategies.

These Strategies all address Expiration Date as the means of validation. In addition, these Strategies all address Expiration Date as separate from Rap Back Term Date. Non-criminal justice Subscribers and

Submitters will have to address Rap Back Term Date for all their subscriptions, which interacts with the Expiration Date as discussed in Items #6, #7, and #8 under Key Start-Up Requirements of the Rap Back Policy and Implementation Guide.

The following minimum requirements must be implemented for each subscription in addition to the specific requirements for the chosen Privacy Risk Mitigation Strategy.

- a. Appropriate notice is required, at a minimum notifying all applicants of the retention and uses of the fingerprints. FBI CJIS will provide appropriate language.
- b. A signed agreement between the Submitter and the Subscribing Entity is required that lays out subscription management requirements, to include:
  - i. Requiring the Subscribing Entity to only submit prints of persons who have an authorizing relationship with the Subscriber and who have received appropriate notice of the uses of the fingerprints and of their options for removing the information when appropriate.
  - ii. Requiring the Subscribing Entity to immediately notify the Submitter of all events requiring entry/modification/cancellation/termination of subscriptions.
  - iii. Requiring the Subscribing Entity within 60 days prior to expiration to review the NGI Rap Back subscription (and the Submitter-level Rap Back subscription, if one exists and is being synchronized with the NGI subscription) and determine whether the subscription should be extended, renewed, canceled or allowed to expire. The subscription should not be extended before the person is officially re-authorized under the language of the statute. If the subscription is not extended, renewed, or canceled, the subscription will expire and be removed from file.
  - iv. The Submitter and Subscribing Entity agree that the mandatory *Expiration Date* is acting as a validation and that these requirements constitute a Privacy Strategy.
- c. Subscribers will be trained on correct use, emphasizing that Rap Back does not create any new authority to receive or use criminal history record information.
- d. Subscribers will be audited for correct use.

### **Privacy Risk Mitigation Strategy #1. Pre-Notification with Mandatory Validation/Expiration within Three Years**

For any population of Subscribers, pre-notification with a mandatory validation/expiration of no more than three years is an acceptable Strategy. Prior to the expiration, entities may extend or renew the subscription, if appropriate, under the validation/expiration list process, as discussed in the Non-Criminal Justice Policy and Implementation Guide, NGI Rap Back Service Transactions, Item #5, Receiving and Responding to the Monthly Rap Back Subscription Validation/Expiration Lists.

### **Privacy Risk Mitigation Strategy #2. Authority for Duration of a License**

For licensing agencies that are given statutory authority to receive CHRI on their applicants/licensees for the period of time a license is active, no pre-notification or validation is required during that period. This Strategy requires the Expiration Date field to contain the end date of the term of license, or, if the licensing entity prefers, a date somewhat prior to that date. The Expiration Date must

contain a date within the Subscription Term and no later than five years from the date the subscription is established. If the license period is greater than five years, this Strategy may be used for the five year period, at which time the subscription would have to be reviewed under the validation/expiration list process. If the license is still active, the Expiration Date could be extended for the remainder of the license time period, up to another five years. At the end of that remaining time period, the subscription would have to be reviewed again under the validation/expiration list process.

### **Privacy Risk Mitigation Strategy #3. Statutory Authority for Set Period of Time**

A specific state statute authorizing a regulatory/oversight entity access to an applicant's CHRI for a set period of time creates an equivalency to the licensing situation described in Strategy #2, and, as such, the same rules apply.

For a Subscribing Entity that is given statutory authority to receive CHRI on their applicants, volunteers, etc. for a clearly defined period of time, no pre-notification or validation is required during that defined time period—if the time period is no greater than five years. The subscription Expiration Date field must contain a date within the Subscription Term; no later than the end of the Set Period of Time authorized in the statute; and no later than five years from the date the subscription is established.

An example would be a state statute that gives volunteers the ability to volunteer over the course of a year for separate seasonal opportunities with a single regulatory/oversight entity. The regulatory/oversight entity can receive the Identity History Summary without pre-notification even if the volunteer has ended one activity and has not yet begun another activity during the designated year.

### **Privacy Risk Mitigation Strategy #4. One-Year Validation/Expiration**

For any population of Subscribers, a one-year validation/expiration can serve in lieu of the pre-notification requirement. This Strategy requires the Expiration Date to contain a date no later than one year from the date the subscription was established.

### **Privacy Risk Mitigation Strategy #5. Subscription Synchronization Through Automated or Formalized Procedures**

For any population of Subscribers, a written agreement between the Subscriber and the Submitter that contains strict processing requirements to keep the Subscriber and Submitter subscription records synchronized, as listed below. Other listed controls must also be included.

This Strategy requires the Expiration Date field to contain a date within the Subscription Term and no later than five years from the date the subscription was established, whether the Subscriber is using validation/expiration without pre-notification or pre-notification without validation/expiration.

**Note: The exact implementation requirements for this Strategy have not yet been approved by the Compact Council. Following are examples only at this point.**



**Example with formalized automated processing, validation, and no pre-notification:**

- a. As determined by the Compact Council, the processing requirements could include:
  - i. At start-up, the Subscriber will provide the Submitter with a file of all its valid subscriptions.
  - ii. From that file, the Submitter will create a valid master file of subscriptions.
- b. The Subscriber will adhere to a strict processing protocol to keep that file up to date on at least a monthly basis. The protocol will include processing and updating responses from the Submitter regarding actions taken, which must be verified by the Subscriber.

Following is an example on a weekly basis:

- i. Each week, the Subscriber creates a file of subscription “adds” and subscription “deletes” to be processed against the Submitter valid master file.
- ii. The Submitter will process those transactions and send appropriate EBTS transactions to update NGI within 24 hours. Submitter will provide the Subscriber a response update file with all actions taken.
- iii. The Subscriber must compare that response update action file against their original submission, coordinate with the Submitter regarding any anomalies that appear, and properly update their files and business records as appropriate, to ensure the information is up to date and accurate.
- iv. The Subscriber agrees to send all revocations, cancelations, or other terminations to the Submitter on the first weekly file synchronization after it occurs.
- v. The Subscriber agrees to renew qualified subscriptions within 60 days prior to their expiration.
- vi. Every two years, the Submitter will send the Subscriber a copy of the Submitter valid master file.
- vii. The Subscriber will compare that file against their subscriptions and coordinate with the Submitter regarding any anomalies that appear.
- viii. NGI and the Submitter will send the entire Identity History Summary rather than pre-notification messages on subsequent Rap Back activity.

**Example with formalized manual procedures, pre-notification, and no validation:**

- a. As determined by the Compact Council, the processing requirements could include:
  - i. At start-up, the Subscriber will provide the Submitter with a file of all its valid subscriptions.
  - ii. From that file, the Submitter will create a valid master file of subscriptions.
  - iii. The Subscriber will adhere to a strict processing protocol to keep that file up to date as the entity processes applicants. The protocol will include responses from the Submitter regarding actions taken, which must be verified by the Subscriber.
- b. Following is one example for a licensing agency as the Subscriber:
  - i. The Submitter and the licensing agency create a process whereby the licensing agency sends the Submitter a weekly spreadsheet of new licensee and a separate spreadsheet of licenses terminated through suspension, revocation, expiration or other termination.
  - ii. The procedure requires that all transactions that occur within a week must be reported within that week or the following week’s spreadsheet.

- iii. The Submitter will process those records and send appropriate EBTS transactions to update NGI within 24 hours. Submitter will provide the licensing agency a response file with all actions taken.
- iv. Through a small PC program, the licensing agency manually compares that response action file with the spreadsheets that they previously sent and contact the Submitter regarding any exceptions.
- v. The Submitter and licensing agency agree that the Submitter will send pre- notifications upon all subsequent Rap Back activity.

## Appendix 2: Submitting Entity Start-up Checklist

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**Submitting Entity:** \_\_\_\_\_

**FBI Assigned ORI:** \_\_\_\_\_

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

\_\_\_\_\_

**Executive Contact:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **E-mail** \_\_\_\_\_

**Operational Contact:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **E-mail** \_\_\_\_\_

Submitting Entities are the State Identification Bureaus (SIB); the Federal Submitting Agencies who are submitting applicant fingerprints for themselves and/or for other federal applicant agencies; and Channelers who submit fingerprints for applicant agencies under contract. Prior to providing Rap Back services for potential Subscribing Entities within their purview, Submitting Entities must work with FBI CJIS Division to ensure that they have created the appropriate infrastructure to support their role as a Submitter. This Checklist is to guide the FBI CJIS Division and prospective Submitter through the requirements.

One goal of the Checklist is to assist those Submitters who already have in-state or federal agency Rap Back Programs to decide the best means of adding the national service to their existing efforts. In addition it is hoped that Submitters without any current Rap Back programs can use the Checklist to decide upon the best way to implement the NGI Rap Back functionality as a full service in-state and out-of-state Rap Back service. Equally, the Checklist is intended to assist Channelers in deciding the best means of implementing NGI's Rap Back in the context of their existing activities.

The FBI CJIS Division's role is to ensure that all NGI Rap Back Submitters fully understand the requirements of Rap Back and of their roles as Submitters. It is critical that the FBI CJIS Division holds each Submitter to the same set of participation standards so that all contributors know that the program controls are being universally applied and their data and applicants are protected under those controls.

As such, the FBI CJIS Division guides the potential Submitters through this Checklist, answers their questions regarding policy, compliance, etc., and acts as the arbiter of when the Submitter is ready to begin submitting NGI Rap Back subscriptions. The Submitters' written responses to this Checklist comprise their Rap Back Plan, which will identify system implementation choices and document the Submitter's readiness.

Following are the steps FBI CJIS Division must follow with each Submitter:

**1. Regarding the authority for the Submitter to participate in Rap Back.**

NGI's Non-Criminal Justice Rap Back Service requires that the participating state and federal agencies and all participating entities have authority:

1. To submit the fingerprints to NGI;
2. For the fingerprints to be retained by NGI; and,
3. For the fingerprints to be searched by future submissions to the NGI system and appropriate responses sent to submitting entities. These future searches include latent fingerprint searches.

\_\_\_\_\_ The Submitter has verified their authority to participate in NGI's Rap Back Service.

\_\_\_\_\_ The Submitter agrees to verify the authority of each Subscribing Entity prior to allowing their participation in NGI's Rap Back Service.

**2. Verify that Submitter agrees to train Subscribers prior to the Subscribers' participation and to administer NGI Rap Back policies and requirements with their Subscribers.**

As the FBI CJIS Division must ensure the compliance of all Submitting Entities, so also must the Submitters ensure the compliance of all the Subscribing Entities for whom they submit applicant prints and Rap Back Subscriptions. The first step in ensuring the compliance of the Subscribers is that the Submitting Entity agrees to work through and understand the Non-Criminal Justice Rap Back Policy and Implementation Guide. The Submitter must also agree to train their Subscribers on at least the information in the Subscribing Entity Reference Guide (Appendix 3) prior allowing them to submit Rap Back subscriptions to NGI. Also, the Submitter must agree that they will continue to administer Rap Back policies and requirements for their Subscribers.

\_\_\_\_\_ Submitter agrees to train the Subscribers on at least the Subscribing Entity Reference Guide and to administer NGI Rap Back policies and requirements with their Subscribers

**3. Verify that Submitter agrees to train and audit all Subscribers under the CJIS Security Policy requirements.**

Statement of audit requirements will go here when completed.

\_\_\_\_\_ Submitter agrees to train and audit all Subscribers under the CJIS Security Policy requirements

#### **4. Identify the Subscription Management Plan the Submitter has chosen.**

Each Submitter must decide upon and implement the appropriate Subscription Management Plan for its Subscribers.

The design of the NGI Rap Back service provides Submitting Entities a choice between two alternatives for how to manage the subscriptions they submit. These choices are intended to allow Submitters with current Rap Back programs to more easily integrate the national system into their current efforts, and allow Submitters starting new programs to decide the easiest means for them to take advantage of the national service.

It is anticipated that Submitters will select a single Plan for all Subscribers in their jurisdictions; however, Submitters may use both Plans in combination, if it would be beneficial. The Submitter is responsible for ensuring that all subscriptions passed to NGI are managed under the chosen Subscription Management Plan. The two Plans are as follows:

##### **A. EVENT-BASED SUBSCRIPTION MANAGEMENT**

**The Submitter establishes a new NGI Rap Back subscription for each subscription request from a Subscribing Entity.**

That is, separate NGI subscriptions are set on the same NGI Identity for each subscription event for that person—each application for a license, application for a covered governmental job, application to volunteer, etc. The subscription is based upon each event.

The Submitter will manage each subscription separately, including multiple subscriptions on the same Identity. A future criminal event against that Identity would generate separate Rap Back Activity Notifications from the separate subscriptions. See the Rap Back Policy and Implementation Guide for further discussion.

Under Event-Based Subscription Management, the Subscriber may identify Designated Recipients (up to 9) to receive notification of Rap Back activity on a specific subscription.

**If Designated Recipients are used, does the Submitter understand and communicate to the Subscribers:**

- \_\_\_\_\_ The Designated Recipients must have FBI assigned ORIs and be authorized to receive the CHRI related to this subscription;
- \_\_\_\_\_ Their authority must be directly related to the reason for the subscription itself;
- \_\_\_\_\_ They must be authorized to receive it under the same conditions as the Subscriber;
- \_\_\_\_\_ That this function cannot be used to add additional recipients related to other civil events (applications, volunteering, licenses, etc.) for this person's NGI Identity, only to add additional recipients authorized to receive notifications related to this one subscription;
- \_\_\_\_\_ That the participation of the Designated Recipients is totally dependent upon the Subscribing Entity maintaining their ORIs in the Electronic Biometric Transmission Specification (EBTS) Designated Recipient field.

**If the Event-Based Subscription Management Plan is chosen and Designated Recipients are used, do the Submitter's processes and procedures include the ability to:**

- \_\_\_\_\_ Include Designated Recipients for setting a Rap Back subscription with initial fingerprint submission or Subsequent Subscription;
- \_\_\_\_\_ Automatically or through manual means process the messages to the Designated Recipients from the SCO field of the Rap Back Activity Notification.

**B. CATEGORY-BASED SUBSCRIPTION MANAGEMENT**

**The Submitter establishes a single subscription for a Category within an NGI Identity and tracks all subscriptions internally, without any subscriber information residing in NGI.**

That is, the Submitting Entity creates just one subscription per NGI Identity for each identified Category as called out in the Rap Back Policy and Implementation Guide, and does not add any Subscriber information to the NGI record. These subscriptions can be thought of as "Submitter-Owned" subscriptions. The Submitter manages all NGI subscription adds, deletes, modifications, notifications, etc. internally. The subscription is based upon the Submitter knowing and managing the subscription information locally.

This approach may be beneficial for Submitters with in-state or federal agency Rap Back programs who want to send NGI notifications through their current processes. They keep their NGI "Submitter-owned" subscriptions synched with their in-state or federal agency Identity records that have one or more subscriptions. Then the Submitter processes any NGI notifications relevant to that Identity to the single or multiple in-state or federal agency subscribers, as appropriate. The burden is on the Submitter to ensure that the appropriate Privacy Strategy and other Rap Back controls are enforced in their subsequent processing of notices received from NGI.

This Subscription Management Plan requires the Submitter to track all subscriptions within their own records. Appendix 5: NGI Rap Back Subscription Management Plans contains further discussions.

**If the Submitter chooses Category-Based subscription management, have they identified adequate controls to:**

- \_\_\_\_\_ Track all in-state or federal agency subscriptions related to NGI Identities;
- \_\_\_\_\_ Ensure that the appropriate Privacy Strategies and other Rap Back controls are applied to the Rap Back Activity Notifications generated by NGI on the Submitter-owned subscriptions. This is always important and may be a larger challenge when different Subscribers on the same Identity require different processing (e.g. one gets pre-notification; one gets the Triggering Event and Identity History Summary; one gets just the Triggering Event);
- \_\_\_\_\_ Similarly, ensure that the appropriate Triggering Events are stored in their Submitter's files, accommodated in the NGI Rap Back Submitter-owned subscription record, and processed accurately to the Subscribers;
- \_\_\_\_\_ Ensure that the Submitter's own files accurately track the various Expiration Dates of the Subscriptions, that the Submitter-owned NGI subscription contains an appropriate subscription Expiration Date, and that the NGI subscription is removed immediately after the last subscription expires;

- \_\_\_\_\_ Audit their processes. Since the Submitting Entity has taken on responsibility for the administration of all the subscriptions, they must have controls in place to enforce all the NGI Rap Back Policies at the Submitter level, with adequate documentation in the files to show the processes related to the subscriptions and the controls in place to ensure compliance to policy in addition to the standard non-criminal justice auditing and training requirements;
- \_\_\_\_\_ Administer the fees. Since only one NGI subscription will be established even though there could be multiple in-state or federal agency subscriptions in a Category, the Submitter will have to manage how they handle the various fees.

**5. Identify how the Submitter and Subscribers have chosen or will choose the Privacy Strategies for the different populations of the Subscribers.**

The FBI CJIS Division will provide to each Submitter the Rap Back Policy and Implementation Guide and Appendices, which includes the Approved Privacy Strategies for NGI Rap Back in Appendix 1.

- \_\_\_\_\_ If the Submitter already has a Rap Back program, determine how the NGI privacy risk mitigation requirements fit in with their current activities.
- \_\_\_\_\_ The discussion should include the specific privacy risk mitigation tools the Submitter will use with Subscribers.
- \_\_\_\_\_ Ensure that Submitter understands these operational concepts and can work with their Subscribers to identify the correct Rap Back Privacy Risk Mitigation Strategy by evaluating the implementation of these operational processes by the Subscriber. Key operational components of the Privacy Strategies are:
  - Rap Back Activity Notification Formats;
  - Subscription Term;
  - Subscription Expiration;
  - Monthly Validation/Expiration List processing.
- \_\_\_\_\_ The Submitter must agree to work through the relevant decision points regarding the Privacy Risk Mitigation Strategies with the Subscribers, using at least the information in the Subscribing Entity Reference Guide.
- \_\_\_\_\_ The Submitter understands to role of the Privacy Risk Mitigation Strategies that will be used with their Subscribers, and how they will work with Subscribers to choose and administer those Strategies.

**6. Verify that the Submitter understands the relationship of Expiration Date to Rap Back Term Date.**

Choosing the Privacy Strategy, as discussed in Item #5, above, determines the Expiration Date for the Subscription. It is critical that the Submitter understand the relationship between that Expiration Date and the Rap Back Term Date of the Subscription. The management of these dates is key to the correct functioning of the Rap Back Service, as follows:

- The Rap Back Term Date reflects how long of a subscription period has been purchased by the Subscriber through the payment of the fee.
- The Expiration Date is the date at which the subscription expires to fulfill the validation requirement, even if time still remains on the Subscription Term. If time

does remain on the Subscription Term, the subscription may be “extended” with no additional fee.

The Subscriber must pay a fee for each NGI Subscription. The amount of the fee determines the length of time (the Subscription Term) during which the subscription can be repeatedly “extended” without incurring an additional fee. The available Subscription Terms are 2-year; 5-year; or, lifetime

Although the Subscriber pays a fee for a 5-year Subscription Term, for example, that does not mean that the subscription automatically remains active for five years. The Privacy Risk Mitigation Strategies require that NGI Rap Back subscriptions be reviewed and validated at certain Expiration Dates in order to remain in NGI.

The logic is as follows:

- a. The Subscriber has paid for the Subscription to remain in NGI for a certain Subscription Term (2-year; 5-year; or lifetime), so they will not be charged again during that Term.
- b. However, the approved Rap Back Privacy Risk Mitigation Strategies require that the Subscriber periodically verify that they are still in an authorizing relationship with the subscribed person—the subscription must be validated at intervals determined by the Privacy Risk Mitigation Strategy chosen by the Subscriber and Submitter.
- c. At the mandatory Expiration Date required by the chosen Privacy Risk Mitigation Strategy, the Subscriber must review their subscription, validate that it can still be in NGI Rap Back and, if it is still valid, “extend” it for a new validation/expiration period that is within the Subscription Term. If they do not extend the subscription, it is automatically removed from file at the Expiration Date.
- d. The Subscription is “extended” by use of the Rap Back Maintenance “Replace” transaction, through which the Subscriber replaces the Expiration Date field with a new date that is consistent with the selected Privacy Strategy, and which does not extend the subscription past the Rap Back Term Date.
- e. No fee is charged for the Rap Back Maintenance “Replace” transaction that replaces the Expiration Date field with a new “extended” Expiration Date that is less than or equal to the Subscription Term.
- f. If the new Expiration Date would extend the Subscription past the Rap Back Term Date, the Subscriber must either:
  - i. Use a different Expiration Date that is less than the Rap Back Term Date;  
Or
  - ii. “Renew” the Subscription for a new Subscription Term. The renewal is accomplished by using the Rap Back Maintenance “Renew” transaction to renew the Subscription; automatically create a new Rap Back Term Date; enter a new Expiration Date; and incur a new subscription fee.
- g. The Rap Back Maintenance “Renew” transaction which renews the Subscription does cause the billing process to charge the Subscriber a new Rap Back subscription fee.

\_\_\_\_\_ The Submitter understands the use of the Subscription Term and the Expiration Date and can assist the Subscribers in choosing appropriate Subscription Terms for their Subscriptions.



## **7. Verify that the Submitter has a plan for processing Monthly Validation/Expiration Lists.**

Closely related to the use of the Expiration Date and Subscription Term is the processing of the Monthly Validation/Expiration Lists. The Submitters must prepare processes to handle the receipt of the lists from CJIS each month and their subsequent processing and response from the Subscribers.

The flow is as follows:

1. CJIS provides the Submitters a list of all the subscriptions that will expire in the month that occurs approximately 45-75 days in the future (in June they send the August expiring records).
2. The list is sorted by Subscriber ORI. The Submitter separates the list and sends each Subscriber their portion through secure electronic means (or whatever is the agreed upon secure communications methodology).
3. The Subscriber must review all the subscriptions and verify whether they still have the authorizing relationship with each person and can therefore “extend” or “renew” the subscriptions. Then:
  - a) They create a bulk response to the validation/expiration list, indicating which subscriptions should be extended, which ones should be renewed, and which ones are no longer valid or will expire at the date indicated on the list.
  - b) For those that can be extended, they must include the new Expiration Date.
  - c) If the new Expiration Date would extend the subscription past the Rap Back Term Date, the Subscriber must renew the Subscription and pay the fee that results from that transaction.
  - d) If the subscription is no longer valid at present, the Subscriber should include in their response to the validation/expiration list that it should be canceled immediately.
4. For all the responses on the list from the Subscriber, the Submitter sends the updates to NGI.
5. Ten days prior to the expiration of each of the January subscriptions that were not extended or renewed by the Subscriber and Submitter through the monthly validation/expiration list process, NGI will send an EBTS Rap Back Renewal Notification as an additional reminder. (The Submitter can opt-out of receiving those reminders.) For each one, if no response is received by NGI by the date of expiration, the NGI System deletes the subscription. The civil event associated with the subscription remains in file.
6. After the end of January, NGI sends the Submitter a list of all the January Subscriptions that expired or were canceled. As previously agreed upon by the Submitters and Subscribers, the Submitter sends those lists of expired and canceled records to the Subscribers for them to check for any errors.

\_\_\_\_\_ Submitter understands the monthly validation/expiration list processing and has a plan for fulfilling their role.

The Monthly Validation/Expiration List process is one means of fulfilling the validation/expiration requirement of the Privacy Risk Mitigation Strategies. If a Subscriber reviews and “extends” the Expiration Date of a subscription prior to its scheduled monthly validation/expiration list being created, that subscription will not be included on the list. As such, if the Subscriber has a validation process in place already, it may be possible for them to modify that process to provide the Submitter with a bulk file of “extended” Expiration Dates or

“renewed” subscriptions for those subscriptions that pass the validation. Then it may be possible for the Submitter to create a bulk file of Rap Back Maintenance updates to NGI to Extend or Renew the subscriptions prior to the monthly validation/expiration lists being created. In that way, it may be possible for the Subscriber stay ahead of NGI’s processing and not have to review the records in the monthly lists. It is also possible for Submitters to opt out of receiving the monthly validation/expiration lists if they have created an alternative process that adequately addresses validation/expiration. It is requested that Submitters discuss with the CJIS Division any plans to create such a process, so that the CJIS Division and the Submitter can ensure that all details have been considered and addressed.

\_\_\_\_\_ Submitter understands the possibility of creating an alternative “extend” and “renew” process, and they will discuss such a plan with NGI prior to implementing it.

## **8. Verify that the Submitter has created a communication methodology for their Subscribers.**

As discussed in the Rap Back Policy and Implementation Guide, the Subscribers need to have a clear understanding both of the functions that Rap Back offers them and of how they as Subscribers communicate those activities to NGI through the Submitter. The Submitter must create a communications methodology for the Subscriber to keep the Submitter notified of all subscription adds, deletes, and modifies. The Submitter must include a description of the communications methodology in their Submitter’s Rap Back Plan with at least the following elements.

- \_\_\_\_\_ A plain language description of the communications methodology (secure email, secure website communications, via overnight mail, by phone, etc.). Include whether options for different methodologies exist for the different Subscribers. This communications methodology could also be through a vendor operating under a contract with appropriate outsourcing controls in place.
- \_\_\_\_\_ Whether the Submitter has created any defined forms or messages that the Subscriber’s internal processing must use to communicate the different transactions to the Submitter, to include communications with third party vendors. If the Submitter is requiring the Subscriber to supply an electronic message that is in the EBTS format, such as through a vendor, for example, the Submitter must provide clear guidance on the field definitions, formats, mandatory status, etc.
- \_\_\_\_\_ The procedures for handling EBTS errors received from NGI that need to be communicated to the Subscribers; including policies or procedures that ensure the Subscribers know what follow-on action is necessary, such as correction and re-submission of Rap Back Subscription information, etc.
- \_\_\_\_\_ Discussion and documentation of all the possible transactions that the Subscriber and Submitter must handle, and whether all of them are accommodated within the Submitter’s communications methodology with the Subscriber, and whether the Submitter has the ability to pass all of them on to NGI in the correct EBTS formats.
- \_\_\_\_\_ Discussion and documentation of controls within the communications methodology to ensure that the messages are sent, received, and processed in the expected timeframe to and from the Subscriber and the Submitter.
- \_\_\_\_\_ Discussion and documentation of controls regarding the validation/expiration and renewal processing, focusing on the need for formalized procedures with Subscribers

to handle the monthly validation/expiration lists and the monthly expired and cancelled records lists.

**9. Verify that the Submitter has created the capability to capture all Rap Back data elements and to send and receive all required Rap Back transactions to and from NGI in the EBTS formats.**

NGI's Rap Back Service is a completely automated service between NGI and the Submitters. Submitters may have manual processes between themselves and their Subscribers, but all transactions coming to NGI must be sent electronically (or in some cases on magnetic media) using the EBTS requirements. As such, prior to participation, the Submitter must verify to the CJIS Division that they have the capability to accommodate all the EBTS Rap Back data fields and to send and receive all the EBTS Rap Back transactions.

EBTS version 10.0 has the Rap Back related data elements and transactions required for Rap Back participation. Appendix 4: Non-Criminal Justice Rap Back Related Data in EBTS summarizes the data elements and transactions. The latest available version of the EBTS can be found at website: <https://www.fbibiospecs.org/ebts.html>. The Non-Criminal Justice Policy and Implementation Guide describes the transactions in the Section titled NGI Rap Back Service Transactions.

\_\_\_\_\_ The Submitter's Rap Back Plan verifies that they have the capability to capture all the above data elements.

\_\_\_\_\_ The Submitter's Rap Back Plan verifies that they have the capability to send and receive all the Rap Back transactions contained in the EBTS.

**10. Verify that the Submitter has assigned appropriate Category codes to all statutes or other authorities under which they will submit Rap Back Subscriptions to NGI.**

The EBTS Rap Back Category field requires a value for each subscription request, and that value must derive from the authority under which the request is submitted. The Submitter must ensure that all subscriptions are requested under the correct Category code.

\_\_\_\_\_ Submitter's Rap Back Plan verifies that they have assigned Category codes to all statutes and other authorities under which they will submit subscription request.

\_\_\_\_\_ The Submitter must have a process they will use to ensure the Category code is correctly included with each transaction. It can be supplied by the Subscribers with their subscription requests to the Submitters, or the Submitter may establish a process to assign each Category value to the transaction as the requests are received from the Subscribers.

\_\_\_\_\_ The Submitter must have a process to ensure that new values are assigned for subscriptions that are requested under new statutes or other authorities, as those authorities become available to Subscribers.

## **11. Verify that the Submitter understands Rap Back Triggers and will assist Subscribers with choosing triggers to be used in their subscriptions.**

The Submitters must understand:

- \_\_\_\_\_ That future events reported to NGI will cause Rap Back Activity Notifications to be sent from NGI to the Subscriber only if that type of event is on the subscription's list of Triggering Events;
  - \_\_\_\_\_ That the "Criminal Retain Submission" trigger will be set by NGI by default for every subscription, even if no Trigger Event field is included in the subscription request transaction;
  - \_\_\_\_\_ That Subscribers must identify any additional Triggering Events from the list in the Non-Criminal Justice Policy and Implementation Guide that they would like included in their subscriptions;
  - \_\_\_\_\_ That the Submitters can require the Subscribers to send their additional triggers with each subscription request, or the Submitter can agree to automatically set the additional triggers for each Subscriber.
- \_\_\_\_\_ The Submitter understands the use of the Triggering Events and that additional Triggering Events can be set with each transaction.

## **12. Verify that the Submitter has created a strategy for the User Defined fields**

These fields are provided to allow the Submitters and Subscribers the greatest flexibility in managing the Subscriptions. Whatever is included in these fields will be returned to the Submitter within Rap Back Activity Notifications and other Rap Back transactions to provide detailed linking ability for the Submitters and Subscribers.

- \_\_\_\_\_ As such, each Submitter must decide whether to create a plan at the Submitter level for linking subscriptions back to the right Subscribing Entity.
- \_\_\_\_\_ If the Submitter does not need a standardized use of any of the fields for their level of routing, it is acceptable for a Submitter to delegate use of the User Defined fields to each Subscriber to assist in linking the incoming messages to the right section within their organization, and to the right person. The emphasis is on identifying information that will have meaning when the Rap Back Activity Notification is received years after the subscription was originated. On many occasions the persons receiving it will be different than those who originated the subscription. It is recommended the Submitting Entity stress the need for standardized use within each Subscriber.

**13. Determine whether the Submitter has the capability to set and apply default settings for Subscribers.**

The Subscriber can choose to set some values by default for the Subscribers, if the Subscribers want that service. For example, the Submitter could agree to set the value for the Triggering Events; the Subscription Term; the Category Code; the Rap Back Activity Format, and others for all of a Subscriber's subscriptions. This could possibly simplify communications between Subscriber and Submitter. This capability is optional for the Submitters, and is not necessary if under the Submitter's communications methodology they require that each subscription message includes all the Rap Back Subscription fields' values from each Subscriber for each subscription. That solution would have to be clearly communicated to the Subscribers during the start-up discussions with the Subscribers.

\_\_\_\_\_ The Submitter's Rap Back Plan describes the use of default settings for Subscribers.

**14. Determine whether the Submitter has created a plan to ensure that all applicants are notified that his or her fingerprints will be retained in the national file and a summary of intended uses.**

The Submitting Entity must ensure that this notice is provided to the applicants. This can be accomplished through a state-wide fingerprinting program, through the application process of each Subscriber or other verifiable means. The Submitter must ensure that each population for which they will submit subscriptions has a verifiable process in place. FBI CJIS will provide appropriate language for this notice.

\_\_\_\_\_ The Submitter's Rap Back Plan describes the procedures that will be used to ensure that applicants receive the appropriate notice regarding future use of their fingerprints.

**15. Determine whether the Submitter has decided to opt-out of in-state notifications**

Those states with in-state Rap Back programs already in place may find that NGI's Rap Back service integrates best into the state efforts if NGI does not send the state Rap Back Activity Notifications on in-state events. The state system will continue to perform the in-state notifications and NGI Activity Notifications on those events would be duplicative to the Subscribers and may cause confusion.

This option is set on each individual subscription, which gives the state the option of setting default values for all their subscribers or of electing to opt-out of in-state notifications for some populations and not for others. The purpose of this Checklist item is to ensure that the SIBs have considered the best course of action for all their subscribing populations and have put the correct processes in place to fulfill those choices.

\_\_\_\_\_ The Submitter's Rap Back Plan describes the anticipated use of the Opt-Out of In-State Notifications function and what processes will be used to set the values in each subscription.

**16. Verify that the Submitter has determined the appropriate fees and has communicated them to the Subscribers.**

Submitters must have identified any changes to their fees and have communicated clearly to the Subscribers that NGI Rap Back Service will require a fee, and that fee is based upon the chosen Subscription Term. The Submitter must integrate the Rap Back Fee collection into its current services. Available Subscription Terms are:

- 2-year Term
- 5-year Term
- Lifetime Term

If Category Based Subscription Management is used, the Submitter must understand the complexities related to the fees when using that approach. Those fee considerations are discussed in Appendix 5: NGI Rap Back Subscription Management Plans.

\_\_\_\_\_ The Submitter understands the Rap Back Fees, will communicate them to the Subscribers, and collect them as appropriate.

## Appendix 3: Subscribing Entity Reference Guide to NGI's Rap Back Service

**Note to Submitters:** *The information in this document is provided for you to use in any manner most appropriate to your implementation. The information could be used as a separate document, integrated into your own documentation, or in any other manner. Where the document asks questions regarding the Submitter's plans or where it states that the Submitter must describe certain Submitter choices to the Subscriber, it is recommended you remove that language and instead provide those functions, choices, or descriptions directly.*

*This document is provided as a reference for those non-criminal justice entities who are considering participation in NGI's Rap Back Service. To address the entire population of potential Subscribers, these requirements are listed only as related to NGI and the NGI Rap Back Service. Of course, Submitters with their own Rap Back Programs will implement these requirements as appropriate within the context of their existing activities and, as above, should use this information in any means appropriate for communicating with their Subscribers.*

*This document is an attempt to summarize key points for the Subscribers.*

*As stated throughout the Non-Criminal Justice Rap Back Service Policy and Implementation Guide, the robustness of the in-state or federal agency or Channeler communications methodology is critical to the success of Rap Back. The Submitter must employ the most efficient communications process possible and must work with the Subscribers to use it effectively.*

Following are the steps necessary for a non-criminal justice entity to participate in NGI's Rap Back Service. These steps must be taken in coordination with the Submitter through whom the subscriptions will be sent to NGI.

### **1. Subscriber must identify the authority they have to participate in Rap Back.**

Subscriber must have an appropriate ORI assigned by the CJIS Division. Their statutory or other appropriate authority must be provided to the Submitter, and must include:

- a. Authority to submit non-criminal justice fingerprints for search and responses to the Submitter and NGI.
- b. Authority for NGI to retain those fingerprints and process future searches against them, including latent fingerprint searches.

Subscribers can only subscribe to persons who have official relationships to the Subscriber under the identified authority.

## **2. In States or Federal Agencies where Rap Back Systems already exist, the Subscriber must understand how NGI's Rap Back Service will change the information provided to the Subscriber from the Submitter.**

Submitters who already operate Rap Back services for their Subscribers must describe to the Subscribers what effect participation in NGI's Rap Back will have upon the future notifications of Rap Back activity and other messages that will be communicated between Submitter and Subscriber.

The Submitting Entity may want to describe the Subscription Management Plan that they have chosen for managing the subscriptions submitted through them. There is no direct requirement on the Subscriber regarding the plan, but it may be helpful for them to understand how the Submitter is handling the subscriptions, which could affect how the new information will be presented to the Subscribers.

The Submitter should describe whether the NGI transactions and functions will look different from the in-state or federal agency transactions, or if they will just be integrated into the Submitter's transactions and messages. For example, if the Submitter is going to simply forward the NGI transactions as they come from NGI, they will have a different look than the in-state or federal agency transactions. This is a training issue for the Submitter to include in its discussion and documents with the Subscribers.

Also key to this point is simply making sure that the Subscribers understand the scope of the NGI Rap Back Service and that they will now be getting notified of out-of-state events that are reported to the FBI.

## **3. The Subscriber must agree with Submitter on the appropriate Privacy Risk Mitigation Strategy for their subscriptions.**

The Subscriber must implement formalized processes, procedures, and controls in alignment with the Rap Back policies to protect the information and the Rap Back Service.

Accordingly, the Subscriber in consultation with the Submitter must choose the appropriate Privacy Strategy to apply to their subscriptions. It is recommended the discussions of the Privacy Risk Mitigation Strategies include:

- The Rap Back Privacy Risk Mitigation Tools and the approved Rap Back Privacy Risk Mitigation Strategies as described in the Rap Back Service Non-Criminal Justice Policy and Implementation Guide, Appendix 1: Approved NGI Rap Back Privacy Risk Mitigation Strategies. The key issues include validation/expiration and Rap Back Activity Notification Format. It is important that the Subscriber understand how those processes work and is able to decide which are most appropriate for the populations they serve.
- A detailed description of the Submitter's Privacy Risk Mitigation Strategy implementation processes, so that the Subscriber can determine how their processes fit in, and where they may need to change and augment their processes.
- Based upon the selected Privacy Strategy, the Submitter and Subscriber must agree on the appropriate Rap Back Activity Notification Format: will the Subscriber receive Pre-Notification, the Triggering Event and Identity History Summary, or just the Triggering Event within their Rap Back Activity Notifications.



- i. If they are going to receive pre-notification messages, it is recommended the Submitter and Subscriber consider the following questions:
  1. How will the Submitter send the Rap Back Activity Notifications with pre-notification to the Subscriber?
  2. How will the Subscriber be able to respond to them in a timely manner?
  3. How will the Subscriber route Rap Back Activity Notifications to the right person within their organization?
  4. How will they communicate the response back to the Submitter?
  5. Does the Subscriber know they will get a reminder if they do not reply within 15 days?
- The correct use and execution of validation/expiration processes is critical to the Privacy Risk Mitigation Strategies. The policies and processes related to validation/expiration and the Rap Back Subscription Term are discussed in Item #6, below. Subscribers must understand the relationship between the Subscription Term and the Subscription Validation/Expiration period discussed in Item #6.

#### **4. The Subscriber must send and receive Rap Back transactions to and from the Submitter using the Submitter's specific communications methodology.**

The Submitter must identify and document both the communications methodology and the actual transactions that the Subscriber must send the Submitter to fulfill the Rap Back functions. Descriptions must also include the responses those transactions will generate from the Submitter back to the Subscriber. That communications methodology may be electronic, manual, or a combination.

It is recommended the information include:

- A plain language description of the communications methodology (secure email, secure website, overnight delivery service, by phone, etc.). Include whether certain transactions have different methodologies; for example, are pre-notifications performed via phone and the rest in the mail.
- Whether the Submitter has created any defined forms or messages that the Subscriber's internal processing must use to communicate the different transactions to the Submitter. If the Submitter is requiring the Subscriber to supply an electronic message that is in an excel spreadsheet or in the actual EBTS format, for example, the Submitter should provide clear guidance on the field definitions, formats, mandatory status, etc.
- All the NGI Rap Back functions, including any controls required at any point by the Submitter.
- The details of what must be included in each message, how they are to be sent, and how they are related to the Subscriber's internal processing.
- Discussion of controls within the communications methodology to ensure that the messages are sent, received, and processed in a timely manner from the Subscriber and by the Submitter. For example, does the Submitter have time frame requirements for sending update transactions, or are there certain acknowledgement responses that the Submitter sends or requires of the Subscriber to ensure transactions are received and processed.
- Whether all transactions will be passed through to the Subscriber. For example, does the Subscriber want to receive notice from NGI through the Submitter when each new subscription is successfully established, or rather just when the setting of a subscription fails?

## **5. The Subscriber and Submitter must ensure that the applicant receives appropriate Privacy Act Notifications.**

The Submitting Entity and Subscriber must agree on how the applicants will be notified that his or her fingerprints will be retained in the national file and a summary of the intended uses. This is a combined responsibility of the Subscriber, the Submitter, and the FBI CJIS Division. Means by which this notification can happen include the fingerprinting process, including language on the fingerprint cards, through the livescan process, through the Subscriber's individual application process, or other verifiable means.

The Submitter and Subscriber must agree on a process that reliably ensures all applicants receive this notice. The FBI CJIS Division will provide the appropriate notification language.

## **6. Subscribers must understand the relationship between the Subscription Term and the Subscription Validation/Expiration period.**

The Subscriber must understand the logic regarding the Subscription Term and the Subscription Expiration Date. Each NGI Rap Back subscription has two key dates: The Rap Back Term Date and the Subscription Expiration Date:

- The Rap Back Term Date reflects how long a subscription period has been purchased by the Subscriber through the payment of the fee.
- The Expiration Date is the date at which the subscription expires to fulfill the validation requirement, even if time still remains on the Subscription Term. If time does remain on the Subscription Term, the subscription may be "extended" with no additional fee.

The Subscriber must pay a fee for each NGI Subscription. The amount of the fee determines the length of time during which the subscription can be repeatedly "extended" without incurring an additional fee. The available Subscription Terms are as follows:

- 2-Year
- 5-Year
- Lifetime

Although the Subscriber pays a fee for a 5-year Subscription Term, for example, that does not mean that the subscription automatically remains active for five years. Each NGI subscription must be governed by one of the Privacy Risk Mitigation Strategies, as discussed in Item #3, above.

Those Privacy Risk Mitigation Strategies require that NGI Rap Back subscriptions be reviewed and validated at certain intervals in order to remain in NGI. That validation process is implemented for NGI Rap Back through the use of the Expiration Date field. That is, even though, a Subscriber pays for a 5-year Subscription Term, for example, if they participate in Privacy Risk Mitigation Strategy #4: One Year Validation/Expiration, they must validate the subscription every year. This means that they must set the Expiration Date of their subscriptions to one year from the date of entry.

The logic is as follows:

- a. The Subscriber has paid for the Subscription to remain in NGI for a certain Subscription Term (2- year; 5-year; or lifetime), so they will not be charged again during that Term.
- b. However, the approved Rap Back Privacy Risk Mitigation Strategies require that the Subscriber periodically verify that they are still in an authorizing relationship with the

- subscribed person—the subscription must be validated at intervals determined by the Privacy Risk Mitigation Strategy chosen by the Subscriber and Submitter.
- c. At the mandatory Expiration Date required by the chosen Privacy Risk Mitigation Strategy, the Subscriber must review their subscription, validate that it can still be in NGI Rap Back and, if it is still valid, “extend” it for a new validation/expiration period that is within the Subscription Term. If they do not extend the subscription, it is automatically removed from file at the Expiration Date.
  - d. The Subscription is “extended” by use of the Rap Back Maintenance “Replace” transaction, through which the Subscriber replaces the Expiration Date field with a new date that is consistent with the selected Privacy Strategy, and which does not extend the subscription past the Rap Back Term Date.
  - e. No fee is charged for the Rap Back Maintenance “Replace” transaction that replaces the Expiration Date field with a new “extended” Expiration Date that is less than or equal to the Subscription Term.
  - f. If the new Expiration Date would extend the Subscription past the Rap Back Term Date, the Subscriber must either:
    - i. Use a different Expiration Date that is less than the Rap Back Term Date;  
Or
    - ii. “Renew” the Subscription for a new Subscription Term. The renewal is accomplished by using the Rap Back Maintenance “Renew” transaction to renew the Subscription Term; automatically create a new Rap Back Term Date; enter a new Expiration Date; and incur a new subscription fee.
  - g. The Rap Back Maintenance “Renew” transaction which renews the Subscription causes the billing process to charge the Subscriber a new Rap Back subscription fee for the same Subscription Term as originally purchased.

As such, the Subscriber must decide upon the appropriate Subscription Term for their population of applicants. That decision will determine the fees they will pay and the Terms of the Subscriptions, but it is separate from the decision regarding the Privacy Risk Mitigation Strategies and the resulting Expiration Dates.

The Subscriber also must identify the appropriate Expiration Dates for all their subscriptions. The Expiration Dates are determined from the Privacy Risk Mitigation Strategy being employed by the Subscriber and Submitter. The Privacy Strategies drive Expiration Dates as follows:

**Strategy 1: Pre-Notification with Mandatory Validation/Expiration within Three Years**

This Strategy requires the Expiration Date field to contain a date within the Subscription Term and no later than three years from the date the subscription is established.

**Strategy 2: Authority for Duration of a License**

This Strategy requires the Expiration Date field to contain the end date of the term of license, or, if the licensing entity prefers, a date somewhat prior to that date. The Expiration Date must contain a date within the Subscription Term and no later than five years from the date the subscription is established.

**Strategy 3: Statutory Authority for a Set Period of Time**

This Strategy is equivalent to Strategy 2, and similarly requires the Expiration Date field to contain a date within the Subscription Term; no later than the end of the Set Period of Time

authorized in the statute; and no later than five years from the date the subscription is established.

**Strategy 4: One-Year Validation/Expiration**

This Strategy requires the Expiration Date to contain a date no later than one year from the date the subscription is established.

**Strategy 5: Subscription Synchronization Through Automated or Formalized Procedures**

This Strategy requires that the Expiration Date field to contain a date within the Subscription Term and no later than five years from the date the subscription is established.

The Subscriber should identify if there are variations in their populations that may require special processing and how those will be handled. In addition, the Subscriber should consider processes they will use to ensure updates are provided to the Submitter when a person's subscription needs to be removed before its Expiration Date, such as because of termination of employment, licensing, etc.

**7. The Subscriber must process monthly Subscription Validation/Expiration Lists that will be provided to them from the Submitters.**

Closely related to the Subscription Term Date and Expiration Date is the processing of the Monthly Validation/Expiration Lists. The Subscribers must prepare processes to handle the receipt of the NGI lists from the Submitter each month and their subsequent processing and response to the Submitter.

The flow is as follows:

1. CJIS provides the Submitters a list of all the subscriptions that will expire in the month that occurs approximately 45-75 days in the future (in June they send the August expiring records).
2. The list is sorted by Subscriber ORI. The Submitter separates the list and sends each Subscriber their portion through secure electronic means (or whatever is the agreed upon secure communications methodology).
3. The Subscriber must review all the subscriptions and verify whether they still have the authorizing relationship with each person and can therefore "extend" or "renew" the subscriptions. Then:
  - a) They create a bulk response to the validation/expiration list, indicating which subscriptions should be extended, which ones should be renewed, and which ones are no longer valid or will expire at the date indicated on the list.
  - b) For those that can be extended, they must include the new Expiration Date.
  - c) If the new Expiration Date would extend the subscription past the Rap Back Term Date, the Subscriber must renew the Subscription and pay the fee that results from that transaction.
  - d) If the subscription is no longer valid at present, the Subscriber should include in their response to the validation/expiration list that it should be canceled immediately.
4. For all the responses on the list from the Subscriber, the Submitter sends the updates to NGI.
5. Ten days prior to the expiration of each of the January subscriptions that were not extended or renewed by the Subscriber and Submitter through the monthly validation/expiration list process, NGI will send an EBTS Rap Back Renewal Notification as an additional reminder. (The Submitter can opt-out of receiving those reminders.) For each one, if no response is received by

NGI by the date of expiration, the NGI System deletes the subscription. The civil event associated with the subscription remains in file.

6. After the end of January, NGI sends the Submitter a list of all the January Subscriptions that expired or were canceled. As previously agreed upon by the Submitters and Subscribers, the Submitter sends those lists of expired and canceled records to the Subscribers for them to check for any errors.

The Submitters and Subscribers must coordinate closely on the processing of these lists to avoid subscriptions being inappropriately removed from NGI and to prevent subscriptions from remaining in NGI when they should not.

**Note:** The Submitter may create an alternative but equal validation/expiration strategy for the Subscriber's subscriptions, in which case the Subscriber will have to participate in that process.

## **8. The Subscriber may identify the triggers to be used in their subscriptions.**

All Criminal Retain Submissions will trigger a Rap Back Activity Notification to be sent to the Submitter from NGI. The Subscriber must identify any additional triggers from the below list that should also cause Activity Notifications to be sent from NGI, and whether those are set by default by the Submitter (if the Submitter offers that option) or the Subscriber will provide them on each subscription transaction.

- a. **Criminal Retain Submission**  
This trigger will activate whenever a retained criminal Tenprint Fingerprint Identification Submission transaction or NFF Criminal Print Identification (CPI) transaction matches against a subscribed NGI Identity. This trigger is automatically set for all subscriptions, regardless of whether it is requested or not.
- b. **Dispositions**  
This trigger will activate whenever a reported disposition transaction is matched against a subscribed NGI Identity. The disposition transactions included are:
  - Disposition Fingerprint Search Request
  - Disposition Submission Request
  - Disposition Maintenance Request
- c. **Civil Retain Submission**  
This trigger will activate whenever a retained civil Tenprint Fingerprint Identification Submission matches against a subscribed NGI Identity, and it will provide notification of civil event information. This trigger is limited to certain federal agencies that have specific statutory authority to receive this information [e. g. for Office of Personnel Management (OPM), Security Clearance Information Act (SCIA)].
- d. **Expunge/Partial Expungement**  
This trigger will activate whenever all or a portion of a subscribed NGI Identity is expunged and provide notification of the information being removed from the record.
- e. **Warrant entry with FBI number included**  
This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is entered into the NCIC Wanted Person file or Immigration Violator file.

- f. **Warrant Deletion**  
This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is deleted from the NCIC Wanted Persons file or Immigration Violator file. This trigger will be activated by NCIC Cancel, Clear, or Locate transactions.
- g. **Warrant Modification**  
This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is modified within the NCIC Wanted Persons file or Immigration Violator file.
- h. **Sex Offender Registry entry**  
This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is entered in the NCIC Sex Offender Registry.
- i. **Sex Offender Registry Deletion**  
This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is deleted from the Sex Offender Registry. This trigger will be activated by Cancel or Clear transactions.
- j. **Sex Offender Registry Modification**  
This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is modified within the Sex Offender Registry. Transactions that will cause this trigger to activate are limited to modification of any of the following fields:
- Name
  - Case Number
  - Registration Date
  - Registry Expiration Date
  - Registering Agency
- k. **Death Notices**  
This trigger will activate whenever NGI receives a death notice and associates it with a subscribed NGI Identity. This will include both fingerprint-based and non-fingerprint-based death notice submissions. The Rap Back Activity Notification will include whether it was a fingerprint supported death notice or not. NGI does not remove the Rap Back subscription as result of a fingerprint based or non-fingerprint based death notice.

## **9. The Subscriber must internally link and process Rap Back Activity Notifications and all other Rap Back transactions.**

For the Subscriber to realize the full value of Rap Back they must be able to receive and process Rap Back Activity Notifications in the near term or long after the original subscription was established.

As such, the Subscriber must establish a specific protocol for receiving and processing future Rap Back Activity Notifications, monthly validation/expiration lists, and all other Rap Back transactions.

The Subscriber and Submitter must identify the linking fields and what the Subscriber will send to NGI in the linking fields. That information will be returned to the Subscriber in the future Rap Back Activity Notifications. The information must have meaning to them at that time, so they can route that notice to the right person internally to quickly take the appropriate action.

The process must be robust enough that it will have meaning to new management and operational personnel who receive the message at a future time. Include discussion of the linking fields and how they will be used, especially the Rap Back Attention field and the User Defined fields. If the Submitter has created a standardized use of the User Defined fields, they must communicate that to the Subscriber. Otherwise, the Subscriber can use them in any way that will assist their processing. The ten User Defined fields are 100 characters each and may include, among other data:

- a. Initial Fingerprint Submission TCN;
- b. Subscribing Entity OCA submitted at time of subscription;
- c. Internal Subscriber reference information;
- d. State SID, when appropriate.

#### **10. The Subscriber must understand their role in keeping the NGI Rap Back Service accurate and up to date.**

The Subscriber's role in keeping the national Rap Back Service accurate and up to date requires that they follow all NGI policies and requirements, and that they agree to use the processes and functions created for Rap Back to notify the Submitter in a timely manner of all changes to their local records that would affect the authority or accuracy of the corresponding NGI subscriptions. They must communicate to the Submitter the correct information to set, modify, extend, renew, or delete their subscriptions in a timely manner.

#### **11. Subscribers must understand that when they receive a name search response after re-submission of rejected fingerprints no Rap Back Subscription will be established for that person based upon that set of fingerprints and name search result.**

Since no fingerprint identification was made to an NGI Identity and no NGI Identity was created by that set of fingerprints, no subscription will be established. If better prints are received in the future and the person is identified to an NGI Identity or an NGI Identity is created, a subscription may be established at that time.

## Appendix 4: Non-Criminal Justice Rap Back Related Data in EBTS

For quick reference, the non-criminal justice Rap Back related data within the EBTS are set out below. These data elements make up the logical Rap Back Subscription Record within NGI. For the specific technical requirements for participation in the NGI's Rap Back service, please refer to the latest available version of the EBTS, which can be found at website: <https://www.fbibiospecs.org/ebts.html>

This summary is intended only to provide a summary and profile of the Rap Back data in NGI and not to replace any technical specification in the EBTS. The EBTS controls in any unintentional conflict between this document and the EBTS. All technical planning, development, and implementation must be done by referring to the EBTS document.

### EBTS Rap Back Related Data elements for creation of subscriptions using Search and Subscribe

Below are the Subscriber-entered Rap Back data elements that have been added to the EBTS to accommodate the implementation of NGI's Rap Back Service.

The same set of Rap Back data are used to set a Rap Back subscription, whether it is through a Tenprint Fingerprint Identification Submission transaction (Search and Subscribe) or through a Subsequent Subscription transaction. Those transactions are discussed within the Rap Back Policy and Implementation Guide. The following chart shows the data used in setting a subscription, as presented in EBTS Section 3.1.1.20 Rap Back Subscription Requests. That Section is talking about Tenprint Fingerprint Identification Submission transactions, and as such is relevant specifically to the Rap Back Search and Subscribe transaction.

EBTS Tag Number	EBTS Element	EBTS Element Name	Mandatory/Optional
2.2015	RBXD	Rap Back Expiration Date	Optional
2.2020	RBR	Rap Back Recipient	Optional
2.2040	RBT	Rap Back Trigger	Optional
2.2062	RBNF	Rap Back Activity Notification Format	Mandatory
2.2063	RBOO	Opt out of in State Rap Back Criminal Event Indicator	Optional
2.2064	RBUD	Rap Back User Defined	Optional
2.2065	RBC	Rap Back Category	Mandatory
2.2070	RBATN	Rap Back Attention Indicator	Optional
2.2071	RBST	Rap Back Subscription Term	Optional



Note that EBTS shows Rap Back Expiration Date and Rap Back Subscription Term as “Optional” because this chart is applicable to setting criminal and non-criminal justice Rap Back subscriptions. Those two fields are not used in criminal justice subscriptions, so they are shown as optional in this chart. When a Submitter wants to use a Tenprint Fingerprint Identification Submission to establish a non-criminal justice Rap Back Subscription, the following fields are mandatory, in addition to the mandatory fields for the fingerprint submission:

EBTS Tag Number	EBTS Element	EBTS Element Name	Mandatory/ Optional
2.005	RET	Retention Code	Mandatory (Must be “Y”)
2.2015	RBXD	Rap Back Expiration Date	Mandatory
2.2062	RBNF	Rap Back Activity Notification Format	Mandatory
2.2065	RBC	Rap Back Category	Mandatory
2.2071	RBST	Rap Back Subscription Term	Mandatory

### **EBTS Subscriber-entered Rap Back Related Data elements for creation of non-criminal justice subscriptions using Subsequent Subscription**

The Subsequent Subscription transaction uses the same Subscriber-entered Rap Back fields as those indicated above for the Search and Subscribe transaction. In addition, the Subsequent Subscription transaction also includes the following Subscriber-entered Rap Back data elements. These elements (except EVI) are already a part of the Tenprint Fingerprint Identification Submission used for Search and Subscribe.

EBTS Tag Number	EBTS Element	EBTS Element Name	Mandatory/ Optional
2.006	ATN	Attention Indicator	Optional
2.014	FBI/UCN	FBI Number/Universal Control Number	Mandatory
2.018	NAM	Name	Mandatory
2.022	DOB	Date of Birth	Mandatory
2.038	DPR	Date Printed	Optional
2.073	CRI	Controlling Agency Identifier	Optional
2.2035	EVI	Event Identifier	Mandatory if no fingerprints are included

## Notes on the Subscriber-Entered Rap Back Related Data Elements in EBTS

These Subscriber-entered data elements for non-criminal justice subscriptions are described in the EBTS and throughout the Rap Back Non-Criminal Justice Implementation Guide. These notes are provided just as quick reminders of their use, and point out some operational considerations regarding the data elements, when appropriate. There are some maintenance and other data elements listed below which do not appear in the above discussions of setting Rap Back subscriptions.

2.006 ATN – Attention

2.014 FBI/UCN – FBI Number or Universal Control Number

2.018 NAM – Name

When provided within a Subsequent Subscription transactions not supported by fingerprints, the name will not be added to the NGI Identity. The name supplied in the Subsequent Subscription transaction will be provided on any Rap Back Activity Notification so that the Subscriber can link the Notification back to the correct licensee, employee, volunteer, etc. in their files.

2.022 DOB – Date of Birth

When provided within a Subsequent Subscription transactions not supported by fingerprints, the DOB will not be added to the NGI Identity. The DOB supplied in the Subsequent Subscription transaction will be provided on any Rap Back Activity Notification so that the Subscriber can link back to the correct licensee, employee, volunteer, etc. in their files.

2.073 CRI – Controlling Agency Identifier

If the Submitter is using Event-Based Subscription Management, this field will contain the ORI of the Subscriber. If the Submitter is using Category-Based Subscription Management, both the ORI field and this field will contain the ORI of the Submitter.

2.2015 RBXD – Rap Back Expiration Date

Date the subscription expires under the Subscriber's Privacy Strategy. When it is about to expire, will cause the record to be included in the monthly validation/expiration list for validation processing.

2.2020 RBR – Rap Back Recipient (Designated Recipients)

When present in an NGI Rap Back Subscription, the Rap Back Recipient field is populated into the SCO field of outgoing Rap Back Activity Notifications. Please see Appendix 6: Use of EBTS field 2.2020: Rap Back Recipients.

2.2035 EVI – Event Identifier

Unique identifier assigned by NGI to biometric enrollment events. For non-criminal justice Rap Back, it is the identifier for the enrollment of the fingerprints associated with the civil event (employment application, license application, volunteer event, etc.) This identifier is sometimes submitted with "Subsequent Subscription" transactions when the subscription is being set after the initial Tenprint Fingerprint Identification Submission has already been submitted and the prints retained, as described in the Guide.

#### 2.2039 RBMI – Rap Back Maintenance Indicator

Used in the Rap Back Maintenance Submission transaction (RBMNT) to indicate the type of maintenance action being requested:

- Replace
- Delete
- Append
- Cancel
- Renew
- Un-cancel

#### 2.2040 RBT – Rap Back Trigger

Events that will cause future notifications to Submitter/Subscriber.

Automatically includes criminal tenprint retain transactions and NFF CPI submissions.

Subscriber can add all the rest of the triggers, if desired. The “Civil Retain Submission” trigger will only be allowed for those federal agencies authorized to receive those events.

#### 2.2047 RAR – Return All Records

Used to indicate that a Rap Back Subscription List Request (RBRPT) search all Rap Back Subscriptions that are routed through the sending ORI. If omitted the default is ‘N’, where only subscriptions owned by the sending ORI are searched and returned.

#### 2.2062 RBNF – Rap Back Activity Notification Format

Under the Submitter/Subscriber Privacy Strategy, an indication of whether the Rap Back Activity Notification should be:

Pre-notification;

Triggering Event; or,

Triggering Event and Identity History Summary.

#### 2.2063 RBOO – Rap Back Opt Out of In-State Indicator

Boolean indicator set by Submitter for NGI to not send the Submitter notifications of events originating from within the Submitter’s own state. Defaults to NGI sending all notifications. Must be provided on all subscriptions for which Submitter does not want in-state notifications.

#### 2.2064 RBUD – Rap Back User Defined fields

Appropriate use is determined by the Submitter.

Note: Each User Defined field is actually a set of two fields:

2.2064A – Rap Back Field Name: a 50 character field in which the Subscriber can place a user-defined name for this user defined field.

2.2064B – Rap Back Field Text: a 100 character field in which the Subscriber places the user-defined text information.

The Rap Back Field Text can contain additional linking information for the subscription such as SID; TCN; OCA; more detailed contact information; reminder notes regarding the subscription; or any other relevant information.

These fields are not disseminated on an Identity History Summary, rather they are returned to the SIB or Federal Submitting Agency with the Rap Back Activity Notifications and other Rap Back messages.

#### 2.2065 RBC – Rap Back Category

Used to identify the correct Category of the subscription so that NGI will use the correct Purpose Code when generating criminal history information. Category is a required field that must have one of the following values. The resulting Purpose Codes are also listed:

Rap Back Category	Rap Back Category Code	Maps to Purpose Code
Firearms	F	F
Volunteer, Child Care/School Employee, Non-Criminal Justice Employment and Licensing	I	I
Criminal Justice Employment	J	J
Criminal Justice Investigative	CI	C
Criminal Justice – Supervision	CS	C
Security Clearance Information Act	S	S

#### 2.2068 DTR – Rap Back Expiration Date Range

Used in the Rap Back Subscription List Request (RBRPT) transaction as an input parameter to limit responses to subscriptions within the identified range.

#### 2.2069 Triggering Event Details

Note: The Triggering Event Details field is actually a set of three fields:

2.2069A DORBE – Date of Rap Back Event

2.2069B RBT – Rap Back Trigger

2.2069C RBEI – Rap Back Event Information

The Triggering Event Details will be provided within the Rap Back Activity Notification when either “Triggering Event” or “Identity History Summary and Triggering Event” is chosen as the Rap Back Activity Notification Format when the subscription is created.

#### 2.2070 RBATN – Rap Back Attention Indicator

Available for the Subscriber to use in combination with the User Defined fields to link future Rap Back Activity Notifications to the right person or Section within the Subscribing Entity. The RBATN is returned on some Identity History Summaries provided to criminal justice agencies for criminal justice purposes.

#### 2.2071 RBST – Rap Back Subscription Term

Length of the Term of the Subscription, during which time no additional fee will be charged for the Subscriber to validate their authority to subscribe to the individual and “extend” the subscription. Available Subscription Terms are 2 years, 5 years, or lifetime.

## **Notes on Rap Back Related Data Elements in EBTS that are not Subscriber-Entered**

### **2.2035 EVI - Event Identifier**

Unique identifier assigned by NGI to biometric enrollment events. For non-criminal justice Rap Back, it is the identifier for the enrollment of the fingerprints associated with the civil event (employment application, license application, volunteer event, etc.) This identifier is sometimes submitted with “Subsequent Subscription” transactions when the subscription is being set after the initial Tenprint Fingerprint Identification Submission has already been submitted and the prints retained, as described in the Guide.

### **2.2041 RBNI – Rap Back Activity Notification Identifier**

This number is provided to the Subscriber within the Rap Back Activity Notification when a future reported event matches against one of their Rap Back subscriptions in NGI. If the Subscriber indicated “Pre-Notification” or “Triggering Event” in the Rap Back Activity Notification Format field when setting the subscription, they will have to use the Rap Back Identity History Summary Request transaction to see the updated criminal history record information of the person. The Subscriber must use the RBNI in that transaction.

### **2.2048 RBSI - Rap Back Subscription Identifier**

Unique number assigned by NGI that identifies the subscription as a whole. It is provided back to the Rap Back Submitter/Subscriber when the subscription is established. This number is required to perform maintenance on an existing subscription.

### **2.2049 RBTD - Rap Back Term Date**

The date identifying the end of the 2-year, 5-year, or lifetime fee paid by the Subscriber. It is added to the subscription automatically by NGI based upon the Rap Back Subscription Term field value in the Subscription Request. This date indicates when a new fee must be paid to continue the subscription. This date is separate from the Expiration Date and functions in relation to the Expiration Date as described in the Guide.

### **2.2050 RBSL – Rap Back Subscription List**

A compressed comma-separated-values (CSV) file with filename results.csv. Used to return Subscription Lists to Subscribers. See EBTS Section 3.3.3.2 Rap Back Subscription List Response (RBRPTR) for more information.

### **2.2054 RBSD - Rap Back Subscription Date**

Date the subscription is created. It is added to the subscription automatically by NGI.

## **Notes on Other EBTS Data that May be Relevant to Rap Back Subscriptions**

Other data that may be related to the Rap Back Subscriptions are listed below. Note that not all these elements have separate Rap Back data fields. For example, if a Subscriber wants to use TCN, OCA (for non-criminal justice subscriptions), or SID for reference, they must capture those values and store them in the User Defined fields.

1. ORI of the Submitting Entity
2. ORI of the Subscribing Entity (in the CRI1 field)
3. FBI/UCN
4. OCA from original submission
  - If needed by non-criminal justice Subscriber/Submitter for reference, must be captured by Subscriber/Submitter and stored in User Defined field.
  - Is mandatory to be placed in Originating Agency Case Number field (2.009 OCA) for criminal justice subscriptions and will be returned with Rap Back messages.
5. TCN from original submission
  - If needed by Subscriber/Submitter for reference, must be captured by Subscriber/Submitter and stored in User Defined field.
6. SID of subscribed individual
  - If needed by Subscriber/Submitter for reference, must be captured by Subscriber/Submitter and stored in User Defined field.

## Appendix 5: NGI Rap Back Subscription Management Plans

### Subscription Management Plans

Submitters must decide upon and implement an appropriate Subscription Management Plan for subscriptions they submit

The design of the NGI Rap Back Service provides Submitting Entities a choice between two alternatives for how to manage the subscriptions they submit to NGI: Event Based Subscription Management and Category Based Subscription Management. The goal is allow states or Federal Submitting Agencies with current Rap Back services to more easily integrate the national system, and allow states and federal agencies starting new services to decide the best means for them to take advantage of the national service.

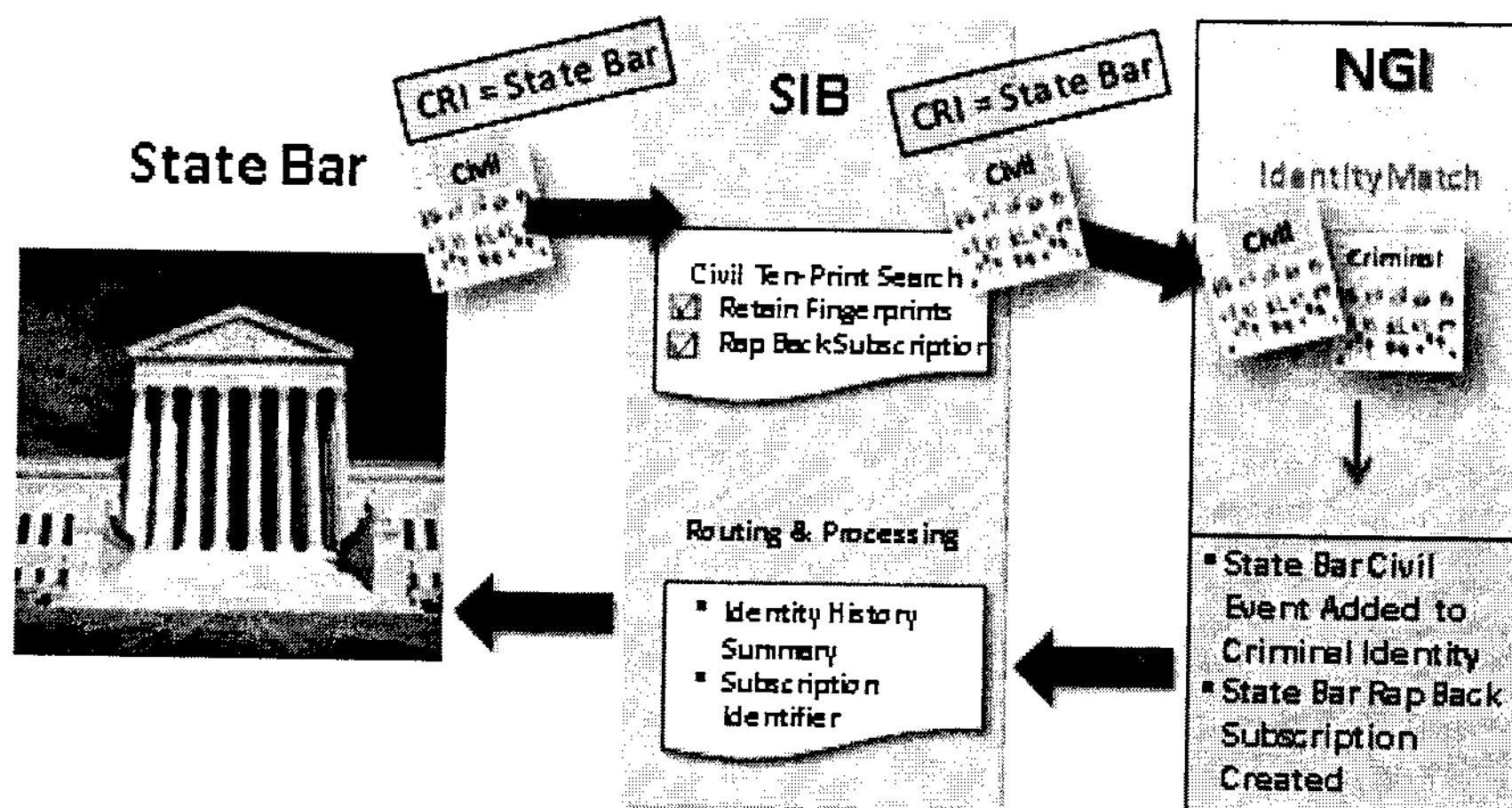
#### A. EVENT-BASED SUBSCRIPTION MANAGEMENT

The Submitter establishes a new NGI Rap Back subscription for each subscription request from a Subscribing Entity.

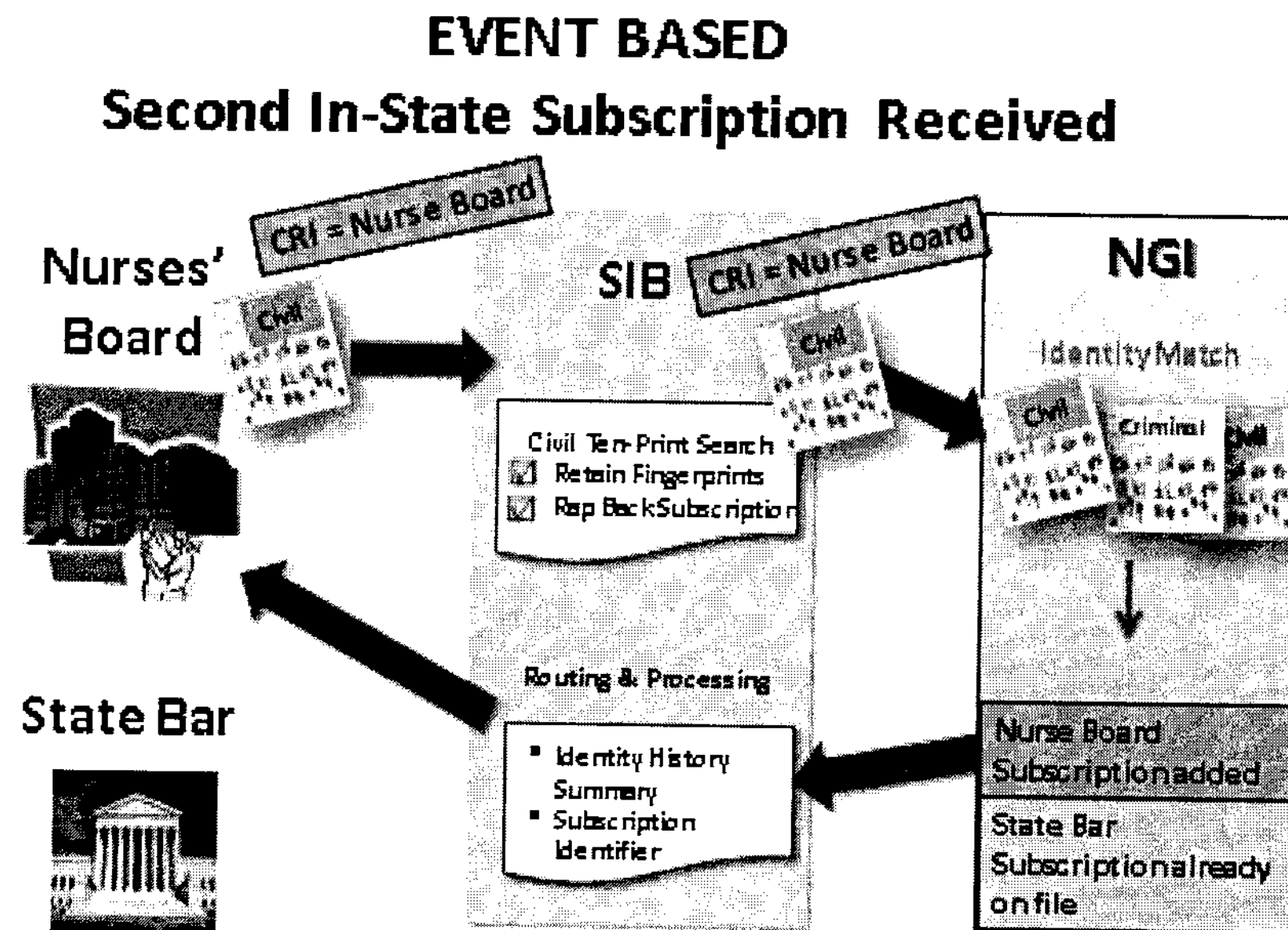
Separate NGI subscriptions are set on the same NGI Identity for each subscription event for that person—each application for a license, application for a covered governmental job, application to volunteer, etc. The subscription is based upon the civil event.

The graphics below show how this works for a person who gets a law license, then adds a nurse's license, and is subsequently arrested. The SIB sets one NGI subscription based upon the fingerprints from the state Bar and identifies the State Bar as the Subscriber in the NGI Rap Back record (in the CRI field), shown as the tan colored subscription for demonstration purposes. The example shows a match to a criminal NGI Identity with non-disqualifying CHRI.

#### EVENT BASED Law Student is Licensed by State Bar



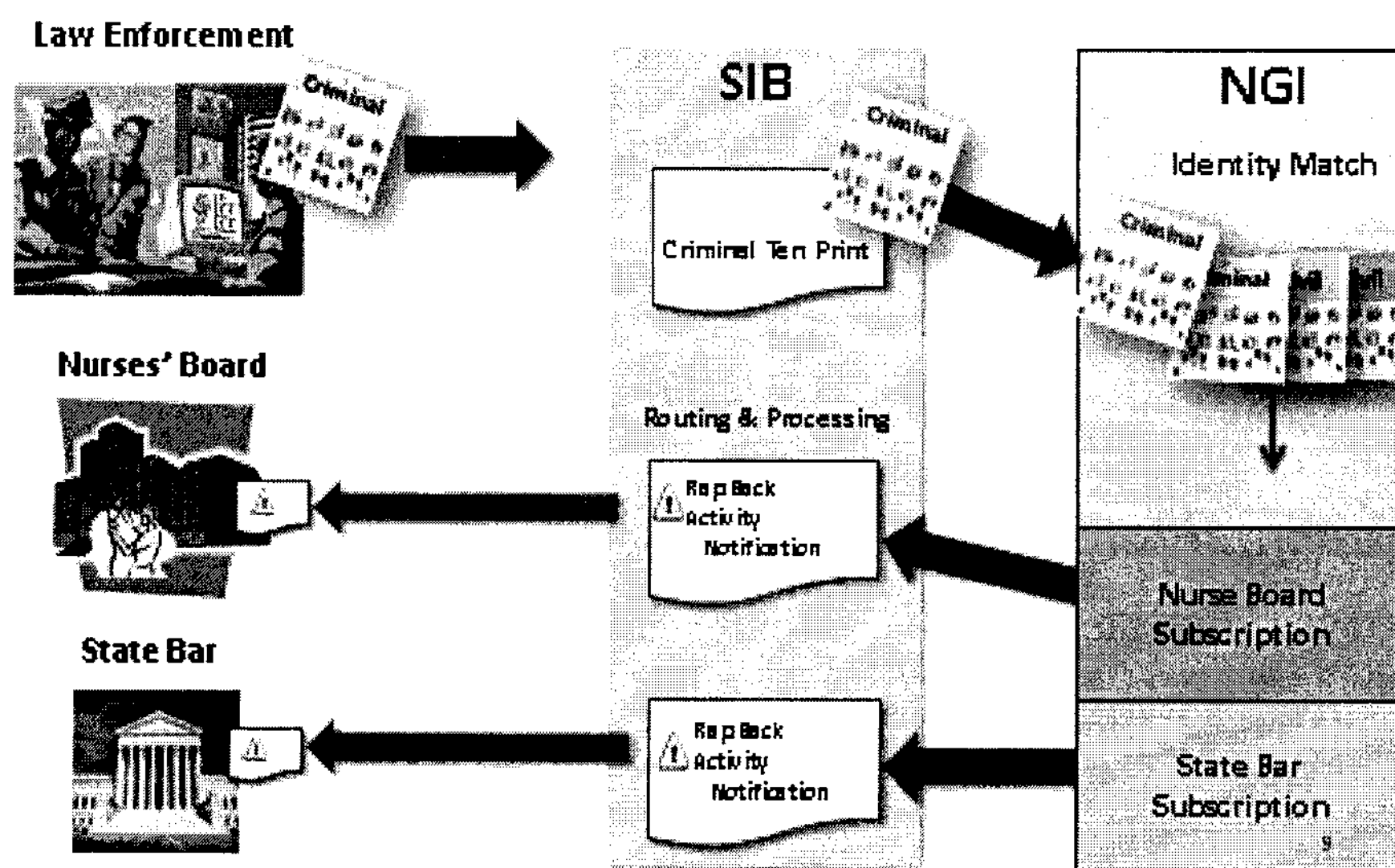
Then, when the lawyer decides to also become a nurse, the SIB adds another NGI subscription to the same NGI Identity, this time with the Nurses' Licensing Board in the CRI field of the subscription request related to that license event—shown in the below graphic as the blue colored subscription for demonstration purposes. That subscription request must be supported by the fingerprints from the Nurses' Board. This process creates separate subscriptions on the same Identity from the same Submitter (the SIB) for the two different Subscribers.





The SIB will then manage the subscriptions separately. A future criminal arrest or other “triggering” event against that Identity generates separate Rap Back Activity Notifications for each Subscription, as indicated in the third graphic, below. Each licensing entity is notified based upon the status and information in their separate subscriptions.

## EVENT BASED Individual Arrested



## **B. CATEGORY BASED SUBSCRIPTION MANAGEMENT**

**The Submitter establishes a single subscription for an NGI Identity for each identified Rap Back Category and tracks all subscriptions at the Submitter level, without any Subscriber information residing in NGI.**

The Submitting Entity creates just one subscription for each identified Rap Back Category on an NGI Identity, and does not add any Subscriber information to the NGI record. The Submitter manages all adds, deletes, modifications, notifications, etc. for each NGI subscription Rap Back Category they maintain. The NGI Category Based subscription is based upon the Submitter having one or more in-state or federal agency Rap Back subscriptions on this person in this Category.

The Category Based Subscription Management Approach is designed for those states or Federal Submitting Agencies that already have robust Rap Back Services and want to integrate the new NGI Rap Back Service into their existing functions.

The underlying concept is that the Submitter tracks all Rap Back subscription details in-state, or within the Federal Submitting Agency, and just sets one fingerprint-based NGI Rap Back subscription for the multiple local subscriptions on one person. Although the underlying idea is one NGI subscription per person, that is not possible because the different Purpose Codes associated with the different Categories may cause a different criminal history record to be generated for the different subscription Categories (see Category table, below). As such, the SIB or Federal Submitting Agency actually must create a different fingerprint-based NGI subscription for each Rap Back Category that a person may be subscribed to in-state or within the federal agency.

For example, if a person has a Security Clearance (maps to PUR/S) and is a teacher and a volunteer (map to PUR/I), the SIB would have to create two subscriptions: One for the Security Clearance and one for the teaching school and volunteering. When NGI receives a future triggering event, they will send the Submitter a separate Rap Back Activity Notification for each of the two subscriptions, and those notifications may have different information in the Identity History Summaries (because they were created with different Purpose Codes derived from the different Categories). The Submitter will review their in-state or federal agency Rap Back records for that person, and then take the appropriate notification actions to whoever is subscribed in-state or in the federal agency files for that Category.

Since most non-criminal justice subscriptions will fall under the Volunteer, Child Care/School Employee, Non-Criminal Justice Employment and Licensing Category, only one subscription per person will often be all that is required under this approach.

**Note:** There is no data field in the Rap Back subscription record to indicate which Subscription Management Approach is being employed for that subscription. The Submitter is responsible for managing the subscriptions according to the chosen approach.

Rap Back Category	Rap Back Category Code	Maps to Purpose Code
Firearms	F	F
Volunteer, Child Care/School Employee, Non-Criminal Justice Employment and Licensing	I	I
Criminal Justice Employment	J	J
Criminal Justice Investigative	CI	C
Criminal Justice – Supervision	CS	C
Security Clearance Information Act	S	S

The below graphics demonstrate how Category Based Management would work as one NGI subscription for the law license and nurse license shown in the Event Based Subscription Management Approach, above. A Security Clearance is added to show how a second subscription is required for that as a different Rap Back Category.

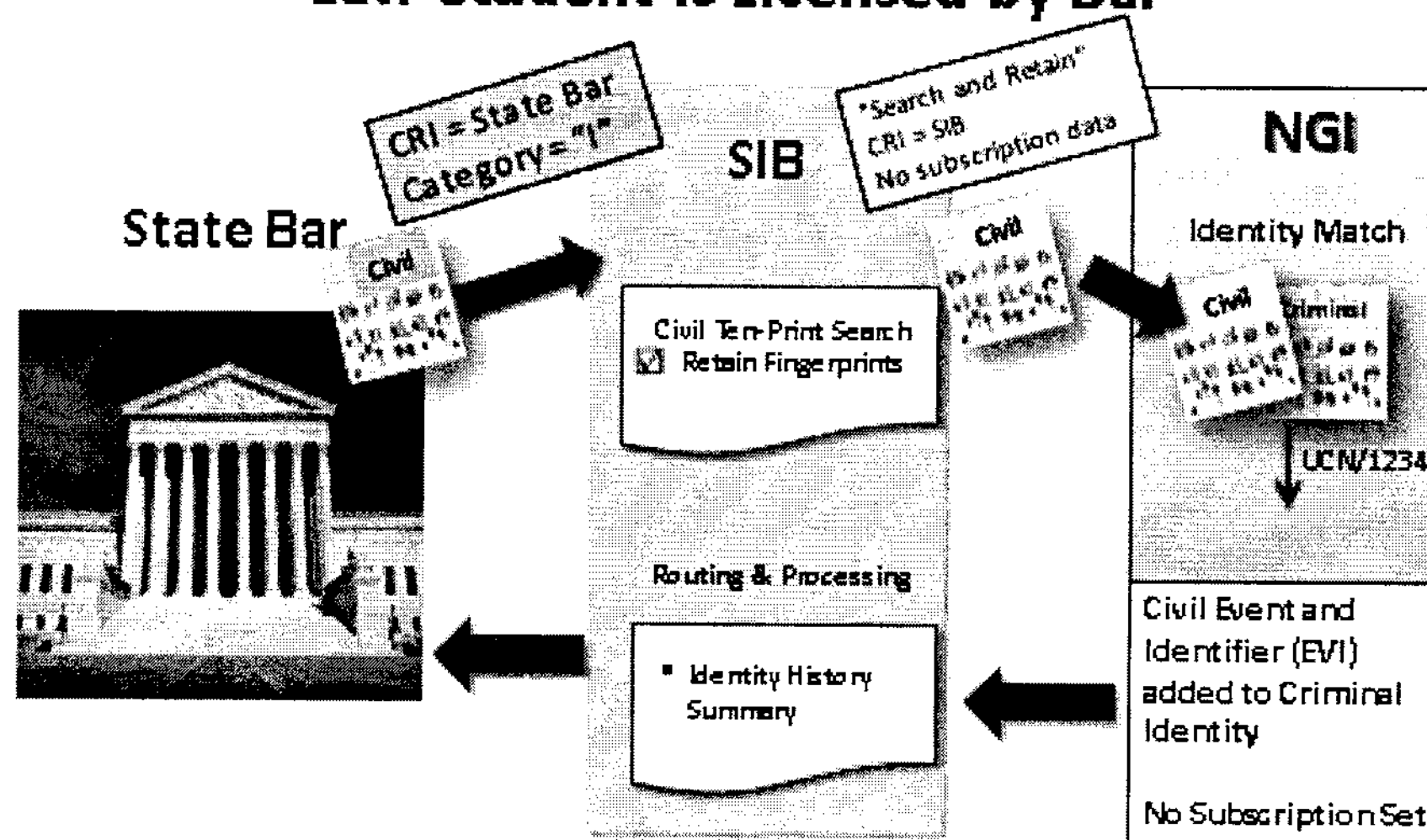
Note: The emphasis of these graphics is to present the underlying concept of “Category Based” Subscription Management. At the same time, however, they also reflect the recommended flow for setting Category Based subscriptions, summarized as follows:

- Step 1: With the first in-state or federal agency subscription request, use the Search and Retain transaction to search the fingerprints and match or establish an NGI Identity for the person—but not set an NGI subscription.
- Step 2: Use the Subsequent Subscription transaction to set the Category Based subscription in NGI for that person in that Category. That transaction must include the same set of fingerprints that was included in the Search and Retain transaction. It must also include the FBI/UCN returned from the Search and Retain transaction, but it must NOT include the Event Identifier (EVI) that was returned from the Search and Retain transaction.
- Step 3: For additional subscriptions received by the Submitter for this person in this Category, do not send subscription information to NGI, but do send the additional sets of fingerprints to NGI using the FIS transaction.

This process flow will create the NGI Category Based subscription without linking it to any specific civil event. In this manner, the subscription is not subject to deletion when the related civil event is deleted. Note, however, that a set of fingerprints from the civil event will remain in file in that instance. Please see [Setting the Subscription under the Category Based Management Approach](#) on page 28 of the Guide. Also please refer to the discussion titled Special Considerations Regarding Category Based Subscription Management and the Deletion of Civil Events and Fingerprints, in Section C of this Appendix.

The law student applies to the State Bar. They submit her fingerprints to the SIB for a fingerprint-based background check and to set a Rap Back subscription. The SIB searches their own AFIS, finds no record, and creates an in-state Identity record for the person and adds an in-state Rap Back subscription. The SIB then forwards the fingerprints to NGI with a request to search the prints; retain the prints; but NOT place a Rap Back subscription on the prints. They do not include the State Bar's ORI in the transaction, but rather put their own ORI in the CRI field, taking ownership of the fingerprint submission and, subsequently, the subscription.

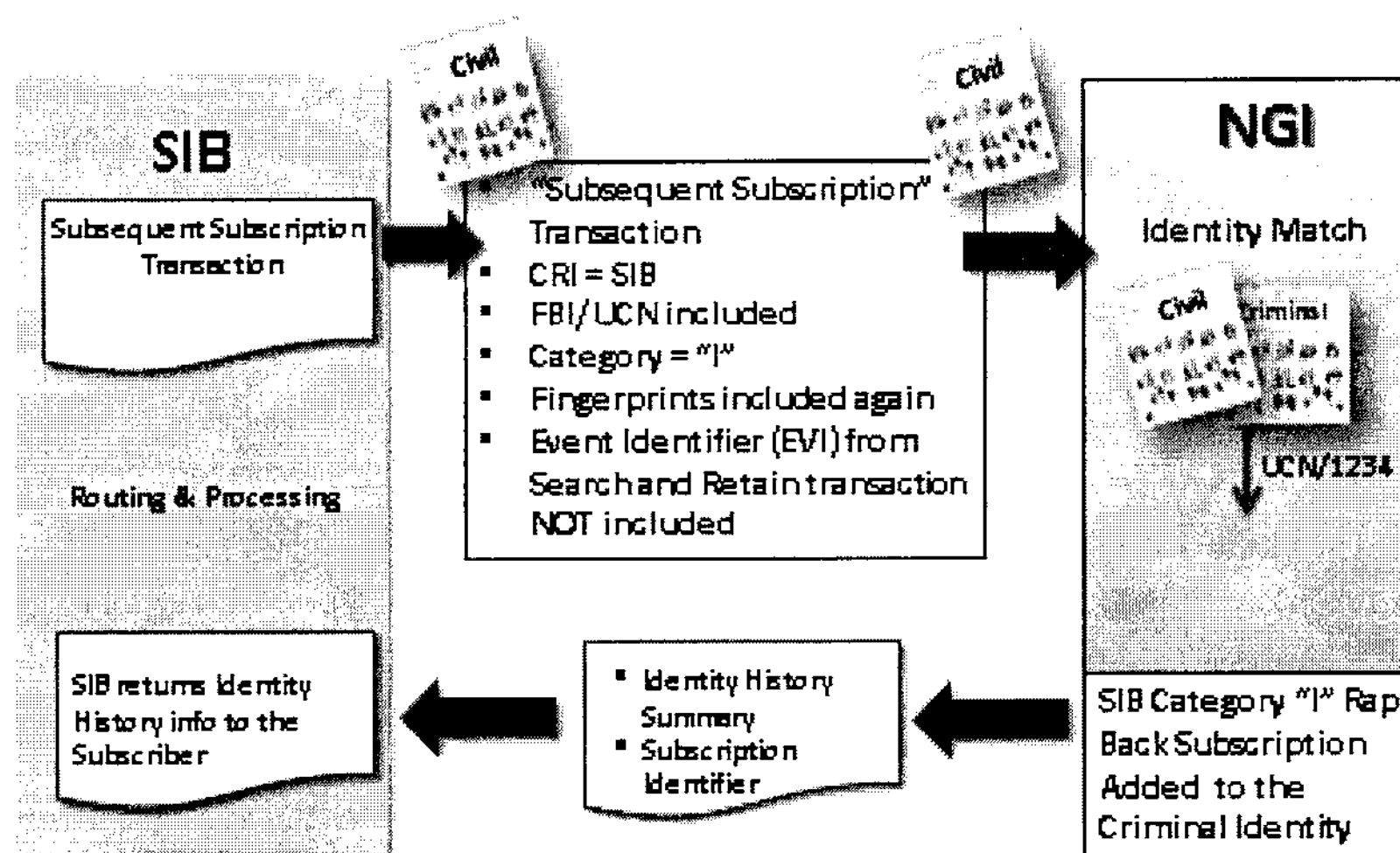
### CATEGORY BASED Step 1: Submitting the Fingerprints Law Student is Licensed by Bar



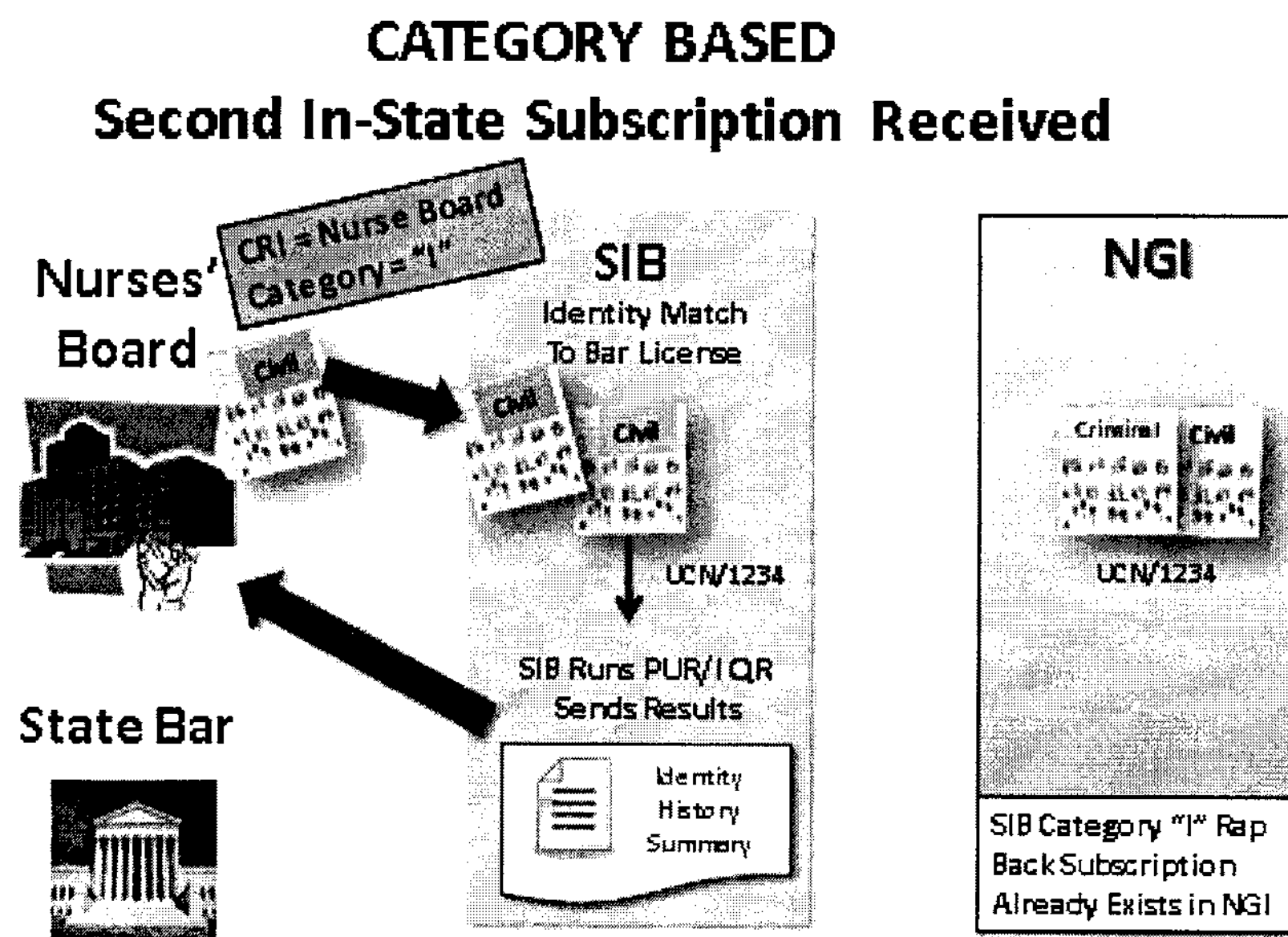
To follow the recommended process for setting an NGI Category Based Rap Back subscription, the SIB uses the Search and Retain transaction, even though the State Bar requests Search and Subscribe. The Bar experiences extremely low disqualification rate from the fingerprint search CHRI results. As such, at this point, the SIB could provide the criminal history to the State Bar for review, as shown in the graphic, or immediately use the Subsequent Subscription transaction to set the NGI Category Based subscription as soon as the Search and Retain results are received. A Submitter using Category Based Subscription Management should establish these protocols as each Subscriber begins participation.

The below graphic shows that the SIB forwards the Subsequent Subscription request to NGI with the same set of fingerprints that was included in the Search and Retain transaction. They also include their own ORI in the CRI field; the FBI/UCN from the Search and Retain transaction; and the Category Code set to "I". They do NOT include the Event Identifier (EVI) from the Search and Retain transaction. NGI establishes a Category "I" subscription and returns a new Identity History Summary to the Submitter. The subscription is shown in yellow in this example for demonstration purposes. Yellow is being used arbitrarily to represent subscriptions under the "Volunteer, Child Care/School Employee, Non-Criminal Justice Employment and Licensing" (PUR/I) Category.

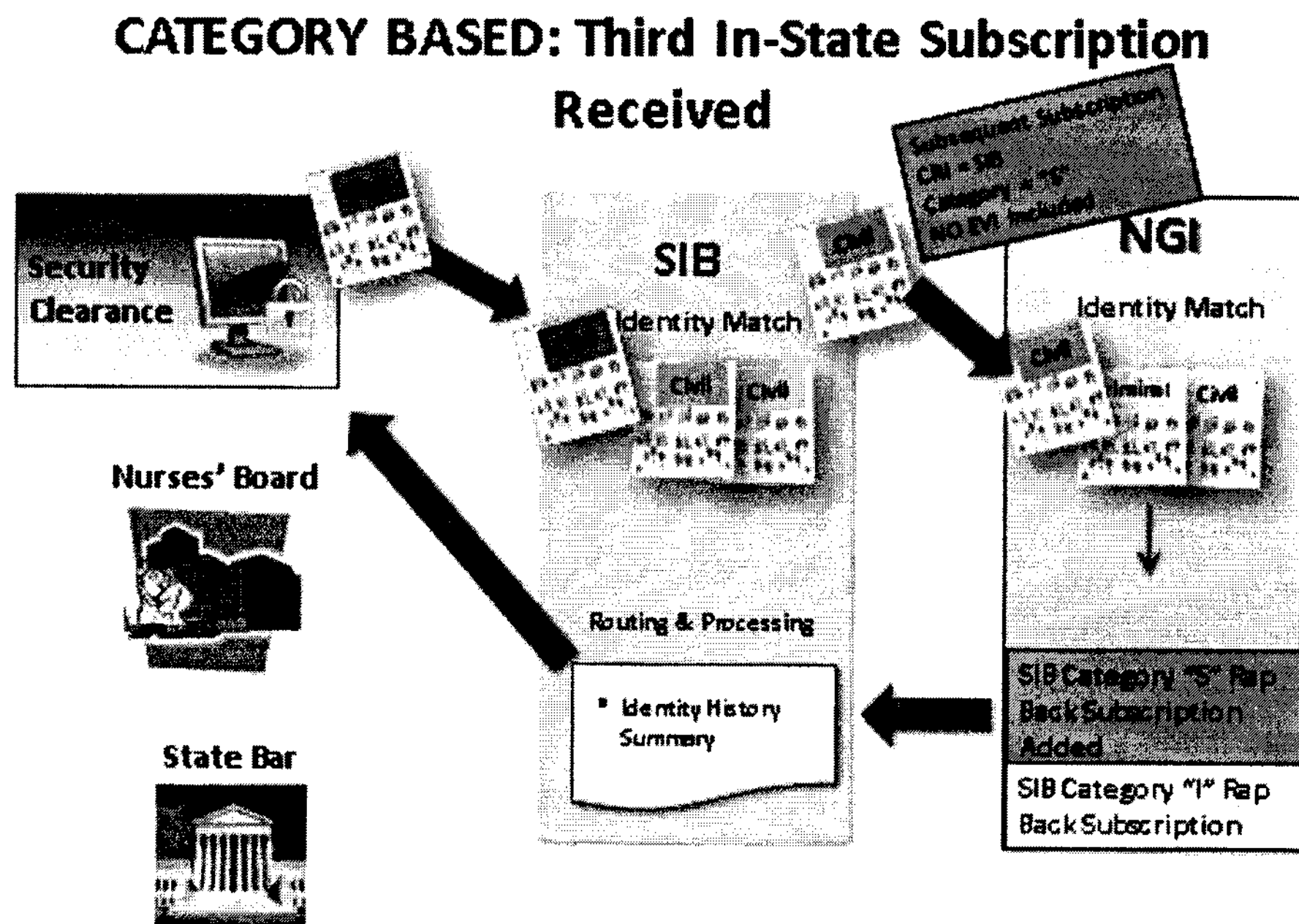
### CATEGORY BASED Step 2: Requesting the Subscription Law Student is Licensed by Bar



In the below graphic, the lawyer decides she wants to get a nurse's license and enter the medical field in addition to maintaining her lawyer's license. She submits her fingerprints to the Nurses' Board, who sends them to the SIB. The SIB matches the Nurses' Board fingerprint submission to the person's existing in-state Identity record that already contains her law license fingerprints. They add the in-state Rap Back subscription and respond to the Nurses' Board with the appropriate Identity History Summary, which does not contain disqualifying information. (The graphic shows that they use a PUR/I QR query. As an alternative, they could submit the fingerprints to NGI for search and response.) Since the Nurses' Board license is under the same Rap Back Category as the State Bar (Volunteer, Child Care/School Employee, Non-Criminal Justice Employment and Licensing), the SIB does not send a Rap Back subscription request to NGI. The SIB already has the one NGI Rap Back subscription under Category "I" and does not need to create another one under the Category Based Subscription Management Approach.

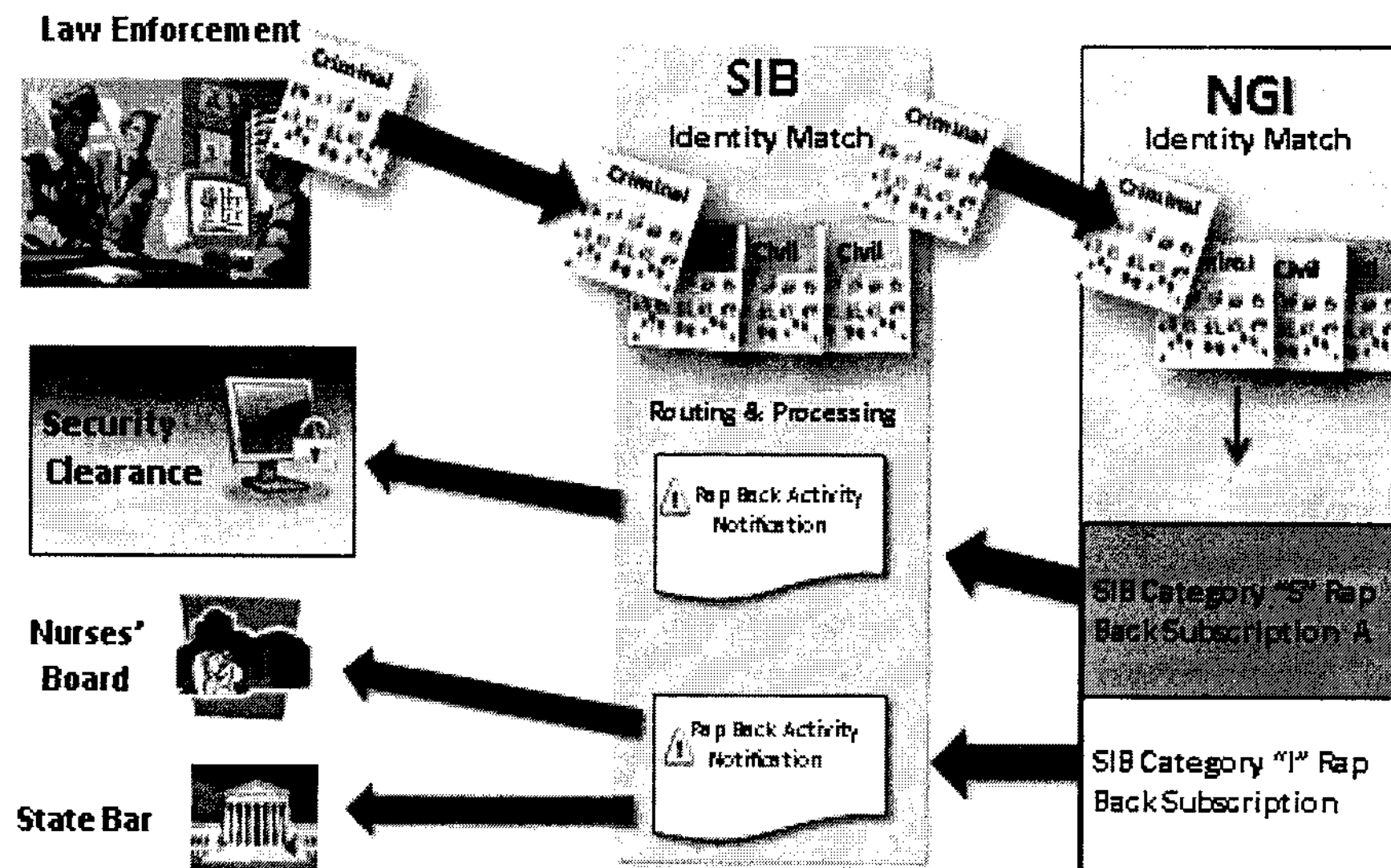


In the below graphic, the nurse moves into a government nursing position requiring a security clearance. The employer sends her fingerprints to the SIB to search for criminal history and to set a Rap Back subscription. The SIB matches those prints to the existing in-state Identity record that already has the State Bar fingerprints and the Nurses' Board fingerprints. The SIB responds with the Identity History Summary, which does not contain disqualifying information. Since the Security Clearance is in a different Rap Back Category, the SIB sends the fingerprints to NGI with a request that a Rap Back Category "S" Rap Back subscription be established. The SIB now has three subscriptions in their in-state Rap Back Service representing two different Rap Back Categories. Accordingly, they have two NGI Rap Back subscriptions, which represent those two Categories.



In the below graphic, the person gets arrested in another state in the future. The arresting police department in the other state sends the arrest fingerprints to their state's SIB, who forwards them to NGI. NGI matches them to the Identity that has the two Rap Back subscriptions from the subscribing state. NGI sends the subscribing state two different Rap Back Activity Notifications, one with the appropriate information for PUR/I and one with the appropriate information for PUR/S. The SIB compares those Rap Back Activity Notifications to their in-state Rap Back system and sends the PUR/S information to the government employer for the Security Clearance suitability, and forwards the appropriate PUR/I information to both the State Bar and the Nurses' Board. In each case, the SIB must use the appropriate Rap Back Activity Notification Format, which is not necessarily included in the Rap Back Activity Notification from NGI, but rather must be determined from the in-state files. See further discussions in Section C, below.

### CATEGORY BASED Individual Gets Arrested





## **C. CONSIDERATIONS FOR WHICH SUBSCRIPTION MANAGEMENT APPROACH TO USE**

### **Regarding Event Based Subscription Management**

With Event Based Subscription Management, a Submitter with an existing in-state or Federal Submitting Agency Rap Back Service stores the subscriptions locally and then creates corresponding subscriptions in the NGI System that closely mirror the information in the in-state or Federal Submitting Agency system. A state or federal agency that is just creating a new Rap Back Service could write the NGI rules into their program to make alignment of the programs easier.

One of the biggest challenges is in coordinating the in-state or Federal Submitting Agency and NGI responses to the Subscribers. It will be necessary with Event Based Subscription Management to either include the NGI subscription Rap Back Activity Notifications (or the information contained in them) with the in-state or Federal Submitting Agency notices (for those subscriptions that are in both), or to tell the Subscribers they will receive separate local and NGI notifications.

It is not necessary for state and federal Submitters to have in-state or federal Rap Back systems. NGI can be used as the Submitter's only Rap Back Service. It is highly recommended that states and Federal Submitting Agencies with no in-state or federal Rap Back Service participate in the NGI's Rap Back Service using the Event Based Subscription Management Approach.

One option when a state SIB or Federal Submitting Agency is creating a new Rap Back Service is not to create a full service in-state or federal Rap Back program, but rather simply build the state or federal piece as a pass through and allow NGI's Rap Back Service to hold the data. That is, the SIB or Federal Submitting Agency has all the logic and automation to gather and format the data from the Subscribers in-state, but passes the storage and maintenance transactions to NGI. The state or federal Submitter would also have to have the records and administrative processes to manage the Privacy Strategies, monthly subscription lists, and other Rap Back functions. This approach to implementing NGI's Rap Back will only work if the state is passing all criminal history and other potential triggering events to NGI to hit against those subscriptions on the NGI Identities.

### **Regarding Category Based Subscription Management**

The Category Based Subscription Management Approach is intended to give options to those state SIBs and Federal Submitting Agencies that already have robust Rap Back systems in place (or those states or federal agencies building new state Rap Back systems) and want the NGI Service to be as minimally disruptive as possible for them. Although that is the goal, managing the NGI Category Based subscriptions can become complicated when more than one subscription exists for a person in a Category. This Section of the Appendix discusses some of those considerations, but as NGI's Rap Back Service is implemented and Submitters work with this approach, additional considerations will likely arise. As such, any Submitter considering Category Based Subscription Management must contact CJIS to discuss how this approach is being implemented.

The Category Based approach is intended to allow the state or federal agency to manage all its subscriptions out of its existing Rap Back system, but add the NGI notifications from future out-

of-state events. To obtain the NGI information on its in-state or federal agency subscription, the Submitter is just putting a “Submitter-owned” subscription on the corresponding NGI Identity indicating the existence of one or more in-state or federal agency Rap Back subscriptions on this person in this Category. They do not have to put the licensing/employment or other applicant entity anywhere in the NGI record. When a triggering event occurs in the future for that person, NGI will notify the Submitter without knowing the Subscribing Entity—or Entities—or the privacy strategies being used with them (that’s all the state’s or federal agency’s responsibility). The SIB or Federal Submitting Agency will sort out who the notification goes to, what Rap Back Activity Notification Format they receive (pre-notification; triggering event; or, triggering event and Identity History Summary); what linking information they used, etc. from the information in their in-state or federal agency Rap Back system.

Key to making the Category Based approach work is the state and Federal Submitting Agency understanding how to manage the subscription data. For example, the SIB or Federal Submitting Agency must track the following elements for each subscription in the in-state or federal agency Rap Back system:

- Subscription Term;
- Expiration Date;
- NGI Privacy Strategy and NGI Rap Back Activity Notification Format;
- User defined fields and linking information;
- Rap Back Attention.

These are critical data elements for the Submitter to track, because they may be different for different subscriptions on the same person in the same Category. As such, they cannot all be represented for each Subscriber in the NGI subscription under the Category Based approach. The subscriptions on the same person may often have different values for these fields, and the Submitter needs to be able to process any future Rap Back Activity Notifications, Monthly Validation/Expiration Lists, Rap Back Renewal Notifications or other messages correctly for the NGI subscription based upon the information in the in-state or federal agency subscriptions. For example, a Submitter could receive the following two subscriptions in this order:

1. A teacher’s subscription
  - a. Privacy Strategy #2: Authority for Duration of a License;
  - b. Expiration Date in five years;
  - c. Lifetime Term.
2. A volunteer subscription
  - a. Privacy Strategy #1: Pre-Notification with Mandatory Validation/Expiration within Three Years;
  - b. Expiration Date in three years;
  - c. Five-year Term.

Under the Category Based Approach, the Submitting Entity has to decide what information to put in the NGI Subscription for the above fields. The Submitter needs to be able to process any future Rap Back Activity Notifications, Monthly Validation/Expiration Lists, Rap Back Renewal Notifications or other messages correctly for the NGI subscription based upon the information in the state subscriptions.

## Subscription Term and Expiration Date

It is permissible to put the broadest values from the in-state or federal agency subscriptions in the NGI subscription. That is, if the SIB or Federal Submitting Agency receives the teacher application first, they would normally put in the lifetime Term (and pay the lifetime fee) and put in a five year Expiration Date.

Then, when the volunteer subscription is received, the Submitter has to review the NGI subscription to see if it should be modified. For example, they could do one of the following:

1. Leave the NGI Subscription as it is, and use their existing Submitter-level validation process to validate the volunteer Submitter-maintained subscription every three years. No fee would have to be paid to NGI when the volunteer entity renews the Submitter-maintained subscription every five years. The NGI monthly validation process would include this NGI subscription every five years. At that time the teacher licensing board would validate their authority, which would validate the NGI Category Based subscription. Since it is a lifetime term, no future fee will be paid on the subscription.
2. As an alternative, the Submitter could change the NGI Expiration Date to three years from the date the volunteer subscription was received. In that instance the NGI monthly validation process would include this NGI Category Based subscription in the monthly validation/expiration list once every three years, to be in synchronization with the volunteer subscription's validation schedule. However, in that case, the Submitter would have to use their Submitter level validation process to validate the teacher subscription every five years.

The Submitter may choose whichever process will best fit for themselves and the Subscribers. In either case, the Submitter has committed to validating the NGI Category Based subscription. In addition, they must maintain the validation of the Submitter-maintained subscription that is not visible to NGI on a schedule under one of the Privacy Strategies.

For discussion, if the volunteer subscription had been received first and they had set the NGI Category Based subscription to a three year Expiration Date and a 5-year SubscriptionTerm, then when the teacher subscription is received they would have to consider different choices. The Subscription Term cannot be modified, so if they wanted to change the NGI Subscription Term to lifetime, based upon the teacher's license subscription, they would have to create a new NGI subscription with lifetime Term, pay the lifetime fee, and cancel the previous NGI subscription.

Regarding the Expiration Date, they may want to:

1. Change the NGI Subscription's Expiration Date to five years based upon the teacher subscription. Then the Submitter would have to keep track of the three-year validation that they've agreed to perform on the volunteer subscription.

Or

2. Leave the subscription Expiration Date at three years and continue to manage the NGI Category Based subscription validation/expiration based upon the expiration schedule of the volunteer Submitter-maintained subscription. If that volunteer subscription ends, they would have to change the Expiration Date of the NGI subscription to reflect the validation/expiration schedule of the teacher Submitter-

maintained subscription. In addition, the Submitter would have to ensure that their system reflected the end of the volunteer subscription so the volunteer association does not receive any future Rap Back Activity Notifications from the Category Based NGI Subscription still being maintained on authority of the teacher license.

### **Privacy Strategy and Rap Back Activity Notification Format**

It is permissible for the Submitter to put the broadest Rap Back Activity Notification Format (Triggering Event and Identity History Summary) in the NGI subscription—regardless of the Privacy Strategies being employed for the state or federal agency subscriptions—but then only provide the state or Federal Submitting Agency Subscribers with the appropriate information. That is, the Submitter could receive the Triggering Event and Identity History Summary from NGI for a subscription that is employing a pre-notification Privacy Strategy. Then, they would have to use an internal pre-notification process and only give the entire Triggering Event and Identity History Summary after pre-notification had been completed. The Submitter is entrusted with not giving the Identity History Summary directly to a Subscribing Entity whose privacy strategy requires pre-notification. When a future Rap Back Activity Notification is provided, the Submitter has to review their records to see which format is appropriate to each Subscriber and provide notifications accordingly.

Of course, if the subscription uses a Privacy Strategy requiring pre-notification, the submitter can simply use “pre-notification” as the Rap Back Activity Notification Format in the NGI subscription.

As above, if the volunteer subscription had been the first subscription received, the Submitter would likely have set the NGI subscription Rap Back Activity Notification Format to “pre-notification” with an Expiration Date of three years.

Then, when the person gets her 5-year teacher license, the Submitter would not have to add that subscription to NGI, but they would probably want to modify the Rap Back Activity Notification Format of the existing NGI Subscription to “Triggering Event and Identity History Summary”. Then, when they received a future Rap Back Activity Notification, they would just pass the Triggering Event and Identity History Summary right to the teacher licensing board, but they would have to use an internal process to only give the volunteer association “Pre-Notification” information, followed up by the full information if the volunteer association verified they were still authorized to receive it.

### **The User Defined Fields and Rap Back Attention**

The linking information from the User Defined Fields and the Rap Back Attention field would have to be in the internal records rather than the NGI subscription. When future Rap Back Activity Notifications are received the Submitter has to review their records to see which User Defined and Rap Back Attention information goes to which Subscriber and include that information accordingly.

## **Management of Fees**

The Submitting Entity has to manage the in-state and NGI fee collection, taking into consideration that not all applicants in the same Category have to pay an NGI subscription fee, and as shown in the example, there may be cases where a Submitter-maintained subscription requires Renewal every two or five years, but it is subscribed to an NGI Identity that has another subscription in that same Category with a lifetime Term. In that instance, NGI will generate validation/expiration lists at appropriate intervals, but those lists will never cause a renewal of that Category based subscription, just the repeated extension of the Expiration Date. The Submitter-level renewal process for the Submitter-maintained subscription will not submit any future renewal fees to NGI.

The key is that it is up to the Submitter to track all subscription related information within their Rap Back system and implement it according to the NGI Rap Back rules, which they have agreed to apply to their Submitter-maintained subscriptions as a part of using the Category Based Subscription Management approach. As they do that, they must also be able to manage with their Subscribers when they will and will not have to pay fees to NGI.

## **Deletion of Civil Events and Fingerprints**

If the applicant asks for his information to be removed, the Submitter will perform a Civil Event Deletion Request (CDEL) as discussed in EBTS Section 3.6.7. The transaction will use the FBI/UCN of the NGI Identity and the civil Event Identifier from the Search and Retain transaction that was used to match or establish the NGI Identity and store the event's fingerprints in NGI. The Search and Retain event information and the fingerprints submitted with the Search and Retain event will be deleted. Since the NGI Category Based Subscription was created with the recommended processes, the NGI Identity will remain in file, even if the NGI Category Based subscription is the only event in NGI. In this manner the instance of the civil event fingerprints directly related to the Search and Retain event have been deleted, but a separate instance of the prints associated with the setting of the Rap Back Category Based subscription does remain in NGI.

## **Conclusion**

The Submitter should implement Subscription Management in a manner that best fits their situation. The intention is to give the existing states/federal agencies some options for integrating NGI's Rap Back with their programs—and to provide options for states/federal agencies creating new programs.

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## Appendix 6: Use of EBTS field 2.2020: Rap Back Recipient

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The Rap Back Recipient (Designated Recipients) field was included in the Rap Back design as an anticipated means to easily add additional subscribers to one subscription record. This was done prior to the development of the Rap Back Privacy Risk Mitigation Strategies and the other restrictions that are now on subscriptions by policy, such as the requirement for NGI to receive the fingerprints related to the subscription event on each subscription when Event-Based Subscription Management is used. As such, Designated Recipients now has a much more limited role and can only be used by Submitters/Subscribers in the very narrow instances described below.

**Fees:** There are no additional fees for including/adding Designated Recipients to an NGI Rap Back subscription.

### **Designating Additional Rap Back Recipients – Civil Rap Back Subscriptions using Event-Based Subscription Management**

Under Event-Based Subscription Management, the Subscriber may identify up to nine Designated Recipients to receive automated notification of Rap Back Activity on a specific subscription. The Designated Recipients must have FBI assigned ORIs and be authorized to receive the CHRI related to this subscription under the same conditions as the Subscriber. For example, if the FBI-approved state law allows the Department of Education (the Subscriber) to share FBI-derived CHRI regarding teachers with the employing school districts, the Department of Education could add the employing school district(s) ORIs to the Designated Recipient fields of the Subscription record. The Designated Recipients can be added with the original Rap Back Subscription Request, and Rap Back Maintenance transactions also allow for the adding and deleting of Designated Recipients.

**Note:** This function cannot be used to add additional recipients related to other civil events (applications, volunteering, licenses, etc.) for this person's NGI Identity, only to add additional recipients authorized to receive notifications related to this one subscription.

The participation of the Designated Recipients is totally dependent upon the Subscribing Entity maintaining the Designated Recipients' ORIs in the record. As an example, the Department of Education is responsible for the maintenance of the Designated Recipient fields. If the Department of Education subscription expires, or otherwise is removed, the Designated Recipients are removed as well, and they will not receive future notice of Rap Back Activity from this subscription.

A subscription has only one Rap Back Activity Notification Format, one set of Triggering Events, one Expiration Date, and one Privacy Risk Mitigation Strategy associated with it. The Rap Back Activity Notifications and any other Rap Back transactions will be generated to the Designated Recipients under that one set of rules. The Designated Recipients must be authorized to receive the CHRI under those stipulations, or the Subscribing Entity should not add them to the subscription record.

When a future triggering event occurs against that Subscription, NGI will generate one Rap Back Activity Notification to the Submitter, with a listing of the Designated Recipients in the Send Copy To (SCO) field. The Submitter may be able then to send the reply to the Subscribing Entity with copies to the Designated Recipients using the same methodology currently used for processing SCO recipients.

## **Designating Additional Recipients – Civil Rap Back Subscriptions using Category-Based Subscription Management**

Submitters using Category Based Subscription Management should not use the Designated Recipients field in their NGI subscriptions. Since the state has agreed to review Rap Back Activity Notifications against the state subscription files before forwarding them to the Subscribers, it would not be appropriate to include Designated Recipients in Category Based subscriptions. The Rap Back Activity Notifications could be automatically forwarded to Subscribers when they are not authorized to receive them.

## Appendix 7: Change History Version 2.1 – June 1, 2014

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### Version 2.1 -- June 1, 2014

#### **In The Guide**

1. Changed references to “Channelers” to “Authorized CHRI Contractors” in *Terms Used in this Document* on page 1, and throughout.
2. Added description of Criminal Justice Employment as a valid use of NGI’s Rap Back Service. In its own section on page 8.
3. Added Requirements, Best Practices, Alternate Practices, and additional descriptive language regarding Category Based Subscription Management under *Subscription Management Plans* on page 11, and throughout.
4. Added fee information under *Subscription Term Decisions and Subscription Fees*. On page 19.
5. Added additional “default” Triggering Events under *Subscription Triggering Events* on page 23
6. Made correction to show that NGI Rap Back Subscriptions cannot be set using the Electronic In/Manual Out User Fee Submission (EMUF), under Setting the *NGI Rap Back Subscription* on page 31.
7. Corrected statement that the RBSL field was compressed. Added language regarding the limitations of Rap Back Subscription List field (2.2050 RBSL). In *Retrieving A Subscriber’s Rap Back Subscription List* on page 46.
8. Added emphasis and additional information regarding the Submitters’ option to implement alternative validation/expiration processes, under *Subscription Expiration Decisions*, on page 22. Also under *Receiving and Responding to the Monthly Rap Back Subscription Validation/Expiration Lists* on page 47 and 49.

#### **In Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies**

1. Clarified and corrected minimum requirements under *Privacy Risk Mitigation Strategies* on page 3.
2. Revised description of *Privacy Risk Mitigation Strategy #5. Subscription Synchronization Through Automated or Formalized Procedures* as approved by Compact Council on page 4 and following.



## **Appendix 7: Change History** **Version 2.1 – June 1, 2014**

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### **In Appendix 2: Submitting Entity Start-Up Checklist**

1. Included additional considerations regarding Submitters using Category Based Subscription Management needing to reconcile fee billing with their Subscribers without detail fee billing information from CJIS. Fee bills for Submitters using Category Based Subscription Management will show the Submitter as the Subscriber for all subscriptions. Under Category Based Subscription Management on page 5.
2. Added information and checkboxes for Submitters regarding the options to implement alternative validation processes. Added checkboxes for Submitters to indicate whether they are opting-out of receiving:
  - a. Monthly validation/expiration lists;
  - b. EBTS Rap Back Renewal (RBRN) messages; and,
  - c. Monthly lists of records that were expired or canceled in the previous month.

Under *Verify that the Submitter has a plan for processing Monthly Validation/Expiration Lists or is implementing an alternative Validation Processing Plan* on pages 7 and 8.

### **In Appendix 3: Subscribing Entity Reference Guide to NGI's Rap Back Service**

No Changes.

### **In Appendix 4: Non-Criminal Justice Rap Back Related Data in EBTS**

1. Made correction to move data element Triggering Event Details (RBTEd) from the list *Notes on the Subscriber-Entered Rap Back Related Data Elements in EBTS* to the list *Notes on Rap Back Related Data Elements in EBTS that are not Subscriber-Entered*. On pages 5 and 6.
2. Added *Notes on Rap Back Messages* Section regarding message information in EBTS Appendix M. On page 7.

### **In Appendix 5: NGI Rap Back Subscription Management Plans**

1. Included additional considerations regarding Submitters using Category Based Subscription Management needing to reconcile fee billing with their Subscribers without detail fee billing information from CJIS. Fee bills for Submitters using Category Based Subscription Management will show the Submitter as the Subscriber for all subscriptions. Under *Management of Fees* on page 15.

## Appendix 7: Change History Version 2.1 – June 1, 2014

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2. Expanded description of *Deletion of Civil Events and Fingerprints* on pages 15 and 16.

### **In Appendix 6: Use of EBTS field 2.2020: Rap Back Recipient**

No Changes.

## **Appendix 6: Use of EBTS field 2.2020: Rap Back Recipient Version 2.1 – June 1, 2014**

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The Rap Back Recipient (Designated Recipients) field was included in the Rap Back design as an anticipated means to easily add additional subscribers to one subscription record. This was done prior to the development of the Rap Back Privacy Risk Mitigation Strategies and the other restrictions that are now on subscriptions by policy, such as the requirement for NGI to receive the fingerprints related to the subscription event on each subscription when Event-Based Subscription Management is used. As such, Designated Recipients now has a much more limited role and can only be used by Submitters/Subscribers in the very narrow instances described below.

**Fees:** There are no additional fees for including/adding Designated Recipients to an NGI Rap Back subscription.

### **Designating Additional Rap Back Recipients – Civil Rap Back Subscriptions using Event-Based Subscription Management**

Under Event-Based Subscription Management, the Subscriber may identify up to nine Designated Recipients to receive automated notification of Rap Back Activity on a specific subscription. The Designated Recipients must have FBI assigned ORIs and be authorized to receive the CHRI related to this subscription under the same conditions as the Subscriber. For example, if the FBI-approved state law allows the Department of Education (the Subscriber) to share FBI-derived CHRI regarding teachers with the employing school districts, the Department of Education could add the employing school district(s) ORIs to the Designated Recipient fields of the Subscription record. The Designated Recipients can be added with the original Rap Back Subscription Request, and Rap Back Maintenance transactions also allow for the adding and deleting of Designated Recipients.

**Note:** This function cannot be used to add additional recipients related to other civil events (applications, volunteering, licenses, etc.) for this person's NGI Identity, only to add additional recipients authorized to receive notifications related to this one subscription.

The participation of the Designated Recipients is totally dependent upon the Subscribing Entity maintaining the Designated Recipients' ORIs in the record. As an example, the Department of Education is responsible for the maintenance of the Designated Recipient fields. If the Department of Education subscription expires, or otherwise is removed, the Designated Recipients are removed as well, and they will not receive future notice of Rap Back Activity from this subscription.

A subscription has only one Rap Back Activity Notification Format, one set of Triggering Events, one Expiration Date, and one Privacy Risk Mitigation Strategy associated with it. The Rap Back Activity Notifications and any other Rap Back transactions will be generated to the Designated Recipients under that one set of rules. The Designated Recipients must be authorized to receive the CHRI under those stipulations, or the Subscribing Entity should not add them to the subscription record.

When a future triggering event occurs against that Subscription, NGI will generate one Rap Back Activity Notification to the Submitter, with a listing of the Designated Recipients in the Send Copy To (SCO) field. The Submitter may be able then to send the reply to the Subscribing Entity with copies to the Designated Recipients using the same methodology currently used for processing SCO recipients.

## **Designating Additional Recipients – Civil Rap Back Subscriptions using Category-Based Subscription Management**

Submitters using Category Based Subscription Management should not use the Designated Recipients field in their NGI subscriptions. Since the state has agreed to review Rap Back Activity Notifications against the state subscription files before forwarding them to the Subscribers, it would not be appropriate to include Designated Recipients in Category Based subscriptions. The Rap Back Activity Notifications could be automatically forwarded to Subscribers when they are not authorized to receive them.

# Appendix 5: NGI Rap Back Subscription Management Plans

## Version 2.1 – June 1, 2014

### Subscription Management Plans

Submitters must decide upon and implement an appropriate Subscription Management Plan for subscriptions they submit

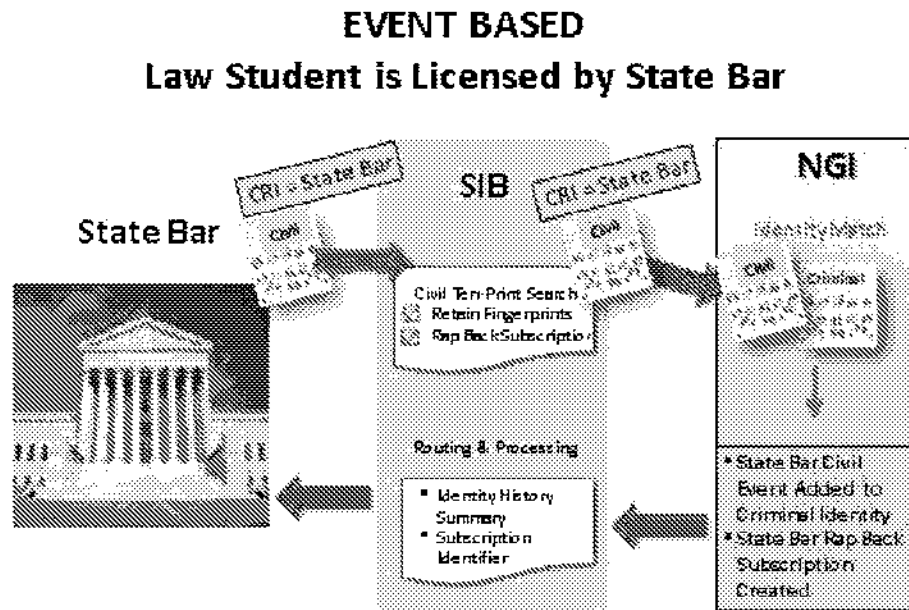
The design of the NGI Rap Back Service provides Submitting Entities a choice between two alternatives for how to manage the subscriptions they submit to NGI: Event Based Subscription Management and Category Based Subscription Management. The goal is allow states or Federal Submitting Agencies with current Rap Back services to more easily integrate the national system, and allow states and federal agencies starting new services to decide the best means for them to take advantage of the national service.

#### A. EVENT-BASED SUBSCRIPTION MANAGEMENT

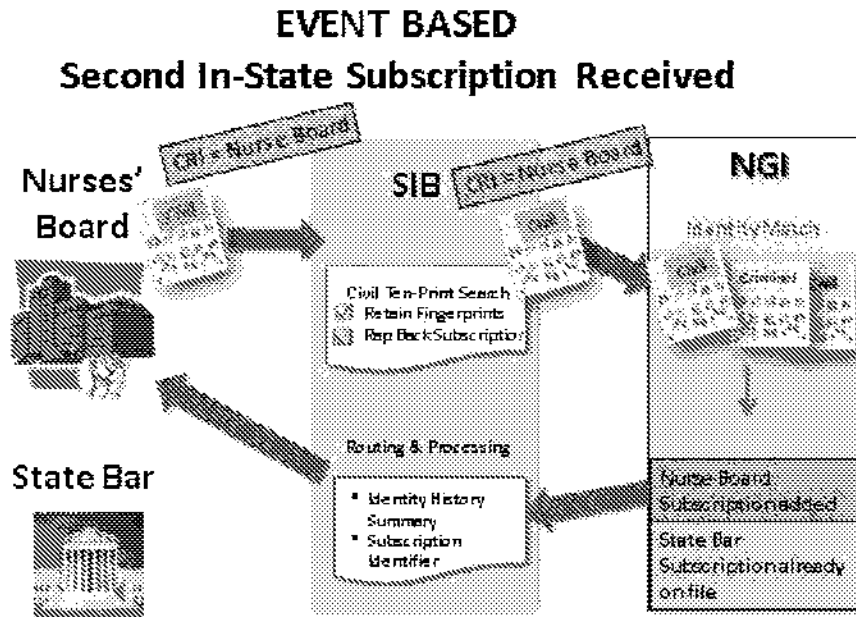
**The Submitter establishes a new NGI Rap Back subscription for each subscription request from a Subscribing Entity.**

Separate NGI subscriptions are set on the same NGI Identity for each subscription event for that person—each application for a license, application for a covered governmental job, application to volunteer, etc. The subscription is based upon the civil event.

The graphics below show how this works for a person who gets a law license, then adds a nurse's license, and is subsequently arrested. The SIB sets one NGI subscription based upon the fingerprints from the state Bar and identifies the State Bar as the Subscriber in the NGI Rap Back record (in the CRI field), shown as the tan colored subscription for demonstration purposes. The example shows a match to a criminal NGI Identity with non-disqualifying CHRI.

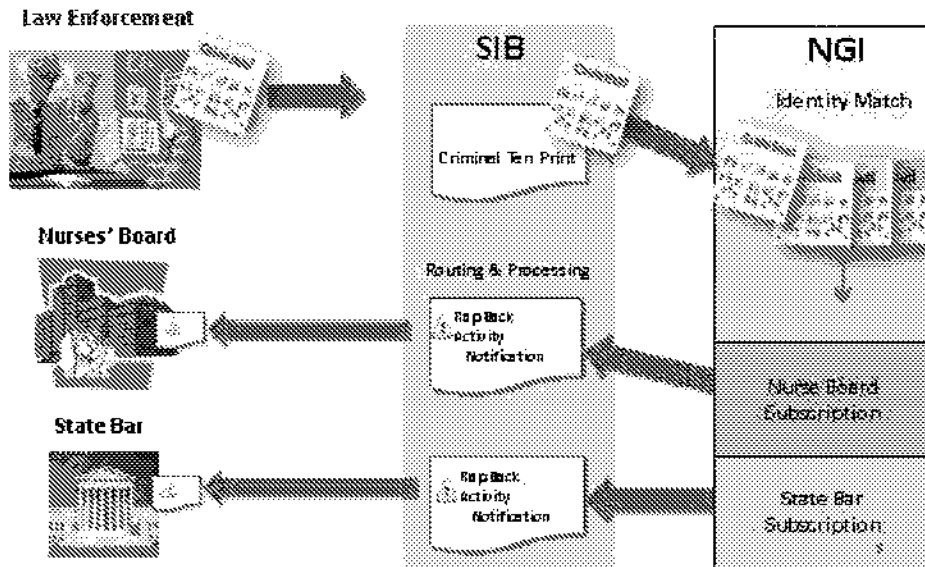


Then, when the lawyer decides to also become a nurse, the SIB adds another NGI subscription to the same NGI Identity, this time with the Nurses' Licensing Board in the CRI field of the subscription request related to that license event—shown in the below graphic as the blue colored subscription for demonstration purposes. That subscription request must be supported by the fingerprints from the Nurses' Board. This process creates separate subscriptions on the same Identity from the same Submitter (the SIB) for the two different Subscribers.



The SIB will then manage the subscriptions separately. A future criminal arrest or other “triggering” event against that Identity generates separate Rap Back Activity Notifications for each Subscription, as indicated in the third graphic, below. Each licensing entity is notified based upon the status and information in their separate subscriptions.

## EVENT BASED Individual Arrested



## **B. CATEGORY BASED SUBSCRIPTION MANAGEMENT**

**The Submitter establishes a single subscription for an NGI Identity for each identified Rap Back Category and tracks all subscriptions at the Submitter level, without any Subscriber information residing in NGI.**

The Submitting Entity creates just one subscription for each identified Rap Back Category on an NGI Identity, and does not add any Subscriber information to the NGI record. The Submitter manages all adds, deletes, modifications, notifications, etc. for each NGI Category Based Rap Back subscription they maintain. The NGI Category Based subscription is based upon the Submitter having one or more in-state or federal agency Rap Back subscriptions on this person in this Category.

The Category Based Subscription Management Approach is designed for those states or Federal Submitting Agencies that already have robust Rap Back Services and want to integrate the new NGI Rap Back Service into their existing functions.

The underlying concept is that the Submitter tracks all Rap Back subscription details in-state, or within the Federal Submitting Agency, and just sets one fingerprint-based NGI Rap Back subscription for the multiple local subscriptions on one person. Although the underlying idea is one NGI subscription per person, that is not possible because the different Purpose Codes associated with the different Categories may cause a different criminal history record to be generated for the different subscription Categories (see Category table, below). As such, the SIB or Federal Submitting Agency actually must create a different fingerprint-based NGI subscription for each Rap Back Category that a person may be subscribed to in-state or within the federal agency.

For example, if a person has a Security Clearance (maps to PUR/S) and is a teacher and a volunteer (map to PUR/I), the Submitter would have to create two subscriptions: One for the Security Clearance and one for the teaching school and volunteering. When NGI receives a future triggering event, they will send the Submitter a separate Rap Back Activity Notification for each of the two subscriptions, and those notifications may have different information in the Identity History Summaries (because they were created with different Purpose Codes derived from the different Categories). The Submitter will review their in-state or federal agency Rap Back records for that person, and then take the appropriate notification actions to whoever is subscribed in-state or in the federal agency files for that Category.

Since most non-criminal justice subscriptions will fall under the Volunteer, Child Care/School Employee, Non-Criminal Justice Employment and Licensing Category, only one subscription per person will often be all that is required under this approach.

**Note:** There is no data field in the Rap Back subscription record to indicate which Subscription Management Approach is being employed for that subscription. The Submitter is responsible for managing the subscriptions according to the chosen approach.



Rap Back Category	Rap Back Category Code	Maps to Purpose Code
Firearms	F	F
Volunteer, Child Care/School Employee, Non-Criminal Justice Employment and Licensing	I	I
Criminal Justice Employment	J	J
Criminal Justice Investigative	CI	C
Criminal Justice – Supervision	CS	C
Security Clearance Information Act	S	S

The below graphics demonstrate how Category Based Management would work as one NGI subscription for the law license and nurse license shown in the Event Based Subscription Management Approach, above. A Security Clearance is added to show how a second subscription is required for that as a different Rap Back Category.

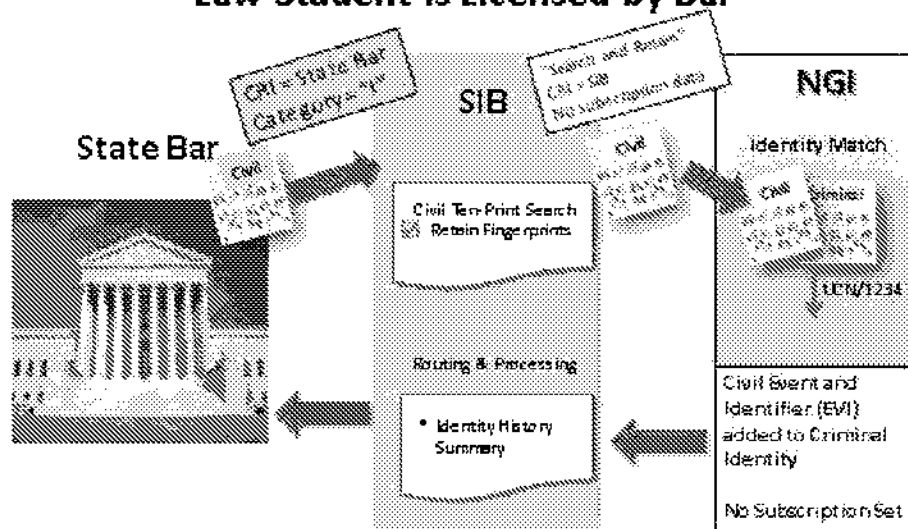
Note: The emphasis of these graphics is to present the underlying concept of “Category Based” Subscription Management. At the same time, however, they also reflect the recommended flow for setting Category Based subscriptions, summarized as follows:

- Step 1: With the first in-state or federal agency subscription request, use the Search and Retain transaction to search the fingerprints and match or establish an NGI Identity for the person—but not set an NGI subscription.
- Step 2: Use the Subsequent Subscription transaction to set the Category Based subscription in NGI for that person in that Category. That transaction must include the same set of fingerprints that was included in the Search and Retain transaction. It must also include the FBI/UCN returned from the Search and Retain transaction, but it must NOT include the Event Identifier (EVI) that was returned from the Search and Retain transaction.
- Step 3: For additional subscriptions received by the Submitter for this person in this Category, do not send subscription information to NGI, but do send the additional sets of fingerprints to NGI using the FIS transaction.

This process flow will create the NGI Category Based subscription without linking it to any specific civil event. In this manner, the subscription is not subject to deletion when the related civil event is deleted. Note, however, that a set of fingerprints from the civil event will remain in file in that instance. Please see Setting the Subscription under the Category Based Management Approach on page 34 of the Guide. Also please refer to the discussion titled Deletion of Civil Events and Fingerprints, in Section C of this Appendix.

The law student applies to the State Bar. They submit her fingerprints to the SIB for a fingerprint-based background check and to set a Rap Back subscription. The SIB searches their own AFIS, finds no record, and creates an in-state Identity record for the person and adds an in-state Rap Back subscription. The SIB then forwards the fingerprints to NGI with a request to search the prints; retain the prints; but NOT place a Rap Back subscription on the prints. They do not include the State Bar's ORI in the transaction, but rather put their own ORI in the CRI field, taking ownership of the fingerprint submission and, subsequently, the subscription.

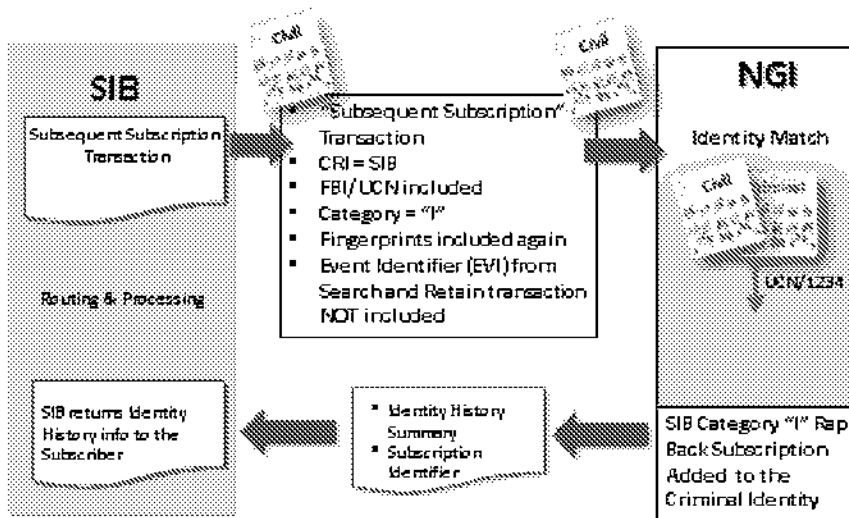
### CATEGORY BASED Step 1: Submitting the Fingerprints Law Student is Licensed by Bar



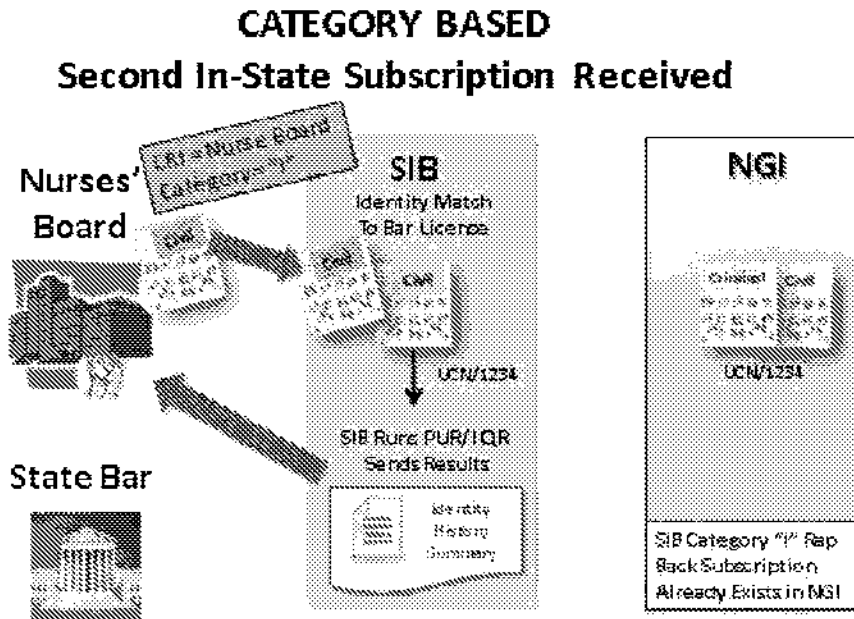
To follow the recommended process for setting an NGI Category Based Rap Back subscription, the SIB uses the Search and Retain transaction, even though the State Bar requests Search and Subscribe. The Bar experiences extremely low disqualification rate from the fingerprint search CHRI results. As such, at this point, the SIB could provide the criminal history to the State Bar for review, as shown in the graphic, or immediately use the Subsequent Subscription transaction to set the NGI Category Based subscription as soon as the Search and Retain results are received. A Submitter using Category Based Subscription Management should establish these protocols as each Subscriber begins participation.

The below graphic shows that the SIB forwards the Subsequent Subscription request to NGI with the same set of fingerprints that was included in the Search and Retain transaction. They also include their own ORI in the CRI field; the FBI/UCN from the Search and Retain transaction; and the Category Code set to "I". They do NOT include the Event Identifier (EVI) from the Search and Retain transaction. NGI establishes a Category "I" subscription and returns a new Identity History Summary to the Submitter. The subscription is shown in yellow in this example for demonstration purposes. Yellow is being used arbitrarily to represent subscriptions under the "Volunteer, Child Care/School Employee, Non-Criminal Justice Employment and Licensing" (PUR/I) Category.

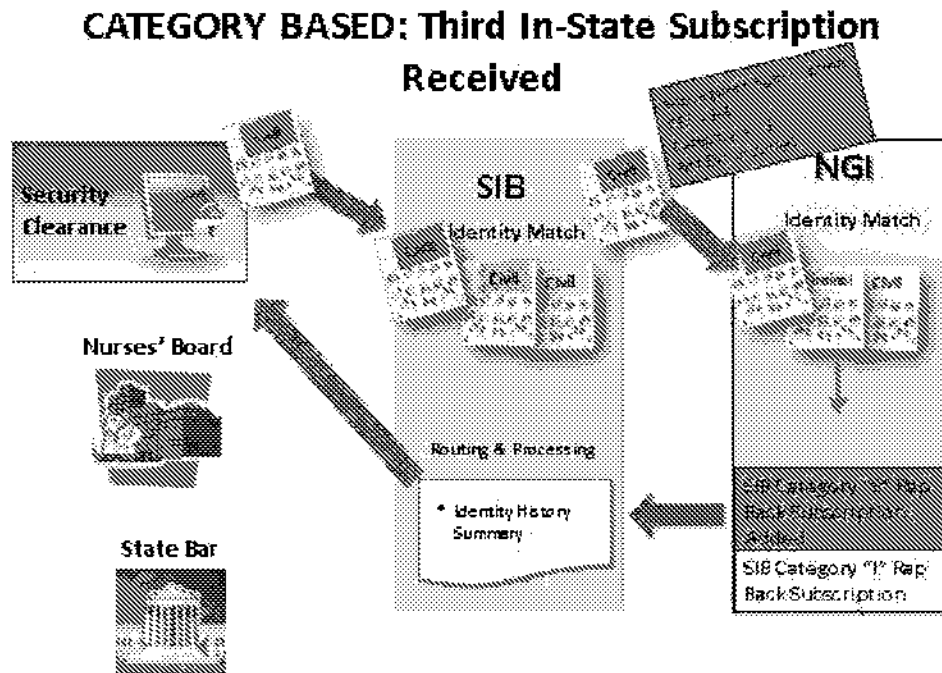
### CATEGORY BASED Step 2: Requesting the Subscription Law Student is Licensed by Bar



In the below graphic, the lawyer decides she wants to get a nurse's license and enter the medical field in addition to maintaining her lawyer's license. She submits her fingerprints to the Nurses' Board, who sends them to the SIB. The SIB matches the Nurses' Board fingerprint submission to the person's existing in-state Identity record that already contains her law license fingerprints. They add the in-state Rap Back subscription and respond to the Nurses' Board with the appropriate Identity History Summary, which does not contain disqualifying information. (The graphic shows that they use a PUR/I QR query. As an alternative, they could submit the fingerprints to NGI for search and response.) Since the Nurses' Board license is under the same Rap Back Category as the State Bar (Volunteer, Child Care/School Employee, Non-Criminal Justice Employment and Licensing), the SIB does not send a Rap Back subscription request to NGI. The SIB already has the one NGI Rap Back subscription under Category "I" and does not need to create another one under the Category Based Subscription Management Approach.

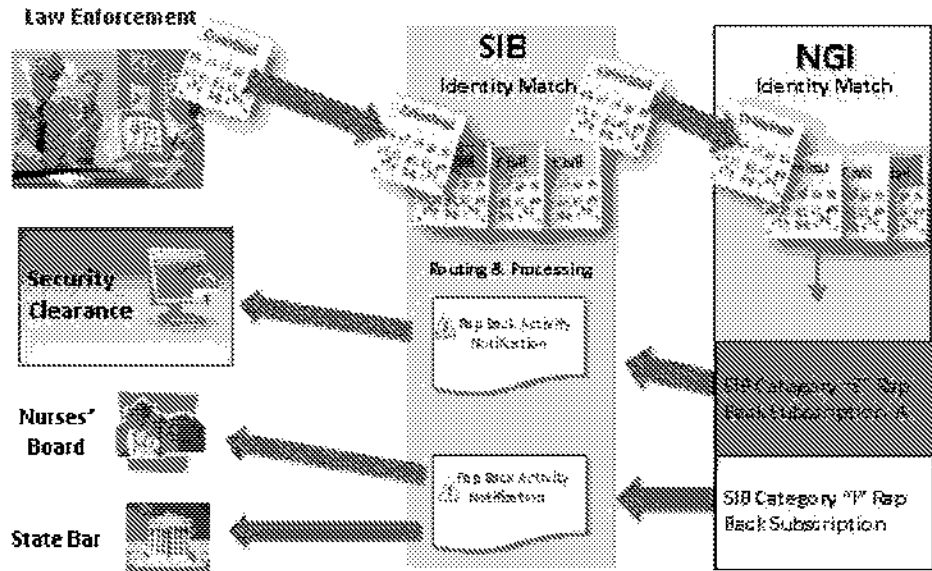


In the below graphic, the nurse moves into a government nursing position requiring a security clearance. The employer sends her fingerprints to the SIB to search for criminal history and to set a Rap Back subscription. The SIB matches those prints to the existing in-state Identity record that already has the State Bar fingerprints and the Nurses' Board fingerprints. The SIB responds with the Identity History Summary, which does not contain disqualifying information. Since the Security Clearance is in a different Rap Back Category, the SIB sends the fingerprints to NGI with a request that a Rap Back Category "S" Rap Back subscription be established. The SIB now has three subscriptions in their in-state Rap Back Service representing two different Rap Back Categories. Accordingly, they have two NGI Rap Back subscriptions, which represent those two Categories.



In the below graphic, the person gets arrested in another state in the future. The arresting police department in the other state sends the arrest fingerprints to their state's SIB, who forwards them to NGI. NGI matches them to the Identity that has the two Rap Back subscriptions from the subscribing state. NGI sends the subscribing state two different Rap Back Activity Notifications, one with the appropriate information for PUR/I and one with the appropriate information for PUR/S. The SIB compares those Rap Back Activity Notifications to their in-state Rap Back system and sends the PUR/S information to the government employer for the Security Clearance suitability, and forwards the appropriate PUR/I information to both the State Bar and the Nurses' Board. In each case, the SIB must use the appropriate Rap Back Activity Notification Format, which is not necessarily included in the Rap Back Activity Notification from NGI, but rather must be determined from the in-state files. See further discussions in Section C, below.

### CATEGORY BASED Individual Gets Arrested



## **C. CONSIDERATIONS FOR WHICH SUBSCRIPTION MANAGEMENT APPROACH TO USE**

### **Regarding Event Based Subscription Management**

With Event Based Subscription Management, a Submitter with an existing in-state or Federal Submitting Agency Rap Back Service stores the subscriptions locally and then creates corresponding subscriptions in the NGI System that closely mirror the information in the in-state or Federal Submitting Agency system. A state or federal agency that is just creating a new Rap Back Service could write the NGI rules into their program to make alignment of the programs easier.

One of the biggest challenges is in coordinating the in-state or Federal Submitting Agency and NGI responses to the Subscribers. It will be necessary with Event Based Subscription Management to either include the NGI subscription Rap Back Activity Notifications (or the information contained in them) with the in-state or Federal Submitting Agency notices (for those subscriptions that are in both), or to tell the Subscribers they will receive separate local and NGI notifications.

It is not necessary for state and federal Submitters to have in-state or federal Rap Back systems. NGI can be used as the Submitter's only Rap Back Service. It is highly recommended that states and Federal Submitting Agencies with no in-state or federal Rap Back Service participate in the NGI's Rap Back Service using the Event Based Subscription Management Approach.

One option when a state SIB or Federal Submitting Agency is creating a new Rap Back Service is to use Event Based Subscription Management and not create a full service in-state or federal Rap Back program, but rather simply build the state or federal piece as a pass through and allow NGI's Rap Back Service to hold the data. That is the SIB or Federal Submitting Agency has all the logic and automation to gather and format the data from the Subscribers in-state or from the Federal Submitting Agency's Subscribers, but passes the storage and maintenance transactions to NGI. The state or federal Submitter would also have to have the records and administrative processes to manage the Privacy Strategies, monthly subscription lists, and other Rap Back functions. This approach to implementing NGI's Rap Back will only work if the state is passing all criminal history and other potential triggering events to NGI to hit against those subscriptions on the NGI Identities.

### **Regarding Category Based Subscription Management**

The Category Based Subscription Management Approach is intended to give options to those state SIBs and Federal Submitting Agencies that already have robust Rap Back systems in place (or those states or federal agencies building new state Rap Back systems) and want the NGI Service to be as minimally disruptive as possible for them. Although that is the goal, managing the NGI Category Based subscriptions can become complicated when more than one subscription exists for a person in a Category. This Section of the Appendix discusses some of those considerations, but as NGI's Rap Back Service is implemented and Submitters work with this approach, additional considerations will likely arise. As such, any Submitter considering Category Based Subscription Management must contact CJIS to discuss how this approach is being implemented.

The Category Based approach is intended to allow the state or federal agency to manage all its subscriptions out of its existing Rap Back system, but add the NGI notifications from future out-of-state events. To obtain the NGI information on its in-state or federal agency subscription, the Submitter is just putting a “Submitter-owned” subscription on the corresponding NGI Identity indicating the existence of one or more in-state or federal agency Rap Back subscriptions on this person in this Category. They do not have to put the licensing/employment or other applicant entity anywhere in the NGI record. When a triggering event occurs in the future for that person, NGI will notify the Submitter without knowing the Subscribing Entity—or Entities—or the privacy strategies being used with them (that’s all the state’s or federal agency’s responsibility). The SIB or Federal Submitting Agency will sort out who the notification goes to, what Rap Back Activity Notification Format they receive (pre-notification; triggering event; or, triggering event and Identity History Summary); what linking information they used, etc. from the information in their in-state or federal agency Rap Back system.

Key to making the Category Based approach work is the state and Federal Submitting Agency understanding how to manage the subscription data. For example, the SIB or Federal Submitting Agency must track the following elements for each subscription in the in-state or federal agency Rap Back system:

- Subscription Term;
- Expiration Date;
- NGI Privacy Strategy and NGI Rap Back Activity Notification Format;
- User defined fields and linking information;
- Rap Back Attention.

These are critical data elements for the Submitter to track, because they may be different for different subscriptions on the same person in the same Category. As such, they cannot all be represented for each Subscriber in the NGI subscription under the Category Based approach. The subscriptions on the same person may often have different values for these fields, and the Submitter needs to be able to process any future Rap Back Activity Notifications, Monthly Validation/Expiration Lists, Rap Back Renewal Notifications or other messages correctly for the NGI subscription based upon the information in the in-state or federal agency subscriptions. For example, a Submitter could receive the following two subscriptions in this order:

1. A teacher’s subscription
  - a. Privacy Strategy #2: Authority for Duration of a License;
  - b. Expiration Date in five years;
  - c. Lifetime Term.
2. A volunteer subscription
  - a. Privacy Strategy #1: Pre-Notification with Mandatory Validation/Expiration within Three Years;
  - b. Expiration Date in three years;
  - c. Five-year Term.

Under the Category Based Approach, the Submitting Entity has to decide what information to put in the NGI Subscription for the above fields. The Submitter needs to be able to process any future Rap Back Activity Notifications, Monthly Validation/Expiration Lists, Rap Back Renewal Notifications or other messages correctly for the NGI subscription based upon the information in the state subscriptions.



## Subscription Term and Expiration Date

It is permissible to put the broadest values from the in-state or federal agency subscriptions in the NGI subscription. That is, if the SIB or Federal Submitting Agency receives the teacher application first, they would normally put in the lifetime Term (and pay the lifetime fee) and put in a five year Expiration Date.

Then, when the volunteer subscription is received, the Submitter has to review the NGI subscription to see if it should be modified. For example, they could do one of the following:

1. The recommended action is to leave the NGI Subscription as it is, and use their existing Submitter-level validation process to validate the volunteer Submitter-maintained subscription every three years. No fee would have to be paid to NGI when the volunteer entity renews the Submitter-maintained subscription every five years. The NGI monthly validation process would include this NGI subscription every five years. At that time the teacher licensing board would validate their authority, which would validate the NGI Category Based subscription. Since it is a lifetime term, no future fee will be paid on the subscription.
2. As an alternative, the Submitter could change the NGI Expiration Date to three years from the date the volunteer subscription was received. In that instance the NGI monthly validation process would include this NGI Category Based subscription in the monthly validation/expiration list once every three years, to be in synchronization with the volunteer subscription's validation schedule. However, in that case, the Submitter would have to use their Submitter level validation process to validate the teacher subscription every five years.

The Submitter may choose whichever process will best fit for themselves and the Subscribers. In either case, the Submitter has committed to validating the NGI Category Based subscription. In addition, they must maintain the validation of the Submitter-maintained subscription that is not visible to NGI on a schedule under one of the Privacy Strategies.

For discussion, if the volunteer subscription had been received first and they had set the NGI Category Based subscription to a three year Expiration Date and a 5-year Subscription Term, then when the teacher subscription is received they would have to consider different choices. The Subscription Term cannot be modified, so if they wanted to change the NGI Subscription Term to lifetime, based upon the teacher's license subscription, they would have to create a new NGI subscription with lifetime Term, pay the lifetime fee, and cancel the previous NGI subscription.

Regarding the Expiration Date, they could do one of the following:

1. The recommended action is to change the NGI Subscription's Expiration Date to five years based upon the teacher subscription. Then the Submitter would have to keep track of the three-year validation that they've agreed to perform on the volunteer subscription.

Or

2. As an alternative, leave the subscription Expiration Date at three years and continue to manage the NGI Category Based subscription validation/expiration based upon the expiration schedule of the volunteer Submitter-maintained subscription. If that volunteer subscription ends, they would have to change the Expiration Date of the NGI subscription to reflect the validation/expiration schedule of the teacher Submitter-maintained subscription. In addition, the Submitter would have to ensure

that their system reflected the end of the volunteer subscription so the volunteer association does not receive any future Rap Back Activity Notifications from the Category Based NGI Subscription still being maintained on authority of the teacher license.

### **Privacy Strategy and Rap Back Activity Notification Format**

It is permissible for the Submitter to put the broadest Rap Back Activity Notification Format (Triggering Event and Identity History Summary) in the NGI subscription—regardless of the Privacy Strategies being employed for the state or federal agency subscriptions—but then only provide the state or Federal Submitting Agency Subscribers with the appropriate information. That is, the Submitter could receive the Triggering Event and Identity History Summary from NGI for a subscription that is employing a pre-notification Privacy Strategy. Then, they would have to use an internal pre-notification process and only give the entire Triggering Event and Identity History Summary after pre-notification had been completed. The Submitter is entrusted with not giving the Identity History Summary directly to a Subscribing Entity whose privacy strategy requires pre-notification. When a future Rap Back Activity Notification is provided, the Submitter has to review their records to see which format is appropriate to each Subscriber and provide notifications accordingly.

Of course, if the subscription uses a Privacy Strategy requiring pre-notification, the submitter can simply use “pre-notification” as the Rap Back Activity Notification Format in the NGI subscription.

As above, if the volunteer subscription had been the first subscription received, the Submitter would likely have set the NGI subscription Rap Back Activity Notification Format to “pre-notification” with an Expiration Date of three years.

Then, when the person gets her 5-year teacher license, the Submitter would not have to add that subscription to NGI, but it is recommended they modify the Rap Back Activity Notification Format of the existing NGI Subscription to “Triggering Event and Identity History Summary”. Then, when they received a future Rap Back Activity Notification, they would just pass the Triggering Event and Identity History Summary right to the teacher licensing board, but they would have to use an internal process to only give the volunteer association “Pre-Notification” information, followed up by the full information if the volunteer association verified they were still authorized to receive it.

### **The User Defined Fields and Rap Back Attention**

The linking information from the User Defined Fields and the Rap Back Attention field would have to be in the internal records rather than the NGI subscription. When future Rap Back Activity Notifications are received the Submitter has to review their records to see which User Defined and Rap Back Attention information goes to which Subscriber and include that information accordingly.

## Management of Fees

The Submitting Entity has to manage fee collection for both their Submitter-maintained subscriptions and their NGI subscriptions, taking into consideration that not all applicants in the same Category have to pay an NGI subscription fee, and as shown in the example, there may be cases where a Submitter-maintained subscription requires Renewal every two or five years, but it is subscribed to an NGI Identity that has another subscription in that same Category with a lifetime Term. In that instance, NGI will generate validation/expiration lists at appropriate intervals, but those lists will never cause a renewal of that Category based subscription, just the repeated extension of the Expiration Date. The Submitter-level renewal process for the Submitter-maintained subscription will not submit any future renewal fees to NGI.

The key is that it is up to the Submitter to track all subscription related information within their Rap Back system and implement it according to the NGI Rap Back rules, which they have agreed to apply to their Submitter-maintained subscriptions as a part of using the Category Based Subscription Management approach. As they do that, they must also be able to manage with their Subscribers when they will and will not have to pay fees to NGI.

An additional consideration regarding fees under the Category Based approach is that Submitters will have to reconcile billing without itemized assistance from FBI CJIS. Since Category Based subscriptions are all entered with the Submitter's ORI in the ORI and CRI fields, the subscription bills from NGI for Category Based Submitters will show just one total for the Submitter's subscriptions, all itemized to the Submitter. The Submitter will have to have audit processes in place to be able to reconcile the Rap Back Subscription fees to be charged to each Subscriber, without additional information from CJIS.

## Deletion of Civil Events and Fingerprints

If the applicant has the statutory authority and asks for his application event information to be removed from NGI, the Submitter will perform a Civil Event Deletion Request (CDEL) transaction as discussed in EBTS Section 3.6.7. The delete transaction will include the following information that was returned to the Submitter/Subscriber from the original Search and Retain civil Tenprint Fingerprint Identification Submission transaction:

1. The FBI/UCN of the NGI Identity that was matched or created as a result of that submission; and,
2. The civil Event Identifier (EVI) created for that civil retain submission.

The CDEL transaction will remove the civil event information associated with that UCN and EVI. The fingerprints associated with that UCN and EVI will also be removed—if the NGI Identity does not have any criminal information associated with it at the time of the CDEL transaction. *This deletion will also cause any NGI Rap Back subscription (Event Based or Category Based) associated with that UCN **and** EVI to be deleted.*

This result can be a problem for Category Based Submitters if the person has a second Submitter-level subscription that should still be referenced by an NGI Category Based subscription. This problem can be avoided if the Submitter uses the recommended two-step process for establishing Category Based Subscriptions:

1. Search the fingerprints with the Search and Retain Tenprint Fingerprint Identification Submission, rather than the Search and Subscribe Tenprint Fingerprint Identification Submission.
2. Then set the NGI Category Based subscription with the Subsequent Subscription transaction:
  - a. Including the UCN received in response to the Search and Retain Submission;
  - b. Including the same set of fingerprints that was included with the Search and Retain Submission;
  - c. NOT including the EVI received in response to the Search and Retain Submission; and,
  - d. Including the other EBTS fields for the Subsequent Subscription.

This Subsequent Subscription transaction will establish the NGI Category Based subscription as its own event, without linking it to the earlier Search and Retain submission event. As a result, if that earlier civil event is deleted with the CDEL transaction, the NGI Identity and the NGI Category Based subscription will both remain in file.

Please refer to the discussion under Setting the Subscription under the Category Based Management Approach on page 34 of the Guide.

## **Conclusion**

The Submitter should implement Subscription Management in a manner that best fits their situation. The intention is to give the existing states/federal agencies some options for integrating NGI's Rap Back with their programs—and to provide options for states/federal agencies creating new programs.

## Appendix 4: Non-Criminal Justice Rap Back Related Data in EBTS Version 2.1 – June 1, 2014

For quick reference, the non-criminal justice Rap Back related data within the EBTS are set out below. These data elements make up the logical Rap Back Subscription Record within NGI. For the specific technical requirements for participation in the NGI's Rap Back service, please refer to the latest available version of the EBTS, which can be found at website: <https://www.fbiinfospecs.org/ebts.html>

This summary is intended only to provide a summary and profile of the Rap Back data in NGI and not to replace any technical specification in the EBTS. The EBTS controls in any unintentional conflict between this document and the EBTS. All technical planning, development, and implementation must be done by referring to the EBTS document.

### EBTS Rap Back Related Data elements for creation of subscriptions using Search and Subscribe

Below are the Subscriber-entered Rap Back data elements that have been added to the EBTS to accommodate the implementation of NGI's Rap Back Service.

The same set of Rap Back data are used to set a Rap Back subscription, whether it is through a Tenprint Fingerprint Identification Submission transaction (Search and Subscribe) or through a Subsequent Subscription transaction. Those transactions are discussed within the Rap Back Policy and Implementation Guide. The following chart shows the data used in setting a subscription, as presented in EBTS Section 3.1.1.20 Rap Back Subscription Requests. That Section is talking about Tenprint Fingerprint Identification Submission transactions, and as such is relevant specifically to the Rap Back Search and Subscribe transaction.

EBTS Tag Number	EBTS Element	EBTS Element Name	Mandatory/Optional
2.2015	RBXD	Rap Back Expiration Date	Optional
2.2020	RBR	Rap Back Recipient	Optional
2.2040	RBT	Rap Back Trigger	Optional
2.2062	RBNF	Rap Back Activity Notification Format	Mandatory
2.2063	RBOO	Opt out of in State Rap Back Criminal Event Indicator	Optional
2.2064	RBUD	Rap Back User Defined	Optional
2.2065	RBC	Rap Back Category	Mandatory
2.2070	RBATN	Rap Back Attention Indicator	Optional
2.2071	RBST	Rap Back Subscription Term	Optional

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### Appendix 4: Rap Back Related Data in EBTS (V 2.1)

Note that EBTS shows Rap Back Expiration Date and Rap Back Subscription Term as “Optional” because this chart is applicable to setting criminal and non-criminal justice Rap Back subscriptions. Those two fields are not used in criminal justice subscriptions, so they are shown as optional in this chart. When a Submitter wants to use a Tenprint Fingerprint Identification Submission to establish a non-criminal justice Rap Back Subscription, the following fields are mandatory, in addition to the mandatory fields for the fingerprint submission:

EBTS Tag Number	EBTS Element	EBTS Element Name	Mandatory/ Optional
2.005	RET	Retention Code	Mandatory (Must be “Y”)
2.2015	RBXD	Rap Back Expiration Date	Mandatory
2.2062	RBNF	Rap Back Activity Notification Format	Mandatory
2.2065	RBC	Rap Back Category	Mandatory
2.2071	RBST	Rap Back Subscription Term	Mandatory

### **EBTS Subscriber-entered Rap Back Related Data elements for creation of non-criminal justice subscriptions using Subsequent Subscription**

The Subsequent Subscription transaction uses the same Subscriber-entered Rap Back fields as those indicated above for the Search and Subscribe transaction. In addition, the Subsequent Subscription transaction also includes the following Subscriber-entered Rap Back data elements. These elements (except EVI) are already a part of the Tenprint Fingerprint Identification Submission used for Search and Subscribe.

EBTS Tag Number	EBTS Element	EBTS Element Name	Mandatory/ Optional
2.006	ATN	Attention Indicator	Optional
2.014	FBI/UCN	FBI Number/Universal Control Number	Mandatory
2.018	NAM	Name	Mandatory
2.022	DOB	Date of Birth	Mandatory
2.038	DPR	Date Printed	Optional
2.073	CR1	Controlling Agency Identifier	Optional
2.2035	EVI	Event Identifier	Mandatory if no fingerprints are included

## Notes on the Subscriber-Entered Rap Back Related Data Elements in EBTS

These Subscriber-entered data elements for non-criminal justice subscriptions are described in the EBTS and throughout the Rap Back Non-Criminal Justice Implementation Guide. These notes are provided just as quick reminders of their use, and point out some operational considerations regarding the data elements, when appropriate. There are some maintenance and other data elements listed below which do not appear in the above discussions of setting Rap Back subscriptions.

2.006 ATN – Attention

2.014 FBI/UCN – FBI Number or Universal Control Number

2.018 NAM – Name

When provided within a Subsequent Subscription transactions not supported by fingerprints, the name will not be added to the NGI Identity. The name supplied in the Subsequent Subscription transaction will be provided on any Rap Back Activity Notification so that the Subscriber can link the Notification back to the correct licensee, employee, volunteer, etc. in their files.

2.022 DOB – Date of Birth

When provided within a Subsequent Subscription transactions not supported by fingerprints, the DOB will not be added to the NGI Identity. The DOB supplied in the Subsequent Subscription transaction will be provided on any Rap Back Activity Notification so that the Subscriber can link back to the correct licensee, employee, volunteer, etc. in their files.

2.073 CRI – Controlling Agency Identifier

If the Submitter is using Event-Based Subscription Management, this field will contain the ORI of the Subscriber. If the Submitter is using Category-Based Subscription Management, both the ORI field and this field will contain the ORI of the Submitter.

2.2015 RBXD – Rap Back Expiration Date

Date the subscription expires under the Subscriber’s Privacy Strategy. When it is about to expire, will cause the record to be included in the monthly validation/expiration list for validation processing.

2.2020 RBR – Rap Back Recipient (Designated Recipients)

When present in an NGI Rap Back Subscription, the Rap Back Recipient field is populated into the SCO field of outgoing Rap Back Activity Notifications. Please see Appendix 6: Use of EBTS field 2.2020: Rap Back Recipients.

2.2035 EVI – Event Identifier

Unique identifier assigned by NGI to biometric enrollment events. For non-criminal justice Rap Back, it is the identifier for the enrollment of the fingerprints associated with the civil event (employment application, license application, volunteer event, etc.) This identifier is sometimes submitted with “Subsequent Subscription” transactions when the subscription is being set after the initial Tenprint Fingerprint Identification Submission has already been submitted and the prints retained, as described in the Guide.

#### 2.2039 RBMI - Rap Back Maintenance Indicator

Used in the Rap Back Maintenance Submission transaction (RBMNT) to indicate the type of maintenance action being requested:

- Replace
- Delete
- Append
- Cancel
- Renew
- Un-cancel

#### 2.2040 RBT – Rap Back Trigger

Events that will cause future notifications to Submitter/Subscriber.

Automatically includes criminal tenprint retain transactions and NFF CPI submissions.

Subscriber can add all the rest of the triggers, if desired. The “Civil Retain Submission” trigger will only be allowed for those federal agencies authorized to receive those events.

#### 2.2047 Return All Records (RAR)

Used to indicate that a Rap Back Subscription List Request (RBRPT) search all Rap Back Subscriptions that are routed through the sending ORI. If omitted the default is ‘N’, where only subscriptions owned by the sending ORI are searched and returned.

#### 2.2062 RBNF – Rap Back Activity Notification Format

Under the Submitter/Subscriber Privacy Strategy, an indication of whether the Rap Back Activity Notification should be:

- Pre-notification;
- Triggering Event; or,
- Triggering Event and Identity History Summary.

#### 2.2063 RBOO – Rap Back Opt Out of In-State Indicator

Boolean indicator set by Submitter for NGI to not send the Submitter notifications of events originating from within the Submitter’s own state. Defaults to NGI sending all notifications. Must be provided on all subscriptions for which Submitter does not want in-state notifications.

#### 2.2064 RBUD – Rap Back User Defined fields

Appropriate use is determined by the Submitter.

Note: Each User Defined field is actually a set of two fields:

2.2064A – Rap Back Field Name: a 50 character field in which the Subscriber can place a user-defined name for this user defined field.

2.2064B – Rap Back Field Text: a 100 character field in which the Subscriber places the user-defined text information.

The Rap Back Field Text can contain additional linking information for the subscription such as SID; TCN; OCA; more detailed contact information; reminder notes regarding the subscription; or any other relevant information.

These fields are not disseminated on an Identity History Summary, rather they are returned to the SIB or Federal Submitting Agency with the Rap Back Activity Notifications and other Rap Back messages.



2.2065 RBC – Rap Back Category

Used to identify the correct Category of the subscription so that NGI will use the correct Purpose Code when generating criminal history information. Category is a required field that must have one of the following values. The resulting Purpose Codes are also listed:

Rap Back Category	Rap Back Category Code	Maps to Purpose Code
Firearms	F	F
Volunteer, Child Care/School Employee, Non-Criminal Justice Employment and Licensing	I	I
Criminal Justice Employment	J	J
Criminal Justice Investigative	CI	C
Criminal Justice – Supervision	CS	C
Security Clearance Information Act	S	S

2.2068 DTR – Rap Back Expiration Date Range

Used in the Rap Back Subscription List Request (RBRPT) transaction as an input parameter to limit responses to subscriptions within the identified range.

2.2070 RBATN – Rap Back Attention Indicator

Available for the Subscriber to use in combination with the User Defined fields to link future Rap Back Activity Notifications to the right person or Section within the Subscribing Entity. The RBATN is returned on some Identity History Summaries provided to criminal justice agencies for criminal justice purposes.

2.2071 RBST – Rap Back Subscription Term

Length of the Term of the Subscription, during which time no additional fee will be charged for the Subscriber to validate their authority to subscribe to the individual and “extend” the subscription. Available Subscription Terms are 2 years, 5 years, or lifetime.

## Notes on Rap Back Related Data Elements in EBTS that are not Subscriber-Entered

### 2.2035 EVI - Event Identifier

Unique identifier assigned by NGI to biometric enrollment events. For non-criminal justice Rap Back, it is the identifier for the enrollment of the fingerprints associated with the civil event (employment application, license application, volunteer event, etc.) This identifier is sometimes submitted with “Subsequent Subscription” transactions when the subscription is being set after the initial Tenprint Fingerprint Identification Submission has already been submitted and the prints retained, as described in the Guide.

### 2.2041 RBNI – Rap Back Activity Notification Identifier

This number is provided to the Subscriber within the Rap Back Activity Notification when a future reported event matches against one of their Rap Back subscriptions in NGI. If the Subscriber indicated “Pre-Notification” or “Triggering Event” in the Rap Back Activity Notification Format field when setting the subscription, they will have to use the Rap Back Identity History Summary Request transaction to see the updated criminal history record information of the person. The Subscriber must use the RBNI in that transaction.

### 2.2048 RBSI - Rap Back Subscription Identifier

Unique number assigned by NGI that identifies the subscription as a whole. It is provided back to the Rap Back Submitter/Subscriber when the subscription is established. This number is required to perform maintenance on an existing subscription.

### 2.2049 RBTD - Rap Back Term Date

The date identifying the end of the 2-year, 5-year, or lifetime fee paid by the Subscriber. It is added to the subscription automatically by NGI based upon the Rap Back Subscription Term field value in the Subscription Request. This date indicates when a new fee must be paid to continue the subscription. This date is separate from the Expiration Date and functions in relation to the Expiration Date as described in the Guide.

### 2.2050 RBSL – Rap Back Subscription List

A compressed comma-separated-values (CSV) file with filename results.csv. Used to return Subscription Lists to Subscribers. See EBTS Section 3.3.3.2 Rap Back Subscription List Response (RBRPTR) for more information.

### 2.2054 RBSD - Rap Back Subscription Date

Date the subscription is created. It is added to the subscription automatically by NGI.

### 2.2069 RBTED - Triggering Event Details

Note: The Triggering Event Details field is actually a set of three fields:

2.2069A DORBE – Date of Rap Back Event

2.2069B RBT – Rap Back Trigger

2.2069C RBEI – Rap Back Event Information

The Triggering Event Details will be provided within the Rap Back Activity Notification when either “Triggering Event” or “Identity History Summary and Triggering Event” is chosen as the Rap Back Activity Notification Format when the subscription is created.

## Notes on Other EBTS Data that May be Relevant to Rap Back Subscriptions

Other data that may be related to the Rap Back Subscriptions are listed below. Note that not all these elements have separate Rap Back data fields. For example, if a Subscriber wants to use TCN, OCA (for non-criminal justice subscriptions), or SID for reference, they must capture those values and store them in the User Defined fields.

1. ORI of the Submitting Entity
2. ORI of the Subscribing Entity (in the CRI1 field)
3. FBI/UCN
4. OCA from original submission
  - If needed by non-criminal justice Subscriber/Submitter for reference, must be captured by Subscriber/Submitter and stored in User Defined field.
  - Is mandatory to be placed in Originating Agency Case Number field (2.009 OCA) for criminal justice subscriptions and will be returned with Rap Back messages.
5. TCN from original submission
  - If needed by Subscriber/Submitter for reference, must be captured by Subscriber/Submitter and stored in User Defined field.
6. SID of subscribed individual
  - If needed by Subscriber/Submitter for reference, must be captured by Subscriber/Submitter and stored in User Defined field.

## Notes on Rap Back Messages

EBTS Appendix M lists the transaction messages codes, the message condition for each code, and the description of the code for messages. Appendix M has been updated to include new error or message codes related to establishing and maintaining Rap Back subscriptions, as well as the messages associated with Rap Back Notifications.

## **Appendix 3: Subscribing Entity Reference Guide to NGI's Rap Back Service**

### **Version 2.1 – June 1, 2014**

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**Note to Submitters:** *The information in this document is provided for you to use in any manner most appropriate to your implementation. The information could be used as a separate document, integrated into your own documentation, or in any other manner. Where the document asks questions regarding the Submitter's plans or where it states that the Submitter must describe certain Submitter choices to the Subscriber, it is recommended you remove that language and instead provide those functions, choices, or descriptions directly.*

*This document is provided as a reference for those non-criminal justice entities who are considering participation in NGI's Rap Back Service. To address the entire population of potential Subscribers, these requirements are listed only as related to NGI and the NGI Rap Back Service. Of course, Submitters with their own Rap Back Programs will implement these requirements as appropriate within the context of their existing activities and, as above, should use this information in any means appropriate for communicating with their Subscribers.*

*This document is an attempt to summarize key points for the Subscribers.*

*As stated throughout the Non-Criminal Justice Rap Back Service Policy and Implementation Guide, the robustness of the in-state or federal agency or Authorized CHRI Contractor communications methodology is critical to the success of Rap Back. The Submitter must employ the most efficient communications process possible and must work with the Subscribers to use it effectively.*

Following are the steps necessary for a non-criminal justice entity to participate in NGI's Rap Back Service. These steps must be taken in coordination with the Submitter through whom the subscriptions will be sent to NGI.

#### **1. Subscriber must identify the authority they have to participate in Rap Back.**

Subscriber must have an appropriate ORI assigned by the CJIS Division. Their statutory or other appropriate authority must be provided to the Submitter, and must include:

- a. Authority to submit non-criminal justice fingerprints for search and responses to the Submitter and NGI.
- b. Authority for NGI to retain those fingerprints and process future searches against them, including latent fingerprint searches.

Subscribers can only subscribe to persons who have official relationships to the Subscriber under the identified authority.

## **2. In States or Federal Agencies where Rap Back Systems already exist, the Subscriber must understand how NGI's Rap Back Service will change the information provided to the Subscriber from the Submitter.**

Submitters who already operate Rap Back services for their Subscribers must describe to the Subscribers what effect participation in NGI's Rap Back will have upon the future notifications of Rap Back activity and other messages that will be communicated between Submitter and Subscriber.

The Submitting Entity may want to describe the Subscription Management Plan that they have chosen for managing the subscriptions submitted through them. There is no direct requirement on the Subscriber regarding the plan, but it may be helpful for them to understand how the Submitter is handling the subscriptions, which could affect how the new information will be presented to the Subscribers.

The Submitter should describe whether the NGI transactions and functions will look different from the in-state or federal agency transactions, or if they will just be integrated into the Submitter's transactions and messages. For example, if the Submitter is going to simply forward the NGI transactions as they come from NGI, they will have a different look than the in-state or federal agency transactions. This is a training issue for the Submitter to include in its discussion and documents with the Subscribers.

Also key to this point is simply making sure that the Subscribers understand the scope of the NGI Rap Back Service and that they will now be getting notified of out-of-state events that are reported to the FBI.

## **3. The Subscriber must agree with Submitter on the appropriate Privacy Risk Mitigation Strategy for their subscriptions.**

The Subscriber must implement formalized processes, procedures, and controls in alignment with the Rap Back policies to protect the information and the Rap Back Service.

Accordingly, the Subscriber in consultation with the Submitter must choose the appropriate Privacy Strategy to apply to their subscriptions. It is recommended the discussions of the Privacy Risk Mitigation Strategies include:

- The Rap Back Privacy Risk Mitigation Tools and the approved Rap Back Privacy Risk Mitigation Strategies as described in the Rap Back Service Non-Criminal Justice Policy and Implementation Guide, Appendix 1: Approved NGI Rap Back Privacy Risk Mitigation Strategies. The key issues include validation/expiration and Rap Back Activity Notification Format. It is important that the Subscriber understand how those processes work and is able to decide which are most appropriate for the populations they serve.
- A detailed description of the Submitter's Privacy Risk Mitigation Strategy implementation processes, so that the Subscriber can determine how their processes fit in, and where they may need to change and augment their processes.
- Based upon the selected Privacy Strategy, the Submitter and Subscriber must agree on the appropriate Rap Back Activity Notification Format: will the Subscriber receive Pre-Notification, the Triggering Event and Identity History Summary, or just the Triggering Event within their Rap Back Activity Notifications.
  - i. If they are going to receive pre-notification messages, it is recommended the Submitter and Subscriber consider the following questions:

1. How will the Submitter send the Rap Back Activity Notifications with pre-notification to the Subscriber?
  2. How will the Subscriber be able to respond to them in a timely manner?
  3. How will the Subscriber route Rap Back Activity Notifications to the right person within their organization?
  4. How will they communicate the response back to the Submitter?
  5. Does the Subscriber know they will get a reminder if they do not reply within 15 days?
- The correct use and execution of validation/expiration processes is critical to the Privacy Risk Mitigation Strategies. The policies and processes related to validation/expiration and the Rap Back Subscription Term are discussed in Item #6, below. Subscribers must understand the relationship between the Subscription Term and the Subscription Validation/Expiration period discussed in Item #6.

#### **4. The Subscriber must send and receive Rap Back transactions to and from the Submitter using the Submitter's specific communications methodology.**

The Submitter must identify and document both the communications methodology and the actual transactions that the Subscriber must send the Submitter to fulfill the Rap Back functions. Descriptions must also include the responses those transactions will generate from the Submitter back to the Subscriber. That communications methodology may be electronic, manual, or a combination.

It is recommended the information include:

- A plain language description of the communications methodology (secure email, secure website, overnight delivery service, by phone, etc.). Include whether certain transactions have different methodologies; for example, are pre-notifications performed via phone and the rest in the mail.
- Whether the Submitter has created any defined forms or messages that the Subscriber's internal processing must use to communicate the different transactions to the Submitter. If the Submitter is requiring the Subscriber to supply an electronic message that is in an excel spreadsheet or in the actual EBTS format, for example, the Submitter should provide clear guidance on the field definitions, formats, mandatory status, etc.
- All the NGI Rap Back functions, including any controls required at any point by the Submitter.
- The details of what must be included in each message, how they are to be sent, and how they are related to the Subscriber's internal processing.
- Discussion of controls within the communications methodology to ensure that the messages are sent, received, and processed in a timely manner from the Subscriber and by the Submitter. For example, does the Submitter have time frame requirements for sending update transactions, or are there certain acknowledgement responses that the Submitter sends or requires of the Subscriber to ensure transactions are received and processed.
- Whether all transactions will be passed through to the Subscriber. For example, does the Subscriber want to receive notice from NGI through the Submitter when each new subscription is successfully established, or rather just when the setting of a subscription fails?

## **5. The Subscriber and Submitter must ensure that the applicant receives appropriate Privacy Act Notifications.**

The Submitting Entity and Subscriber must agree on how the applicants will be notified that his or her fingerprints will be retained in the national file and a summary of the intended uses. This is a combined responsibility of the Subscriber, the Submitter, and the FBI CJIS Division. Means by which this notification can happen include the fingerprinting process, including language on the fingerprint cards, through the livescan process, through the Subscriber's individual application process, or other verifiable means.

The Submitter and Subscriber must agree on a process that reliably ensures all applicants receive this notice. The FBI CJIS Division will provide the appropriate notification language.

## **6. Subscribers must understand the relationship between the Subscription Term and the Subscription Validation/Expiration period.**

The Subscriber must understand the logic regarding the Subscription Term and the Subscription Expiration Date. Each NGI Rap Back subscription has two key dates: The Rap Back Term Date and the Subscription Expiration Date:

- The Rap Back Term Date reflects how long a subscription period has been purchased by the Subscriber through the payment of the fee.
- The Expiration Date is the date at which the subscription expires to fulfill the validation requirement, even if time still remains on the Subscription Term. If time does remain on the Subscription Term, the subscription may be "extended" with no additional fee.

The Subscriber must pay a fee for each NGI Subscription. The amount of the fee determines the length of time during which the subscription can be repeatedly "extended" without incurring an additional fee. The available Subscription Terms are as follows:

- 2-Year
- 5-Year
- Lifetime

Although the Subscriber pays a fee for a 5-year Subscription Term, for example, that does not mean that the subscription automatically remains active for five years. Each NGI subscription must be governed by one of the Privacy Risk Mitigation Strategies, as discussed in Item #3, above.

Those Privacy Risk Mitigation Strategies require that NGI Rap Back subscriptions be reviewed and validated at certain intervals in order to remain in NGI. That validation process is implemented for NGI Rap Back through the use of the Expiration Date field. That is, even though, a Subscriber pays for a 5-year Subscription Term, for example, if they participate in Privacy Risk Mitigation Strategy #4: One Year Validation/Expiration, they must validate the subscription every year. This means that they must set the Expiration Date of their subscriptions to one year from the date of entry.

The logic is as follows:

- a. The Subscriber has paid for the Subscription to remain in NGI for a certain Subscription Term (2- year; 5-year; or lifetime), so they will not be charged again during that Term.
- b. However, the approved Rap Back Privacy Risk Mitigation Strategies require that the Subscriber periodically verify that they are still in an authorizing relationship with the

- subscribed person—the subscription must be validated at intervals determined by the Privacy Risk Mitigation Strategy chosen by the Subscriber and Submitter.
- c. At the mandatory Expiration Date required by the chosen Privacy Risk Mitigation Strategy, the Subscriber must review their subscription, validate that it can still be in NGI Rap Back and, if it is still valid, “extend” it for a new validation/expiration period that is within the Subscription Term. If they do not extend the subscription, it is automatically removed from file at the Expiration Date.
  - d. The Subscription is “extended” by use of the Rap Back Maintenance “Replace” transaction, through which the Subscriber replaces the Expiration Date field with a new date that is consistent with the selected Privacy Strategy, and which does not extend the subscription past the Rap Back Term Date.
  - e. No fee is charged for the Rap Back Maintenance “Replace” transaction that replaces the Expiration Date field with a new “extended” Expiration Date that is less than or equal to the Subscription Term.
  - f. If the new Expiration Date would extend the Subscription past the Rap Back Term Date, the Subscriber must either:
    - i. Use a different Expiration Date that is less than the Rap Back Term Date;
    - Or
    - ii. “Renew” the Subscription for a new Subscription Term. The renewal is accomplished by using the Rap Back Maintenance “Renew” transaction to renew the Subscription Term; automatically create a new Rap Back Term Date; enter a new Expiration Date; and incur a new subscription fee.
  - g. The Rap Back Maintenance “Renew” transaction which renews the Subscription causes the billing process to charge the Subscriber a new Rap Back subscription fee for the same Subscription Term as originally purchased.

As such, the Subscriber must decide upon the appropriate Subscription Term for their population of applicants. That decision will determine the fees they will pay and the Terms of the Subscriptions, but it is separate from the decision regarding the Privacy Risk Mitigation Strategies and the resulting Expiration Dates.

The Subscriber also must identify the appropriate Expiration Dates for all their subscriptions. The Expiration Dates are determined from the Privacy Risk Mitigation Strategy being employed by the Subscriber and Submitter. The Privacy Strategies drive Expiration Dates as follows:

**Strategy 1: Pre-Notification with Mandatory Validation/Expiration within Three Years**

This Strategy requires the Expiration Date field to contain a date within the Subscription Term and no later than three years from the date the subscription is established.

**Strategy 2: Authority for Duration of a License**

This Strategy requires the Expiration Date field to contain the end date of the term of license, or, if the licensing entity prefers, a date somewhat prior to that date. The Expiration Date must contain a date within the Subscription Term and no later than five years from the date the subscription is established.

**Strategy 3: Statutory Authority for a Set Period of Time**

This Strategy is equivalent to Strategy 2, and similarly requires the Expiration Date field to contain a date within the Subscription Term; no later than the end of the Set Period of Time



authorized in the statute; and no later than five years from the date the subscription is established.

**Strategy 4: One-Year Validation/Expiration**

This Strategy requires the Expiration Date to contain a date no later than one year from the date the subscription is established.

**Strategy 5: Subscription Synchronization Through Automated or Formalized Procedures**

This Strategy requires that the Expiration Date field to contain a date within the Subscription Term and no later than five years from the date the subscription is established.

The Subscriber should identify if there are variations in their populations that may require special processing and how those will be handled. In addition, the Subscriber should consider processes they will use to ensure updates are provided to the Submitter when a person's subscription needs to be removed before its Expiration Date, such as because of termination of employment, licensing, etc.

**7. The Subscriber must process monthly Subscription Validation/Expiration Lists that will be provided to them from the Submitters.**

Closely related to the Subscription Term Date and Expiration Date is the processing of the Monthly Validation/Expiration Lists. The Subscribers must prepare processes to handle the receipt of the NGI lists from the Submitter each month and their subsequent processing and response to the Submitter.

The flow is as follows:

1. CJIS provides the Submitters a list of all the subscriptions that will expire in the month that occurs approximately 45-75 days in the future (in November they send the January expiring records).
2. The list is sorted by Subscriber ORI. The Submitter separates the list and sends each Subscriber their portion through secure electronic means (or whatever is the agreed upon secure communications methodology).
3. The Subscriber must review all the subscriptions and verify whether they still have the authorizing relationship with each person and can therefore "extend" or "renew" the subscriptions. Then:
  - a) They create a bulk response to the validation/expiration list, indicating which subscriptions should be extended, which ones should be renewed, and which ones are no longer valid or will expire at the date indicated on the list.
  - b) For those that can be extended, they must include the new Expiration Date.
  - c) If the new Expiration Date would extend the subscription past the Rap Back Term Date, the Subscriber must renew the Subscription and pay the fee that results from that transaction.
  - d) If the subscription is no longer valid at present, the Subscriber should include in their response to the validation/expiration list that it should be canceled immediately.
4. For all the responses on the list from the Subscriber, the Submitter sends the updates to NGI.
5. Ten days prior to the expiration of each of the January subscriptions that were not extended or renewed by the Subscriber and Submitter through the monthly validation/expiration list process, NGI will send an EBTS Rap Back Renewal Notification as an additional reminder. (The Submitter can opt-out of receiving those reminders.) For each one, if no response is received by

NGI by the date of expiration, the NGI System deletes the subscription. The civil event associated with the subscription remains in file.

6. After the end of January, NGI sends the Submitter a list of all the January Subscriptions that expired or were canceled. As previously agreed upon by the Submitters and Subscribers, the Submitter sends those lists of expired and canceled records to the Subscribers for them to check for any errors.

The Submitters and Subscribers must coordinate closely on the processing of these lists to avoid subscriptions being inappropriately removed from NGI and to prevent subscriptions from remaining in NGI when they should not.

**Note:** The Submitter may create an alternative but equal validation/expiration strategy for the Subscriber's subscriptions, in which case the Subscriber will have to participate in that process.

## **8. The Subscriber may identify the triggers to be used in their subscriptions.**

All Criminal Retain Submissions will trigger a Rap Back Activity Notification to be sent to the Submitter from NGI. The Subscriber must identify any additional triggers from the below list that should also cause Activity Notifications to be sent from NGI, and whether those are set by default by the Submitter (if the Submitter offers that option) or the Subscriber will provide them on each subscription transaction.

- a. Criminal Retain Submission

This trigger will activate whenever a retained criminal Tenprint Fingerprint Identification Submission transaction or NFF Criminal Print Identification (CPI) transaction matches against a subscribed NGI Identity. This trigger is automatically set for all subscriptions, regardless of whether it is requested or not.

- b. Dispositions

This trigger will activate whenever a reported disposition transaction is matched against a subscribed NGI Identity. The disposition transactions included are:

- Disposition Fingerprint Search Request
- Disposition Submission Request
- Disposition Maintenance Request

- c. Civil Retain Submission

This trigger will activate whenever a retained civil Tenprint Fingerprint Identification Submission matches against a subscribed NGI Identity, and it will provide notification of civil event information. This trigger is limited to certain federal agencies that have specific statutory authority to receive this information [e. g. for Office of Personnel Management (OPM), Security Clearance Information Act (SCIA)].

- d. Expunge/Partial Expungement

This trigger will activate whenever all or a portion of a subscribed NGI Identity is expunged and provide notification of the information being removed from the record.

- e. Warrant entry with FBI number included

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is entered into the NCIC Wanted Person file or Immigration Violator file.

- f. Warrant Deletion
 

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is deleted from the NCIC Wanted Persons file or Immigration Violator file. This trigger will be activated by NCIC Cancel, Clear, or Locate transactions.
- g. Warrant Modification
 

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is modified within the NCIC Wanted Persons file or Immigration Violator file.
- h. Sex Offender Registry entry
 

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is entered in the NCIC Sex Offender Registry.
- i. Sex Offender Registry Deletion
 

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is deleted from the Sex Offender Registry. This trigger will be activated by Cancel or Clear transactions.
- j. Sex Offender Registry Modification
 

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is modified within the Sex Offender Registry. Transactions that will cause this trigger to activate are limited to modification of any of the following fields:

  - Name
  - Case Number
  - Registration Date
  - Registry Expiration Date
  - Registering Agency
- k. Death Notices
 

This trigger will activate whenever NGI receives a death notice and associates it with a subscribed NGI Identity. This will include both fingerprint-based and non-fingerprint-based death notice submissions. The Rap Back Activity Notification will include whether it was a fingerprint supported death notice or not. NGI does not remove the Rap Back subscription as result of a fingerprint based or non-fingerprint based death notice.

## **9. The Subscriber must internally link and process Rap Back Activity Notifications and all other Rap Back transactions.**

For the Subscriber to realize the full value of Rap Back they must be able to receive and process Rap Back Activity Notifications in the near term or long after the original subscription was established.

As such, the Subscriber must establish a specific protocol for receiving and processing future Rap Back Activity Notifications, monthly validation/expiration lists, and all other Rap Back transactions.

The Subscriber and Submitter must identify the linking fields and what the Subscriber will send to NGI in the linking fields. That information will be returned to the Subscriber in the future Rap Back Activity Notifications. The information must have meaning to them at that time, so they can route that notice to the right person internally to quickly take the appropriate action.

The process must be robust enough that it will have meaning to new management and operational personnel who receive the message at a future time. Include discussion of the linking fields and how

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### Appendix 3: Subscribing Entity Start-up Checklist (V 2.1)

they will be used, especially the Rap Back Attention field and the User Defined fields. If the Submitter has created a standardized use of the User Defined fields, they must communicate that to the Subscriber. Otherwise, the Subscriber can use them in any way that will assist their processing. The ten User Defined fields are 100 characters each and may include, among other data:

- a. Initial Fingerprint Submission TCN;
- b. Subscribing Entity OCA submitted at time of subscription;
- c. Internal Subscriber reference information;
- d. State SID, when appropriate.

## **10. The Subscriber must understand their role in keeping the NGI Rap Back Service accurate and up to date.**

The Subscriber's role in keeping the national Rap Back Service accurate and up to date requires that they follow all NGI policies and requirements, and that they agree to use the processes and functions created for Rap Back to notify the Submitter in a timely manner of all changes to their local records that would affect the authority or accuracy of the corresponding NGI subscriptions. They must communicate to the Submitter the correct information to set, modify, extend, renew, or delete their subscriptions in a timely manner.

## **11. Subscribers must understand that when they receive a name search response after re-submission of rejected fingerprints no Rap Back Subscription will be established for that person based upon that set of fingerprints and name search result.**

Since no fingerprint identification was made to an NGI Identity and no NGI Identity was created by that set of fingerprints, no subscription will be established. If better prints are received in the future and the person is identified to an NGI Identity or an NGI Identity is created, a subscription may be established at that time.

## Appendix 2: Submitting Entity Start-up Checklist Version 2.1 – June 1, 2014

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**Submitting Entity:** \_\_\_\_\_

**FBI Assigned ORI:** \_\_\_\_\_

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

**Executive Contact:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **E-mail** \_\_\_\_\_

**Operational Contact:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **E-mail** \_\_\_\_\_

Submitting Entities are the State Identification Bureaus (SIB); the Federal Submitting Agencies who are submitting applicant fingerprints for themselves and/or for other federal applicant agencies; and Authorized CHRI Contractors who submit fingerprints for applicant agencies under contract. Prior to providing Rap Back services for potential Subscribing Entities within their purview, Submitting Entities must work with FBI CJIS Division to ensure that they have created the appropriate infrastructure to support their role as a Submitter. This Checklist is to guide the FBI CJIS Division and prospective Submitter through the requirements.

One goal of the Checklist is to assist those Submitters who already have in-state or federal agency Rap Back Programs to decide the best means of adding the national service to their existing efforts. In addition it is hoped that State Identification Bureaus without any current Rap Back programs can use the Checklist to decide upon the best way to implement the NGI Rap Back functionality as a full service in-state and out-of-state Rap Back service. Equally, the Checklist is intended to assist Authorized CHRI Contractors in deciding the best means of implementing NGI's Rap Back in the context of their existing activities.

The FBI CJIS Division's role is to ensure that all NGI Rap Back Submitters fully understand the requirements of Rap Back and of their roles as Submitters. It is critical that the FBI CJIS Division holds each Submitter to the same set of participation standards so that all contributors know that the program controls are being universally applied and their data and applicants are protected under those controls.

As such, the FBI CJIS Division guides the potential Submitters through this Checklist, answers their questions regarding policy, compliance, etc., and acts as the arbiter of when the Submitter is ready to begin submitting NGI Rap Back subscriptions. The Submitters' written responses to this Checklist comprise their Rap Back Plan, which will identify system implementation choices and document the Submitter's readiness.

**Following are the steps FBI CJIS Division must follow with each Submitter:**

**1. Regarding the authority for the Submitter to participate in Rap Back.**

NGI's Non-Criminal Justice Rap Back Service requires that the participating state and federal agencies and all participating entities have authority:

1. To submit the fingerprints to NGI;
2. For the fingerprints to be retained by NGI; and,
3. For the fingerprints to be searched by future submissions to the NGI system and appropriate responses sent to submitting entities. These future searches include latent fingerprint searches.

\_\_\_\_\_The Submitter has verified their authority to participate in NGI's Rap Back Service.

\_\_\_\_\_The Submitter agrees to verify the authority of each Subscribing Entity prior to allowing their participation in NGI's Rap Back Service.

**2. Verify that Submitter agrees to train Subscribers prior to the Subscribers' participation and to administer NGI Rap Back policies and requirements with their Subscribers.**

As the FBI CJIS Division must ensure the compliance of all Submitting Entities, so also must the Submitters ensure the compliance of all the Subscribing Entities for whom they submit applicant prints and Rap Back Subscriptions. The first step in ensuring the compliance of the Subscribers is that the Submitting Entity agrees to work through and understand the Non-Criminal Justice Rap Back Policy and Implementation Guide. The Submitter must also agree to train their Subscribers on at least the information in the Subscribing Entity Reference Guide (Appendix 3) prior allowing them to submit Rap Back subscriptions to NGI. Also, the Submitter must agree that they will continue to administer Rap Back policies and requirements for their Subscribers.

\_\_\_\_\_Submitter agrees to train the Subscribers on at least the Subscribing Entity Reference Guide and to administer NGI Rap Back policies and requirements with their Subscribers

**3. Verify that Submitter agrees to train and audit all Subscribers under the CJIS Security Policy requirements.**

Statement of audit requirements will go here when completed.

\_\_\_\_\_Submitter agrees to train and audit all Subscribers under the CJIS Security Policy requirements

#### 4. Identify the Subscription Management Plan the Submitter has chosen.

Each Submitter must decide upon and implement the appropriate Subscription Management Plan for its Subscribers.

The design of the NGI Rap Back service provides Submitting Entities a choice between two alternatives for how to manage the subscriptions they submit. These choices are intended to allow Submitters with current Rap Back programs to more easily integrate the national system into their current efforts, and allow Submitters starting new programs to decide the easiest means for them to take advantage of the national service.

It is anticipated that Submitters will select a single Plan for all Subscribers in their jurisdictions; however, Submitters may use both Plans in combination, if it would be beneficial. The Submitter is responsible for ensuring that all subscriptions passed to NGI are managed under the chosen Subscription Management Plan. The two Plans are as follows:

##### A. EVENT-BASED SUBSCRIPTION MANAGEMENT

**The Submitter establishes a new NGI Rap Back subscription for each subscription request from a Subscribing Entity.**

That is, separate NGI subscriptions are set on the same NGI Identity for each subscription event for that person—each application for a license, application for a covered governmental job, application to volunteer, etc. The subscription is based upon each event.

The Submitter will manage each subscription separately, including multiple subscriptions on the same Identity. A future criminal event against that Identity would generate separate Rap Back Activity Notifications from the separate subscriptions. See the Rap Back Policy and Implementation Guide for further discussion.

Under Event-Based Subscription Management, the Subscriber may identify Designated Recipients (up to 9) to receive notification of Rap Back activity on a specific subscription.

**If Designated Recipients are used, does the Submitter understand and communicate to the Subscribers:**

- \_\_\_\_\_ The Designated Recipients must have FBI assigned ORIs and be authorized to receive the CHRI related to this subscription;
- \_\_\_\_\_ Their authority must be directly related to the reason for the subscription itself;
- \_\_\_\_\_ They must be authorized to receive it under the same conditions as the Subscriber;
- \_\_\_\_\_ That this function cannot be used to add additional recipients related to other civil events (applications, volunteering, licenses, etc.) for this person's NGI Identity, only to add additional recipients authorized to receive notifications related to this one subscription;
- \_\_\_\_\_ That the participation of the Designated Recipients is totally dependent upon the Subscribing Entity maintaining their ORIs in the Electronic Biometric Transmission Specification (EBTS) Designated Recipient field.



**If the Event-Based Subscription Management Plan is chosen and Designated Recipients are used, do the Submitter’s processes and procedures include the ability to:**

- \_\_\_\_\_ Include Designated Recipients for setting a Rap Back subscription with initial fingerprint submission or Subsequent Subscription;
- \_\_\_\_\_ Automatically or through manual means process the messages to the Designated Recipients from the SCO field of the Rap Back Activity Notification.

**B. CATEGORY-BASED SUBSCRIPTION MANAGEMENT**

**The Submitter establishes a single subscription for a Category within an NGI Identity and tracks all subscriptions internally, without any subscriber information residing in NGI.**

That is, the Submitting Entity creates just one subscription per NGI Identity for each identified Category as called out in the Rap Back Policy and Implementation Guide, and does not add any Subscriber information to the NGI record. These subscriptions can be thought of as “Submitter-Owned” subscriptions. The Submitter manages all NGI subscription adds, deletes, modifications, notifications, etc. internally. The subscription is based upon the Submitter knowing and managing the subscription information locally.

This approach may be beneficial for Submitters with in-state or federal agency Rap Back programs who want to send NGI notifications through their current processes. They keep their NGI “Submitter-owned” subscriptions synched with their in-state or federal agency Identity records that have one or more subscriptions. Then the Submitter processes any NGI notifications relevant to that Identity to the single or multiple in-state or federal agency subscribers, as appropriate. The burden is on the Submitter to ensure that the appropriate Privacy Strategy and other Rap Back controls are enforced in their subsequent processing of notices received from NGI.

This Subscription Management Plan requires the Submitter to track all subscriptions within their own records. Appendix 5: NGI Rap Back Subscription Management Plans contains further discussions.

**If the Submitter chooses Category-Based subscription management, have they identified adequate controls to:**

- \_\_\_\_\_ Track all in-state or federal agency subscriptions related to NGI Identities;
- \_\_\_\_\_ Ensure that the appropriate Privacy Strategies and other Rap Back controls are applied to the Rap Back Activity Notifications generated by NGI on the Submitter-owned subscriptions. This is always important and may be a larger challenge when different Subscribers on the same Identity require different processing (e.g. one gets pre-notification; one gets the Triggering Event and Identity History Summary; one gets just the Triggering Event);
- \_\_\_\_\_ Similarly, ensure that the appropriate Triggering Events are stored in their Submitter’s files, accommodated in the NGI Rap Back Submitter-owned subscription record, and processed accurately to the Subscribers;
- \_\_\_\_\_ Ensure that the Submitter’s own files accurately track the various Expiration Dates of the Subscriptions, that the Submitter-owned NGI subscription contains an appropriate subscription Expiration Date, and that the NGI subscription is removed immediately after the last subscription expires;



- \_\_\_\_\_ Audit their processes. Since the Submitting Entity has taken on responsibility for the administration of all the subscriptions, they must have controls in place to enforce all the NGI Rap Back Policies at the Submitter level, with adequate documentation in the files to show the processes related to the subscriptions and the controls in place to ensure compliance to policy in addition to the standard non-criminal justice auditing and training requirements;
- \_\_\_\_\_ Administer the fees. Since only one NGI subscription will be established even though there could be multiple in-state or federal agency subscriptions in a Category, the Submitter will have to manage how they handle the various fees.
- \_\_\_\_\_ Reconcile Submitter-level billing without itemized assistance from FBI CJIS. Since Category Based subscriptions are all entered with the Submitter's ORI in the ORI and CRI fields, the subscription bills from CJIS for Category Based Submitters will show just one total for the Submitter, all itemized to the Submitter. The Submitter will have to have audit processes in place to be able to reconcile the Rap Back Subscription fees to be charged to each Subscriber, without additional information from CJIS.

**5. Identify how the Submitter and Subscribers have chosen or will choose the Privacy Strategies for the different populations of the Subscribers.**

The FBI CJIS Division will provide to each Submitter the Rap Back Policy and Implementation Guide and Appendices, which includes the Approved Privacy Strategies for NGI Rap Back in Appendix 1.

- \_\_\_\_\_ If the Submitter already has a Rap Back program, determine how the NGI privacy risk mitigation requirements fit in with their current activities.
- \_\_\_\_\_ The discussion should include the specific privacy risk mitigation tools the Submitter will use with Subscribers.
- \_\_\_\_\_ Ensure that Submitter understands these operational concepts and can work with their Subscribers to identify the correct Rap Back Privacy Risk Mitigation Strategy by evaluating the implementation of these operational processes by the Subscriber. Key operational components of the Privacy Strategies are:
  - Rap Back Activity Notification Formats;
  - Subscription Term;
  - Subscription Expiration;
  - Monthly Validation/Expiration List processing.
- \_\_\_\_\_ The Submitter must agree to work through the relevant decision points regarding the Privacy Risk Mitigation Strategies with the Subscribers, using at least the information in the Subscribing Entity Reference Guide.
- \_\_\_\_\_ The Submitter understands to role of the Privacy Risk Mitigation Strategies that will be used with their Subscribers, and how they will work with Subscribers to choose and administer those Strategies.



## 6. Verify that the Submitter understands the relationship of Expiration Date to Rap Back Term Date.

Choosing the Privacy Strategy, as discussed in Item #5, above, determines the Expiration Date for the Subscription. It is critical that the Submitter understand the relationship between that Expiration Date and the Rap Back Term Date of the Subscription. The management of these dates is key to the correct functioning of the Rap Back Service, as follows:

- The Rap Back Term Date reflects how long of a subscription period has been purchased by the Subscriber through the payment of the fee.
- The Expiration Date is the date at which the subscription expires to fulfill the validation requirement, even if time still remains on the Subscription Term. If time does remain on the Subscription Term, the subscription may be “extended” with no additional fee.

The Subscriber must pay a fee for each NGI Subscription. The amount of the fee determines the length of time (the Subscription Term) during which the subscription can be repeatedly “extended” without incurring an additional fee. The available Subscription Terms are 2-year; 5-year; or, lifetime

Although the Subscriber pays a fee for a 5-year Subscription Term, for example, that does not mean that the subscription automatically remains active for five years. The Privacy Risk Mitigation Strategies require that NGI Rap Back subscriptions be reviewed and validated at certain Expiration Dates in order to remain in NGI.

The logic is as follows:

- a. The Subscriber has paid for the Subscription to remain in NGI for a certain Subscription Term (2-year; 5-year; or lifetime), so they will not be charged again during that Term.
- b. However, the approved Rap Back Privacy Risk Mitigation Strategies require that the Subscriber periodically verify that they are still in an authorizing relationship with the subscribed person—the subscription must be validated at intervals determined by the Privacy Risk Mitigation Strategy chosen by the Subscriber and Submitter.
- c. At the mandatory Expiration Date required by the chosen Privacy Risk Mitigation Strategy, the Subscriber must review their subscription, validate that it can still be in NGI Rap Back and, if it is still valid, “extend” it for a new validation/expiration period that is within the Subscription Term. If they do not extend the subscription, it is automatically removed from file at the Expiration Date.
- d. The Subscription is “extended” by use of the Rap Back Maintenance “Replace” transaction, through which the Subscriber replaces the Expiration Date field with a new date that is consistent with the selected Privacy Strategy, and which does not extend the subscription past the Rap Back Term Date.
- e. No fee is charged for the Rap Back Maintenance “Replace” transaction that replaces the Expiration Date field with a new “extended” Expiration Date that is less than or equal to the Subscription Term.
- f. If the new Expiration Date would extend the Subscription past the Rap Back Term Date, the Subscriber must either:
  - i. Use a different Expiration Date that is less than the Rap Back Term Date;  
Or
  - ii. “Renew” the Subscription for a new Subscription Term. The renewal is accomplished by using the Rap Back Maintenance “Renew” transaction to renew



- the Subscription; automatically create a new Rap Back Term Date; enter a new Expiration Date; and incur a new subscription fee.
- g. The Rap Back Maintenance “Renew” transaction which renews the Subscription does cause the billing process to charge the Subscriber a new Rap Back subscription fee.

\_\_\_\_\_ The Submitter understands the use of the Subscription Term and the Expiration Date and can assist the Subscribers in choosing appropriate Subscription Terms for their Subscriptions.

## **7. Verify that the Submitter has a plan for processing Monthly Validation/Expiration Lists or is implementing an alternative Validation Processing Plan.**

The validation of the Rap Back subscriptions can be accomplished using the monthly validation/expiration lists, or the Submitter may opt-out of receiving those lists if they have implemented an alternative validation process that reliably results in the validation of all subscriptions prior to reaching their Expiration Dates.

If the Submitter is using the monthly validation/expiration lists, they must prepare processes to handle the receipt of the lists from CJIS each month and their subsequent processing and response from the Subscribers.

The flow is as follows:

1. CJIS provides the Submitters a list of all the subscriptions that will expire in the month that occurs approximately 45-75 days in the future (on November 15<sup>th</sup> they send the January expiring records).
2. The list is sorted by Subscriber ORI. The Submitter separates the list and sends each Subscriber their portion through secure electronic means (or whatever is the agreed upon secure communications methodology).
3. The Subscriber must review all the subscriptions and verify whether they still have the authorizing relationship with each person and can therefore “extend” or “renew” the subscriptions. Then:
  - a) They create a bulk response to the validation/expiration list, indicating which subscriptions should be extended, which ones should be renewed, and which ones are no longer valid or will expire at the date indicated on the list.
  - b) For those that can be extended, they must include the new Expiration Date.
  - c) If the new Expiration Date would extend the subscription past the Rap Back Term Date, the Subscriber must renew the Subscription and pay the fee that results from that transaction.
  - d) If the subscription is no longer valid at present, the Subscriber should include in their response to the validation/expiration list that it should be canceled immediately.
4. For all the responses on the list from the Subscriber, the Submitter sends the updates to NGI.
5. Ten days prior to the expiration of each of the January subscriptions that were not extended or renewed by the Subscriber and Submitter through the monthly validation/expiration list process, NGI will send an EBTS Rap Back Renewal Notification as an additional reminder. (The Submitter can opt-out of receiving those reminders.) For each one, if no response is received by NGI by the date of expiration, the NGI System deletes the subscription. The civil event associated with the subscription remains in file.

6. After the end of January, NGI sends the Submitter a list of all the January Subscriptions that expired or were canceled. As previously agreed upon by the Submitters and Subscribers, the Submitter sends those lists of expired and canceled records to the Subscribers for them to check for any errors. (The Submitter can opt-out of receiving those expired/canceled records lists.)

\_\_\_\_\_ Submitter has chosen to receive the monthly validation/expiration lists, understands the processing, and has a plan for fulfilling their role.

\_\_\_\_\_ As the monthly validation/expiration and expired/canceled lists are not sent via an EBTS transactions, Submitter is providing the following secure location for the CJIS transmittals: \_\_\_\_\_

The Monthly Validation/Expiration List process is only one means of fulfilling the validation/expiration requirement of the Privacy Risk Mitigation Strategies.

It is also possible for Submitters to opt out of receiving the monthly validation/expiration lists if they have created an alternative process that adequately addresses validation/expiration. That process would have to result in the Rap Back Maintenance “Extend” or “Renew” transactions being sent to NGI prior to the subscriptions’ Expiration Dates. It is requested that Submitters discuss with CJIS any plans to create such a process, so that CJIS and the Submitter can ensure that all details have been considered and addressed.

\_\_\_\_\_ Submitter understands the possibility of creating an alternative validation process, and they will discuss such a plan with CJIS prior to implementing it.

\_\_\_\_\_ Submitter understands the opportunity to opt-out of some of the services put in place to assist the Submitter with fulfilling the validation requirement, and is choosing to opt-out of the following NGI Rap Back services:

- \_\_\_\_\_ The monthly validation/expiration list process;
- \_\_\_\_\_ The Rap Back Renewal Notification (RBRN) EBTS messages for those subscriptions that will expire in ten days; and,
- \_\_\_\_\_ The list of subscriptions expired or cancelled in the previous month.

## **8. Verify that the Submitter has created a communication methodology for their Subscribers.**

As discussed in the Rap Back Policy and Implementation Guide, the Subscribers need to have a clear understanding both of the functions that Rap Back offers them and of how they as Subscribers communicate those activities to NGI through the Submitter. The Submitter must create a communications methodology for the Subscriber to keep the Submitter notified of all subscription adds, deletes, and modifies. The Submitter must include a description of the communications methodology in their Submitter’s Rap Back Plan with at least the following elements.

- \_\_\_\_\_ A plain language description of the communications methodology (secure email, secure website communications, via overnight mail, by phone, etc.). Include whether options for different methodologies exist for the different Subscribers. This communications methodology could also be through a vendor operating under a contract with appropriate outsourcing controls in place.
- \_\_\_\_\_ Whether the Submitter has created any defined forms or messages that the Subscriber's internal processing must use to communicate the different transactions to the Submitter, to include communications with third party vendors. If the Submitter is requiring the Subscriber to supply an electronic message that is in the EBTS format, such as through a vendor, for example, the Submitter must provide clear guidance on the field definitions, formats, mandatory status, etc.
- \_\_\_\_\_ The procedures for handling EBTS errors received from NGI that need to be communicated to the Subscribers; including policies or procedures that ensure the Subscribers know what follow-on action is necessary, such as correction and re-submission of Rap Back Subscription information, etc.
- \_\_\_\_\_ Discussion and documentation of all the possible transactions that the Subscriber and Submitter must handle, and whether all of them are accommodated within the Submitter's communications methodology with the Subscriber, and whether the Submitter has the ability to pass all of them on to NGI in the correct EBTS formats.
- \_\_\_\_\_ Discussion and documentation of controls within the communications methodology to ensure that the messages are sent, received, and processed in the expected timeframe to and from the Subscriber and the Submitter.
- \_\_\_\_\_ Discussion and documentation of controls regarding the validation/expiration and renewal processing, focusing on the need for formalized procedures with Subscribers to handle the monthly validation/expiration lists and the monthly expired and cancelled records lists.

**9. Verify that the Submitter has created the capability to capture all Rap Back data elements and to send and receive all required Rap Back transactions to and from NGI in the EBTS formats.**

NGI's Rap Back Service is a completely automated service between NGI and the Submitters. Submitters may have manual processes between themselves and their Subscribers, but all transactions coming to NGI must be sent electronically (or in some cases on magnetic media) using the EBTS requirements. As such, prior to participation, the Submitter must verify to the CJIS Division that they have the capability to accommodate all the EBTS Rap Back data fields and to send and receive all the EBTS Rap Back transactions.

EBTS version 10.0 has the Rap Back related data elements and transactions required for Rap Back participation. Appendix 4: Non-Criminal Justice Rap Back Related Data in EBTS summarizes the data elements and transactions. The latest available version of the EBTS can be found at website: <https://www.fbibiospecs.org/ebts.html>. The Non-Criminal Justice Policy and Implementation Guide describes the transactions in the Section titled NGI Rap Back Service Transactions.

- \_\_\_\_\_ The Submitter's Rap Back Plan verifies that they have the capability to capture all the above data elements.
- \_\_\_\_\_ The Submitter's Rap Back Plan verifies that they have the capability to send and receive all the Rap Back transactions contained in the EBTS.

**10. Verify that the Submitter has assigned appropriate Category codes to all statutes or other authorities under which they will submit Rap Back Subscriptions to NGI.**

The EBTS Rap Back Category field requires a value for each subscription request, and that value must derive from the authority under which the request is submitted. The Submitter must ensure that all subscriptions are requested under the correct Category code.

- \_\_\_\_\_ Submitter’s Rap Back Plan verifies that they have assigned Category codes to all statutes and other authorities under which they will submit subscription request.
- \_\_\_\_\_ The Submitter must have a process they will use to ensure the Category code is correctly included with each transaction. It can be supplied by the Subscribers with their subscription requests to the Submitters, or the Submitter may establish a process to assign each Category value to the transaction as the requests are received from the Subscribers.
- \_\_\_\_\_ The Submitter must have a process to ensure that new values are assigned for subscriptions that are requested under new statutes or other authorities, as those authorities become available to Subscribers.

**11. Verify that the Submitter understands Rap Back Triggers and will assist Subscribers with choosing triggers to be used in their subscriptions.**

The Submitters must understand:

- \_\_\_\_\_ That future events reported to NGI will cause Rap Back Activity Notifications to be sent from NGI to the Subscriber only if that type of event is on the subscription’s list of Triggering Events;
- \_\_\_\_\_ That the “Criminal Retain Submission” trigger will be set by NGI by default for every subscription, even if no Trigger Event field is included in the subscription request transaction;
- \_\_\_\_\_ That Subscribers must identify any additional Triggering Events from the list in the Non-Criminal Justice Policy and Implementation Guide that they would like included in their subscriptions;
- \_\_\_\_\_ That the Submitters can require the Subscribers to send their additional triggers with each subscription request, or the Submitter can agree to automatically set the additional triggers for each Subscriber.
  
- \_\_\_\_\_ The Submitter understands the use of the Triggering Events and that additional Triggering Events can be set with each transaction.

**12. Verify that the Submitter has created a strategy for the User Defined fields**

These fields are provided to allow the Submitters and Subscribers the greatest flexibility in managing the Subscriptions. Whatever is included in these fields will be returned to the Submitter within Rap Back Activity Notifications and other Rap Back transactions to provide detailed linking ability for the Submitters and Subscribers.

\_\_\_\_\_As such, each Submitter must decide whether to create a plan at the Submitter level for linking subscriptions back to the right Subscribing Entity.

\_\_\_\_\_If the Submitter does not need a standardized use of any of the fields for their level of routing, it is acceptable for a Submitter to delegate use of the User Defined fields to each Subscriber to assist in linking the incoming messages to the right section within their organization, and to the right person. The emphasis is on identifying information that will have meaning when the Rap Back Activity Notification is received years after the subscription was originated. On many occasions the persons receiving it will be different than those who originated the subscription. It is recommended the Submitting Entity stress the need for standardized use within each Subscriber.

### **13. Determine whether the Submitter has the capability to set and apply default settings for Subscribers.**

The Subscriber can choose to set some values by default for the Subscribers, if the Subscribers want that service. For example, the Submitter could agree to set the value for the Triggering Events; the Subscription Term; the Category Code; the Rap Back Activity Format, and others for all of a Subscriber's subscriptions. This could possibly simplify communications between Subscriber and Submitter. This capability is optional for the Submitters, and is not necessary if under the Submitter's communications methodology they require that each subscription message includes all the Rap Back Subscription fields' values from each Subscriber for each subscription. That solution would have to be clearly communicated to the Subscribers during the start-up discussions with the Subscribers.

\_\_\_\_\_The Submitter's Rap Back Plan describes the use of default settings for Subscribers.

### **14. Determine whether the Submitter has created a plan to ensure that all applicants are notified that his or her fingerprints will be retained in the national file and a summary of intended uses.**

The Submitting Entity must ensure that this notice is provided to the applicants. This can be accomplished through a state-wide fingerprinting program, through the application process of each Subscriber or other verifiable means. The Submitter must ensure that each population for which they will submit subscriptions has a verifiable process in place. FBI CJIS will provide appropriate language for this notice.

\_\_\_\_\_The Submitter's Rap Back Plan describes the procedures that will be used to ensure that applicants receive the appropriate notice regarding future use of their fingerprints.

### **15. Determine whether the Submitter has decided to opt-out of in-state notifications**

Those states with in-state Rap Back programs already in place may find that NGI's Rap Back service integrates best into the state efforts if NGI does not send the state Rap Back Activity Notifications on in-state events. The state system will continue to perform the in-state notifications and NGI Activity Notifications on those events would be duplicative to the Subscribers and may cause confusion.

This option is set on each individual subscription, which gives the state the option of setting default values for all their subscribers or of electing to opt-out of in-state notifications for some populations and not for others. The purpose of this Checklist item is to ensure that the SIBs have considered the best course of action for all their subscribing populations and have put the correct processes in place to fulfill those choices.

\_\_\_\_\_The Submitter's Rap Back Plan describes the anticipated use of the Opt-Out of In-State Notifications function and what processes will be used to set the values in each subscription.

**16. Verify that the Submitter has determined the appropriate fees and has communicated them to the Subscribers.**

Submitters must have identified any changes to their fees and have communicated clearly to the Subscribers that NGI Rap Back Service will require a fee, and that fee is based upon the chosen Subscription Term. The Submitter must integrate the Rap Back Fee collection into its current services. Available Subscription Terms are:

- 2-year Term -- \$ 2.25
- 5-year Term -- \$ 6.00
- Lifetime Term -- \$13.00

If Category Based Subscription Management is used, the Submitter must understand the complexities related to the fees when using that approach. Those fee considerations are discussed in Appendix 5: NGI Rap Back Subscription Management Plans.

\_\_\_\_\_The Submitter understands the Rap Back Fees, will communicate them to the Subscribers, and collect them as appropriate.



# Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies

## Version 2.1 - June 1, 2014

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Submitters must work with each one of their Subscribers to identify the Privacy Risk Mitigation Strategies that will be used for establishing and maintaining the Subscribers' subscriptions. This document first lists the Privacy Risk Mitigation Tools that are used to create the Privacy Risk Mitigation Strategies and then describes the Strategies from which the Subscribers and Submitters must choose.

### **Privacy Risk Mitigation Tools**

#### ***1. Training and Auditing***

As with all CJIS systems, an underlying system discipline must provide an environment of control and respect for the requirements that the APB, Compact Council, and FBI have instituted. Training and Auditing are key to the users' understanding that system discipline and the requirements that they must follow. With Privacy as a principal tenet of NGI's Rap Back Service, training and auditing will emphasize to the Submitters and Subscribers that they play a crucial role in upholding privacy values and implementing privacy protections. Subscribers will be provided specific guidance on how to use the data they receive, restrict its use to the authorized purposes, and prevent breaches. FBI and state audits will verify training and compliance in a manner similar to existing audit programs.

#### ***2. Pre-notification***

Pre-notification requires that when there is a subsequent event, NGI and the Submitters must verify that the Subscriber is still authorized to receive the CHRI or other Rap Back information before releasing it to the Subscribing Entity. The Subscriber must affirm that they still have the authorizing relationship with the person whose record they are about to receive.

#### ***3. Validation through Mandatory Expiration Dates***

Validation requires that the subscribing entity periodically affirm to the Submitter and NGI that their list of subscriptions is still valid. For NGI's Rap Back Service this privacy risk mitigation tool will be implemented through the use of mandatory Expiration Dates within all subscriptions. To administer this process, each month NGI will provide Subscribers, through their Submitting Entities, a list of their records about to expire. The Subscribers will review the records and advise their Submitting Entities which ones are still valid and need to remain in NGI. The Submitters will have to send Rap Back Maintenance transactions to extend or renew those subscriptions. The other subscriptions will automatically be deleted upon their Expiration Dates. That is, rather than having to periodically review and affirm the validity of their subscriptions to have them remain in file, Subscribers will have to review and affirm the validity of their subscriptions just prior to the Expiration Date in order to avoid their removal from file.

FBI CJIS will work with states and Federal Submitting Agencies that currently have validation functions in an effort to determine if it is possible to interface those existing validation activities with

NGI as a means of fulfilling the validation requirement. For example, it may be possible for a state or Federal Submitting Agency to use the outcome of its validation processes to send Rap Back Maintenance transactions to NGI that extend or renew their subscriptions prior to the monthly validation/expiration lists being generated, thereby allowing their existing validation process to prevent their subscriptions from being included in those monthly validation/expiration lists.

### ***5. Use of Specific Language to Notify Applicants of Use of Fingerprints and CHRI***

An important aspect of privacy is that the applicant is aware of the present and potential future uses of his or her fingerprints, including that they will remain in NGI and cause notices of future criminal or other activity. The applicant's awareness of these uses of the fingerprints and records helps mitigate the NGI Rap Back Service privacy risks.

### ***6. Use of Formalized Subscription Management Procedures***

Formalized procedures within the Subscribing Entity and between the Subscribing Entity and Submitting Entity for setting, modifying, extending, renewing, deleting, and synchronizing subscriptions can be an effective means of ensuring the NGI Rap Back subscription is an accurate reflection of the person's status with the Subscribing Entity. For example, a formalized process that requires a check off that the Rap Back Subscription has been set when the applicant becomes licensed, is employed, begins volunteer work, etc. is one way to ensure the Rap Back subscription is established in a timely manner. Likewise, the Subscriber must have a process whereby when the person is no longer under their license, employ, or other authority, the person's subscription is removed.

For this tool to be used as part of Privacy Strategy #5, below, the procedures must be well documented and auditable. In addition, to employ Strategy #5 for one or more of its Subscribers, the Submitter must demonstrate appropriate controls—whether automated or manual—and the associated time frames. Examples could include how a synchronization process with a particular Subscriber is implemented, how frequently that occurs, how errors are handled, etc.

## **Approved Privacy Risk Mitigation Strategies**

The above tools have been used in different combinations to create the approved Privacy Risk Mitigation Strategies for use by the Submitters (State SIBs, Federal Submitting Agencies, Authorized CHRI Contractors) and the related non-criminal justice Subscribing Entities. The intention is to create a variety of acceptable Strategies to address the wide variety of Submitter and Subscriber situations.

These Strategies assume that different populations of Subscribers within a state or served by a Federal Submitting Agency will be treated differently. These Strategies are per-end user population and are not exclusive; they can be used in combination. A Submitting Entity must ensure that all its Subscribers and subscriptions are covered by at least one of the Strategies.

These Strategies all address Expiration Date as the means of validation. In addition, these Strategies all address Expiration Date as separate from Rap Back Term Date. Non-criminal justice Subscribers and

Submitters will have to address Rap Back Term Date for all their subscriptions, which interacts with the Expiration Date as discussed in Items #6, #7, and #8 under Key Start-Up Requirements of the Rap Back Policy and Implementation Guide.

The following minimum requirements must be implemented for each subscription in addition to the specific requirements for the chosen Privacy Risk Mitigation Strategy.

- a. Appropriate notice is required, at a minimum notifying all applicants of the retention and uses of the fingerprints. FBI CJIS has provided appropriate language.
- b. A signed agreement between the Submitter and the Subscribing Entity is required that lays out subscription management requirements, to include:
  - i. Requiring the Subscribing Entity to only submit prints of persons who have an authorizing relationship with the Subscriber and who have received appropriate notice of the uses of the fingerprints and of their options for removing the information when appropriate.
  - ii. Requiring the Subscribing Entity to notify the Submitter of all events requiring entry/modification/ cancellation/termination of subscriptions in a timely manner.
  - iii. Requiring the Subscribing Entity to review the NGI Rap Back subscription (and the Submitter-level Rap Back subscription, if one exists and is being synchronized with the NGI subscription) at an appropriate time prior to expiration and determine whether the subscription should be extended, renewed, canceled or allowed to expire. The subscription should not be extended before the person is officially re-authorized under the language of the statute. If the subscription is not extended, renewed, or canceled, the subscription will expire and be removed from file.
  - iv. The Submitter and Subscribing Entity agree that the mandatory *Expiration Date* is acting as a validation and that these requirements constitute a Privacy Strategy.
- c. Subscribers will be trained on correct use, emphasizing that Rap Back does not create any new authority to receive or use criminal history record information.
- d. Subscribers will be audited for correct use.

### **Privacy Risk Mitigation Strategy #1. Pre-Notification with Mandatory Validation/Expiration within Three Years**

For any population of Subscribers, pre-notification with a mandatory validation/expiration of no more than three years is an acceptable Strategy. Prior to the expiration, entities may extend or renew the subscription, if appropriate, under the validation/expiration list process, as discussed in the Non-Criminal Justice Policy and Implementation Guide, NGI Rap Back Service Transactions, Item #5, Receiving and Responding to the Monthly Rap Back Subscription Validation/Expiration Lists.

### **Privacy Risk Mitigation Strategy #2. Authority for Duration of a License**

For licensing agencies that are given statutory authority to receive CHRI on their applicants/licensees for the period of time a license is active, no pre-notification or validation is required during that period. This Strategy requires the Expiration Date field to contain the end date of the term of license, or, if the licensing entity prefers, a date somewhat prior to that date. The Expiration Date must contain a date within the Subscription Term and no later than five years from the date the subscription

is established. If the license period is greater than five years, this Strategy may be used for the five year period, at which time the subscription would have to be reviewed under the validation/expiration list process. If the license is still active, the Expiration Date could be extended for the remainder of the license time period, up to another five years. At the end of that remaining time period, the subscription would have to be reviewed again under the validation/expiration list process.

### **Privacy Risk Mitigation Strategy #3. Statutory Authority for Set Period of Time**

A specific state statute authorizing a regulatory/oversight entity access to an applicant's CHRI for a set period of time creates an equivalency to the licensing situation described in Strategy #2, and, as such, the same rules apply.

For a Subscribing Entity that is given statutory authority to receive CHRI on their applicants, volunteers, etc. for a clearly defined period of time, no pre-notification or validation is required during that defined time period—if the time period is no greater than five years. The subscription Expiration Date field must contain a date within the Subscription Term; no later than the end of the Set Period of Time authorized in the statute; and no later than five years from the date the subscription is established.

An example would be a state statute that gives volunteers the ability to volunteer over the course of a year for separate seasonal opportunities with a single regulatory/oversight entity. The regulatory/oversight entity can receive the Identity History Summary without pre-notification even if the volunteer has ended one activity and has not yet begun another activity during the designated year.

### **Privacy Risk Mitigation Strategy #4. One-Year Validation/Expiration**

For any population of Subscribers, a one-year validation/expiration can serve in lieu of the pre-notification requirement. This Strategy requires the Expiration Date to contain a date no later than one year from the date the subscription was established.

### **Privacy Risk Mitigation Strategy #5. Subscription Synchronization Through Automated or Formalized Procedures**

For any population of Subscribers, a written agreement between the Subscriber and the Submitter that contains strict processing requirements to keep the Subscriber and Submitter subscription records synchronized, as listed below. Other listed controls must also be included.

This Strategy requires the Expiration Date field to contain a date within the Subscription Term and no later than five years from the date the subscription was established. The foundation of Rap Back Privacy Risk Mitigation Strategy #5 is that strictly controlled procedures at key points in the process provide assurances that the NGI Rap Back subscription records accurately reflect the current status of the applicant/employee/ licensee, etc. within the Subscribers' files. As such, the requirements are intended to ensure that those controlled procedures are in place.

Those controls can be implemented in such a way as they include processing against the Submitter-level Rap Back system, if one exists, or that the processing is passed directly to NGI, if no Submitter-level Rap Back system exists.

The processing can be established whether the Submitter has not yet submitted any subscriptions for the related Subscriber to NGI, or the Subscriber already has created subscriptions in NGI and wants to begin to use this as a Strategy at a certain point in time.

Since this Privacy Risk Mitigation Strategy is specific to synchronizing individual subscriptions between the Subscriber and NGI, it is not an appropriate Strategy for Submitters who employ Category Based Subscription Management. By definition, Category Based Subscription Management does not maintain a one-to-one relationship between all individual subscriptions and NGI. As such, this Privacy Risk Mitigation Strategy may not be used by Category Based Management Submitters as an NGI Privacy Risk Mitigation Strategy

Although this Privacy Risk Mitigation Strategy is not appropriate for Category Based Subscriptions, the controls described here may be an appropriate guide for a Category Based Submitter to use in establishing the processing between themselves and any of their Subscribers. These controls can help the Subscriber demonstrably ensure that the subscriptions they have in their Submitter-level Rap Back system are valid. That level of controlled processing can be one factor in the Submitter's fulfilling their responsibilities under the Category Based Subscription Management Plan.

### General Requirements

1. The Subscriber and Submitter must create these processes or processes that are functionally equivalent to these requirements.
2. The Submitter must verify that the controls are in place at the Subscribing Entity.
3. If there is any question regarding the sufficiency of a set of processes, the Submitter must consult CJIS.
4. CJIS can individually review and enable implementation situations that are not directly addressed in these stated situations and requirements. The mandate to CJIS in that instance would be to ensure that controls at least as protective as those stated here are equally maintained in any other proposed processes prior to their being enabled.
5. These requirements are described as being implemented through automated processing, but Submitters can agree to allow some of these functions to be performed manually with Subscribers.

### Start Up Processing Requirements

1. At start-up, Subscribers must provide Submitters with a current file of all its individuals who are to be subscribed initially.
  - a. From that file, the Submitter will populate the Submitter's Rap Back Service, if they provide that function.
  - b. The Submitter will also ensure that all those subscriptions are sent to NGI's Rap Back Service and provide the Subscriber the NGI responses for their review. It is anticipated that these would be bulk EBTS submissions and responses.
  - c. The Subscriber will review those responses to ensure that all start-up subscriptions are included in NGI, and the Submitter's system, as appropriate.
2. Submitters may also use this strategy for a population which already has subscriptions in NGI. Instead of a start-up list of subscriptions to be placed in NGI, the Subscriber and Submitter will create a one-time validation of all of that population's NGI subscriptions. That process will ensure that all NGI subscriptions for that population are valid and will create a starting point for implementation of this Privacy Risk

Mitigation Strategy that is functionally equivalent to the start-up list of subscriptions described in Item #1.

## **On-Going Processing Requirements**

1. The Subscriber and Submitter will adhere to a strict processing protocol to keep the NGI subscriptions up to date on at least a monthly basis. The Subscriber must establish in writing and follow standardized procedures that must contain controls appropriate to the following processes:
  - a. Creating the subscription as a part of their applicant or operational flow shortly after the individual becomes eligible for subscription.
  - b. Sending the request for subscription and all Rap Back transactions to NGI under the Submitter's communications methodology.
  - c. Receiving messages from the Submitter and routing them internally for action.
  - d. Modifying subscriptions when the individual's status changes in their normal operational flow, or due to unanticipated circumstances, especially for removing the subscription when the person is no longer eligible.
  - e. Processing monthly validation/expiration lists or other validation processes employed by the Submitter.
  - f. Handling exceptions on a timely ad hoc basis.
2. The Submitter must establish and follow written procedures for their processing of these transactions.
3. The Subscriber/Submitter transaction processes must follow at least this frequency, flow, and content:
  - a. The Subscriber will create a file of subscription "adds" and subscription "deletes" to be processed against the NGI and Submitter's Rap Back subscription records on at least a monthly frequency.
  - b. The Submitter will transform those files from the Subscriber into appropriate EBTS transactions and send them to update NGI as soon as practicable, and no longer than 30 days. The Submitter will provide the Subscriber the responses with all actions taken by NGI. It is anticipated that these would be batch EBTS transactions.
  - c. The Subscriber must compare that response action file against their original submission and notify the Submitter within one week of any anomalies that appear. The Subscriber and Submitter must resolve all anomalies in a timely manner.
  - d. The Subscriber agrees to send all modifications, revocations, cancelations or other status changes to the Submitter on the first monthly update file after they occur.

**Criminal Justice Information Services Division  
Mobile Biometric Application Project  
RFI # 05062014FBICJIS**

In January of 2014, the CJIS Division's Global Operations Section, Global Initiatives Unit (GIU), Biometric Identification Tools Program (B-ID) received approval from executive management to move forward with a mobile biometric application project that will produce an analysis of alternatives and definitive user requirements. The objective of this project is to evaluate current software application solutions commercially available for biometric capture on cellular devices compatible with the Android Platform. The FBI intends to offer its users the ability to perform a biometric query on an individual and receive a response by submitting, at a minimum, fingerprints via a smart phone application from any domestic location with cellular service.

The entire project should take no more than twelve consecutive months. It is anticipated that \$500,000.00 will be available to each of the selected vendors. This project will consist of four distinct phases.

Phase One will be the demonstration and delivery of the software application along with the appropriate installation and user guides. This phase will include the initial evaluation by the appropriate FBI personnel and is anticipated that it will take up to three months. The phase will require working with the FBI Security Division (SecD) to complete the company threat assessments (CTAs) and to obtain the authority to test (ATT) each participant's product (hardware and software).

Phase Two of the project will be the initial FBI testing and will include SecD, Information Technology Services Division and CJIS Division requirements. The product's overall functionality and the ability to work within the FBI confines will be evaluated for each product. A test plan will be prepared for this phase of the project. A final report will be prepared as documentation for each participant at the end of this phase. This phase is anticipated to last up to three months.

Phase Three will consist of the second round of FBI testing to validate any changes that were made as a result of Phase Two testing results. The same test plan will be used for phase three as was used in phase two. This phase is anticipated to last up to three months.

Phase Four will be end user testing. This is where the participant's products will be given to FBI personnel in the field to use and evaluate. An evaluation form will be developed and given to each end user in order for consistent data to be gathered. This phase will be used to obtain user requirements and test the full functionality of each participant's product. This phase is anticipated to last up to three months. At the end of this phase a functionality statement and end user feedback will be compiled and put into a final report.

CJIS GIU is seeking information from all interested parties in industry with an existing, commercially available mobile biometric application for the Android Platform with the ability/interest to support the FBI in the Mobile Biometric Application Study. All interested parties are encouraged to respond.

following the below instructions. Please include any industry best practice, recommendations, potential issues and items that should be clarified for the FBI to consider.

**Respondent Instructions:**

**A. Cover Page (1 page)**

RFI Title:

RFI #:

Company Name:

Address:

DUNS Number:

CAGE Code:

Security Clearance Level:

Facility Clearance Level:

North American Industry Classification System (NAICS) Code:

Business Size for NAICS Code Indicated

Primary Contact (Name, Title, Phone, and Email):

Additional Contact (Name, Title, Phone, and Email):

Prime Contracts and Prime Contract numbers (GSA Schedules, GWACS, etc.):

**B. Executive Summary (15 Page Limit)**

Respondents are permitted an Executive or General Summary (no more than 15 pages) explaining history and background of the firm and the relevance of the work. This section should also include a general discussion of the value and implementation of industry standard practices, and unique issues and challenges of doing business within the Federal market. It is most helpful to the CJIS Division if responses show:

- Do you have an application commercially available? If so, is it a native app, web based app or mobile cloud app?
- What are the benefits to the type of app that you have developed?
- Does your app have any known security concerns?
- Are there any trends or issues you feel the FBI should be aware of in the development and execution of a similar technology?
- Please include a list of deliverables that would be relevant for this contract?
- Please describe the ideal IT environment for which your project team would be able to most efficiently deliver a mobile app solution utilizing a commercially available mobile application?
- What industry standards are common in requests for this technology?
- How responder's history and background are aligned to the objectives outlined above?
- How the CJIS Division may prepare itself to better work with a Contractor (or Contractors) in areas like planning, ordering, information (e.g. forecasting, demands), and communications;
- How Contractors currently gather requirements and support similar tasks;
- Practices in planning, executing and administering this type of work;
- Unique requirements and problems of Federal Government markets; and



- Does the vendor community have any suggestions on an acquisition strategy, to include, contract type and/or performance requirements, evaluation criteria and deliverables to optimize the best value to the Government?
- Are there limitations in regards to software/hardware compatibility (utilizing ERTS specifications)?
- Suggestions for logistics of connecting a fingerprint device to the phone and being able to capture a good print while in the field?
- Does the commercially available application identified in the response allow for the in-phone camera to capture a photograph and use that image in a biometric search?

All interested parties are asked to describe their technical capabilities and how their related experience to this task is best demonstrated. In addition, please describe challenges experienced with similar contracts and how the FBI may work with the awardee to mitigate risk and reduce burdens

**C. Security (4 pages)**

The Security portion is limited to four pages. Please provide documentation that supports your company's ability to provide candidates whom are eligible or already possess a current Top Secret Clearance and your facility clearance approval and clearance level.

**D. Past Performance (5 pages – one page per reference maximum of 5 references)**

Past Performance is limited to one page per reference and shall contain no more than five past performance references for experience in Contracts of similar size and scope. The Contracts provided must be for Contracts issued within the last five years.

- a) Name of customer
- b) Name, telephone number, and email of the Contracting Officer or Contracting Officer's Technical Representative (this individual should be the main point of contact who can answer questions pertaining to past performance)
- c) Contract/Task Order number (and task order number if applicable)
- d) Contract/Task Order type
- e) Contract/Task Order value
- f) Contract/Task Order period of performance
- g) Indication of status as Prime or Subcontractor on the BPA
- h) Brief description of services performed

**General**

Industry should submit the following in electronic format in Microsoft Office (Word, Excel, PowerPoint) or PDF format. All information should be UNCLASSIFIED material only. Information should not exceed twenty-five one-sided 8 ½ x 11 pages, with one-inch margins, using single-spaced, Times New Roman font, and size 11. E-mail verification will be sent upon receipt.

All submissions should be e-mailed no later than Noon EST, May 28, 2014 to the Contracting Officer Andrew J. Sticklej at [Andrew.Sticklej@ic.fbi.gov](mailto:Andrew.Sticklej@ic.fbi.gov).

This RFI is for planning purposes only and shall not be considered as a request for proposal or as an obligation on the part of the FBI to acquire any products or services. No entitlement to payment of direct or indirect costs or charges by the FBI will arise as a result of contractor submission of responses to this RFI or the FBI's use of such information. The FBI reserves the right to reject, in whole or in part, any contractor's input resulting from this RFI. Responses to this RFI will not be returned. All questions regarding this RFI shall be in writing prior to submission date. **No phone calls will be accepted.** Feedback regarding the RFI submissions will not be provided.

The cost of responding to the RFI shall be exclusively borne by the contractor and no costs will be reimbursed by the FBI.

# Mobile App/Universal Query Use Case Description

## Scenario/Environment (setting the scene)

This task takes place in a “to be” state. It resides in an architecture/configuration that is not in place today. One objective of this task is to show the art of the possible. Set a future target.

Current State: CJIS hosts a number of services—e.g., Wants and Warrants, fingerprints, and criminal history. To query them, a user has to access separate systems to retrieve the different types of information for a single subject. The end user has to collate the information from its different sources before analysis can begin.

“To Be” State: The data the Mobile App uses is fused. Assume the data needed is accessible via a single sign-in and infrastructure. While not in place today, this environment is in place within the scenario of this task

There are two distinct activities that would have to occur to move from the Current State to the “To Be” State: 1) changes to the backend—i.e., “fusing” the data from multiple services/systems so that it is accessible within the necessary configuration and 2) establishment of a front-end user interface to query the fused data and display the results. This task assumes the backend activity has been successfully completed. It focuses on the latter activity. It focuses on the user interface via an Android smart phone. The backend activity is separate and apart from the second.

This task requires the team to put themselves in the mind of the agent and think futuristically. What capability and features would benefit the agent (working in and with biometrics)?

The mobile aspect of this scenario environment is an extension of the agent's desktop. In the “To Be” state, the fused data is available for query via desktop units as well (again, a separate activity from this task but an important element of the environment in this scenario). The mobile app simply allows the agent to take the same (desktop) capability into the field.

## Use Cases

This task encompasses two use cases. Both use cases exist within the “To Be” State. The universal query user interface can use Figure 1 (below) as reference

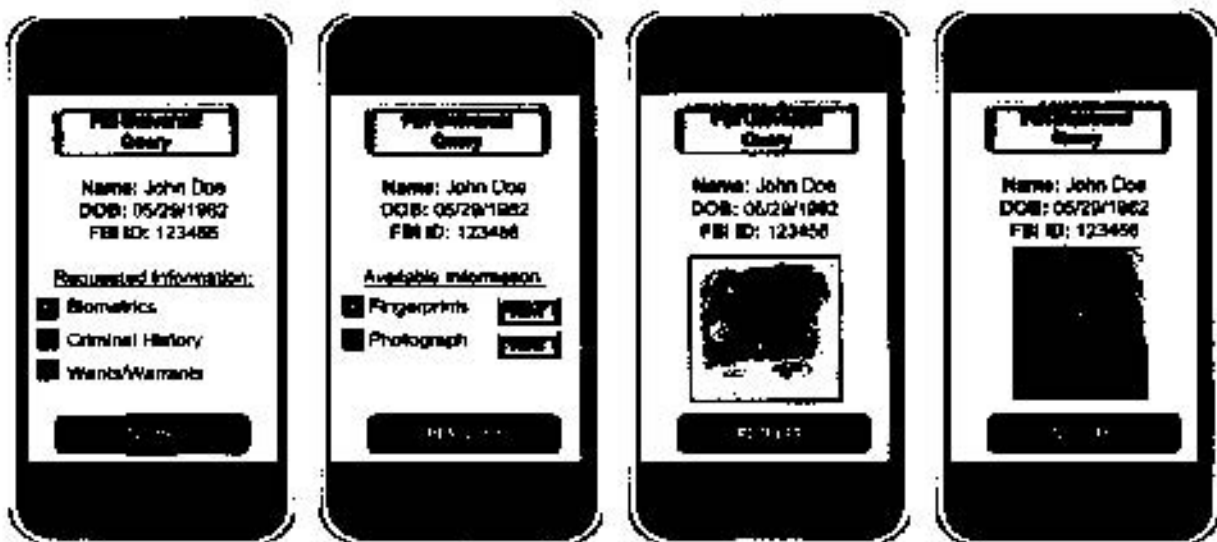


Figure 1: Universal Query User Interface

### Use Case 1 (non-contact)

There is no contact with a subject (no human present) in Use Case 1. The agent is working an active case and has a need to submit a query while in the field and away from his desk. The Mobile App allows the agent to access the same data and perform the same query that he would if at his desk.

The user enters the information he has on the subject—e.g., name or SSN—and indicates the type of information he is interested in—e.g., biometrics or criminal history. The query returns all available information from the various databases/systems. For example: if voice tracks are available, a voice sample is returned for the agent to hear; if a photo is available, it is returned, etc. All sources pertaining to the individual is returned from a single query.

Whether in the office or in the field, the universal query offers the same capability. The noticeable difference is the device used for the query. The agent can ask for the same information and get the same data results from either location.

### Use Case 2 (tactical/non-tactical)

Use Case 2 involves a subject; a human is present. The agent is at a crime scene and determines the need to collect a biometric (or multiple biometrics) and perform a universal query. There are two states in Use Case 2:

- a) Cooperative Subject (non-tactical): The subject supplies a photo, voice sample, or fingerprint. The agent submits a universal query and receives the information available on the subject.

- b) **Uncooperative Subject (tactical):** The agent captures voice samples of two subjects talking to one another, takes a picture of a subject fleeing the scene, or takes a picture of a subject's tattoo as they attempt to flee the scene. The agent submits a universal query and receives the information available on the subject.

## Demonstration/Presentation Considerations

When demonstrating the mobile app capability, it is important to keep the scenario (environment) in mind—the "To Be" state. The following is a starting point for demonstration/presentation messages to be considered when preparing for a target audience. This list is considered "living" and will be updated as needed during the time leading up to the demonstration/presentation stage.

- Ensure the audience understands the complexities of performing this search today versus performing it as a universal query. For Example, "If you want to do this today (Current State), here's what you'd have to do..." Here are all the steps (e.g., 5 different systems, different accesses, and you fuse the data yourself)
- Illustrate where we want to go tomorrow. It looks like this (the universal query). The presentation lays out a roadmap of what it would look like (Current State vs. "To Be" State environment).
- Include where the data is available in the Current State. "As a minimum, as part of our presentation, this is the type of info we want to fuse – this is in NCIC, this is in N-DEX, this is in UCR, this is in NGI [etc.]. Give them the scope of what it takes to do all of this. [Today] It's on the end user to put all of this together. This is the data we would need to feed the app and here is where the data resides today but there is no universal query. Lots of different sign-ons." Make sure we show the Current State "residence" for whatever data we use/emulate in the demo—e.g., FP in NGI and Wants and Warrants in NCIC.
- Messaging: Having this mobile phone is going to help the case agent do their jobs.

## Risks

- IF the mock dataset used for the prototype does not close replicate the true system data THEN the validity of the prototype capability could be called into question.
- IF proper expectations are not set regarding the prototype (it represents a "To Be" state) and the user community (e.g., agents) is favorable toward the capability THEN disillusionment could result when it is understood that the backend is months (or years) away.
- IF the prototype uses a mobile phone configuration that is later found to vary significantly from the Bureau's configuration THEN the full functionality of the demonstration may not be available post-prototype.

[Redacted]

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23 October 2012

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Federal Bureau of Investigation  
Science & Technology Branch  
CJIS Division—Biometric Services Section  
Technology Evaluation Standards & Test Unit  
1000 Custer Hollow Road  
Clarksburg, WV 26306

Subject: September Progress Report and Public Voucher No. 11-125325

Reference: Contract Number J-FBI-07-164, Task 38 (Mobile Biometrics)

Dear [Redacted]

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In support of the referenced contract, MITRE is tasked to report on the ongoing status of the work through Monthly Progress Reports. The Progress Report for September for Mobile Biometrics is enclosed for your information.

Public Voucher No. 11-125325 dated 17 October 2012 for the period from 27 August 2012 to 25 September 2012 is enclosed for your information.

If you have any questions related to this report, please contact me at [Redacted]

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Sincerely yours,

[Redacted Signature Block]

Enclosures

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**MITRE**

# Mobile Biometrics

## Project Management Plan 27 May 2011 - 26 May 2012

**June 29, 2011  
Version 1.0**



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Downgrade  
Derived By: UNCLASSIFIED  
Declassify On:

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**Identification**

[Redacted]

[Redacted]

The Mobile Biometrics project involves research, technical and programmatic guidance, systems engineering, and program management services to support the FBI's effort to address the President's White House Wireless Innovation and Infrastructure Initiative.

**Document Purpose**

This Project Management Plan (PMP) is a working plan. It is a living document and will be modified as the project unfolds during the period of performance. Modifications will be coordinated, as appropriate, with government management and technical personnel specified in the document.

**Background**

"On January 25, 2011, President Obama set the goal of enabling businesses to provide high-speed wireless services to at least 98 percent of all Americans within five years. To address the White House Wireless Innovation and Infrastructure Initiative, the FBI Science and Technology Branch launched an effort to stand up a mobile apps (applications) environment to support the law enforcement community. The environment will provide users access to multiple applications focused on national security protection and will include biometric applications."<sup>1</sup>

The full FBI project underway to address the White House Wireless Innovation and Infrastructure Initiative encompasses an overall architecture and platform to support multiple mobile applications. As of Version 1.0 of this PMP, MCIRE's role includes supporting the

[Redacted]

<sup>1</sup> United States, Federal Bureau of Investigation. Performance Work Statement, Mobile Biometrics Task, (Criminal Justice Information Services Division, 2011) page 1

**Project Scope**

This project includes a feasibility demonstration to illustrate the technical viability of successfully deploying a mobile application via a smartphone and tablet to receive match/no match information from a symbol and SMT image retrieval algorithm. The demonstration will be conducted using a controlled set of data identified in advance to depict match and no match scenarios. The mobile applications will be developed for execution across the Internet. The initial demonstration, scheduled for not later than 8 August 2011, will be conducted on a standalone platform or within [REDACTED]

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[REDACTED] This platform will also support a relocatable WiFi demonstration capability (e.g., vehicle based). Integration with the overall security and authentication architecture and platform for the full initiative is within the scope of the full base year; however, it is not within the scope of the initial tasking to be completed by 8 August 2011.



**References**

- Performance Work Statement, Mobile Biometrics Task, 27 May 2011.
- Technical and Management Proposal, Mobile Biometrics Task, MITRE Corporation, 27 June 2011

**Assumptions and Dependencies**

A short timeframe has been requested by the government to execute the initial phase of this task. Therefore, MITRE is operating under the assumption that the first phase will be deemed successful by demonstrating a controlled (previously proven, repeatable) demonstration using a Samsung Charge smartphone or Motorola Xoom tablet using the Android operating system to submit a symbols probe image and receive a match/no match response, with no limit on response time. The demonstration will be conducted in a WiFi client/server (or standalone) environment and will not require human intervention following submission in order to return a match/no match response. Additionally, a successful demonstration will 1) utilize a small dataset that may or may not contain considerable metadata and 2) not necessitate an extensive Graphical User Interface (GUI) for user interaction.

MITRE is incorporating the Michigan State University (MSU) "TattooID" algorithm into the mobile application backend to interact with the database to deliver match/no match responses. Mobile application response time is dependent on the algorithm's performance, the size of the database, and the network latency. A successful demonstration in phase one is not dependent on a specific response time, although a desired response time of less than two minutes will be achieved if technically feasible given the technical components. Additionally, MITRE is dependent on the government to ensure necessary licenses are provided to execute the software as needed (e.g., Matlab). MITRE will perform all work within the boundaries of applicable license agreements.

The mobile application database will contain images provided by [redacted] b7c  
[redacted] The Unit's symbols database will serve as the foundation dataset for matching. MITRE will manipulate the demonstration database as needed to meet the timeframe and feasibility demonstration requirement.



[redacted] The use case examples of Symbols and SMT matching capabilities will be subject to the data and test cases that are available

**Plan for the Mobile Biometrics Task**

The Mobile Biometrics Task will be conducted in phases in order to meet schedule and funding constraints. This section describes the goal, strategy, and approach to meet the PWS requirements.

NOTE: The PWS and MITRE's Technical and Management Proposal response reference a Phase Zero. The intent was to provide an interim solution prior to moving to an Internet based mobile application. As of the date of this PMP version (1.0), the government has decided not to implement the interim solution and Phase Zero is excluded.

The emphasis for rapid capability demonstration will be achieved by a rapid development phase culminating in a demonstration to meet the 8 August 2011 deadline. This will be followed by additional task areas to address infrastructure and authentication integration, image enrollment workflows, and application scaling, optimization, and refinements to requirements.

### ***Goal and Strategy***

The primary goal (i.e., objective) of the Mobile Biometrics project is to develop a working Internet prototype that permits users to submit a photograph of a symbol from a mobile device (e.g., smart phone or tablet) and receive a match/no match response to the same mobile device.

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### ***General Approach***

Later Phase(s)

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Subsequent PMP versions will be developed to define the later phase(s) when deemed appropriate by MITRE and the government's Contracting Officer's Technical Representative (COTR).

***Documentation, Deliverables, and Schedule***

System engineering and biometric technology studies will typically be delivered as reports; however, documentation and deliverables on this project will also include prototype applications, presentations, data analyses, and information management capabilities with accompanying documentation.

The current phase schedules are as follows.

- Phase One Period: 27 May 2011 – 8 August 2011 (assumes no changes to requirements)
- Later Phase(s) Period: 9 August 2011 – 26 May 2012

Table 1 (below) documents the planned deliverables and schedule. This listing will be modified when appropriate and mutually agreed to between the AFDAR Project Manager and COTR. MITRE anticipates a review of the deliverables and schedule following the 8 August 2011 demonstration as subsequent phases are definitized.

Weekly Activity Report 1 (Technical)	Weekly		Due by COB on Fridays (for same week period)
Weekly Activity Report 2 (CDTR)	Weekly		Due by Noon on Tuesdays for the previous week
Monthly Activity Report (Contractual)	Monthly		Due by the 15 <sup>th</sup> of the month (covering previous month)
Capability Demonstration for mobile application prototype	8 Aug 2011		WiFi demonstration (WiFi solution is an anticipated risk mitigation in the event that schedule constraints or coordination delays prevent moving the technical capabilities to an Internet server environment.)
Integration to Internet server and authentication environment	07 Oct 2011		Support for transition to Internet server as needed, target delivery date subject to change based on access and availability
Refinements to metadata, analysis, enrollment capabilities, geo-tagged images	04 Nov 2011		Refinements to metadata/identity context and associated information displays, use of geo-tagged images (e.g., map/situational displays)
Optimization and scalability	10 Jan 2012		Analysis and investigation to optimize performance for application scaling; optional task complete dates notionally on 1-2 month intervals.
Source Code and documentation - Mobile app Prototype - Dataset - Metadata	26 May 2012		To enable transition to O&M, including support to technical meetings and briefings as needed.

Table 1: Deliverables Schedule

**Resources**

**Management and Technical**



- Additional technical and management expertise will be engaged as appropriate

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**Stakeholders**

Mobile Biometrics stakeholders are listed below in four broad categories:

**Leaders** (seek most efficient and effective use of resources)

- FBI Science and Technology Branch, including but not limited to the following:



- MITRE

**Customers** (seek best fit for purpose at best value)

- Law Enforcement Officers in the field (i.e., end users)

**Collaborators** (seek mutual benefit from cooperative efforts)

- FBI Operational Technology Division
- FBI Laboratory Division
- FBI Criminal Justice Information Services Division
- FBI Special Technologies and Applications Section

**Public** (seek best fit for purpose regardless of cost)

- White House

**Project Execution**

***Decision Making Process***



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***Planning Process***

This PMP serves as the governing document for the Mobile Biometrics project planning process. Additional details can be found in the section titled "Plan for the Mobile Biometrics Task". Additional resources engaged to support the planning process for the Mobile Biometrics project include the PWS, the Technical and Management Proposal, and frequent communication with the FBI OTR and Program Manager.



***Risk Management***

MITRE will continuously scan the environment for risks that might impact the Mobile Biometrics project. Identified risks will be assessed and appropriate mitigation plans developed. Significant risks will be brought to the attention of the FBI Program Manager and COTR. All risks will be managed through continued discussion between the project team (FBI and MITRE).

***Project Completion***

Project completion will be determined through coordination between the FBI Program Manager, FBI COTR, MITRE Project Manager, and MITRE principal technical expert. A prototype capability along with appropriate documentation is planned for delivery at project completion.



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FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
DELETED PAGE INFORMATION SHEET  
FOI/PA# 1273894-0

Total Deleted Page(s) = 12

- Page 1 ~ b5;
- Page 2 ~ b5;
- Page 3 ~ b5;
- Page 4 ~ b5;
- Page 5 ~ b5;
- Page 6 ~ b5;
- Page 7 ~ b5;
- Page 8 ~ b5;
- Page 9 ~ b5;
- Page 10 ~ b5;
- Page 11 ~ b5;
- Page 12 ~ b5;

```
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
X Deleted Page(s) X  
X No Duplication Fee X  
X For this Page X  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
```

FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
DELETED PAGE INFORMATION SHEET  
FOI/PA# 1273894-0

Total Deleted Page(s) = 13

- Page 1 ~ b5;
- Page 2 ~ b5;
- Page 3 ~ b5;
- Page 4 ~ b5;
- Page 5 ~ b5;
- Page 6 ~ b5;
- Page 7 ~ b5;
- Page 8 ~ b5;
- Page 9 ~ b5;
- Page 10 ~ b5;
- Page 11 ~ b5;
- Page 12 ~ b5;
- Page 13 ~ b5;

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XXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
X Deleted Page(s) X  
X No Duplication Fee X  
X For this Page X  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
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FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
DELETED PAGE INFORMATION SHEET  
FOI/PA# 1273894-0

Total Deleted Page(s) = 12

- Page 1 ~ b5;
- Page 2 ~ b5;
- Page 3 ~ b5;
- Page 4 ~ b5;
- Page 5 ~ b5;
- Page 6 ~ b5;
- Page 7 ~ b5;
- Page 8 ~ b5;
- Page 9 ~ b5;
- Page 10 ~ b5;
- Page 11 ~ b5;
- Page 12 ~ b5;

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XXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
X Deleted Page(s) X  
X No Duplication Fee X  
X For this Page X  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
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FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
DELETED PAGE INFORMATION SHEET  
FOI/PA# 1273894-0

Total Deleted Page(s) = 2  
Page 1 ~ b5;  
Page 2 ~ b5;

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
X Deleted Page(s) X  
X No Duplication Fee X  
X For this Page X  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
DELETED PAGE INFORMATION SHEET  
FOI/PA# 1273894-0

Total Deleted Page(s) = 6

- Page 1 ~ b5;
- Page 2 ~ b5;
- Page 3 ~ b5;
- Page 4 ~ b5;
- Page 5 ~ b5;
- Page 6 ~ b5;

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XXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
X Deleted Page(s) X  
X No Duplication Fee X  
X For this Page X  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
```

FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
DELETED PAGE INFORMATION SHEET  
FOI/PA# 1273894-0

Total Deleted Page(s) = 36

- Page 1 ~ b5;
- Page 2 ~ b5;
- Page 3 ~ b5;
- Page 4 ~ b5;
- Page 5 ~ b5;
- Page 6 ~ b5;
- Page 7 ~ b5;
- Page 8 ~ b5;
- Page 9 ~ b5;
- Page 10 ~ b5;
- Page 11 ~ b5;
- Page 12 ~ b5;
- Page 13 ~ b5;
- Page 14 ~ b5;
- Page 15 ~ b5;
- Page 16 ~ b5;
- Page 17 ~ b5;
- Page 18 ~ b5;
- Page 19 ~ b5;
- Page 20 ~ b5;
- Page 21 ~ b5;
- Page 22 ~ b5;
- Page 23 ~ b5;
- Page 24 ~ b5;
- Page 25 ~ b5;
- Page 26 ~ b5;
- Page 27 ~ b5;
- Page 28 ~ b5;
- Page 29 ~ b5;
- Page 30 ~ b5;
- Page 31 ~ b5;
- Page 32 ~ b5;
- Page 33 ~ b5;
- Page 34 ~ b5;
- Page 35 ~ b5;
- Page 36 ~ b5;

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XXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
X Deleted Page(s) X  
X No Duplication Fee X  
X For this Page X  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
```



FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
DELETED PAGE INFORMATION SHEET  
FOI/PA# 1273894-0

Total Deleted Page(s) = 33

- Page 1 ~ b5;
- Page 2 ~ b5;
- Page 3 ~ b5;
- Page 4 ~ b5;
- Page 5 ~ b5;
- Page 6 ~ b5;
- Page 7 ~ b5;
- Page 8 ~ b5;
- Page 9 ~ b5;
- Page 10 ~ b5;
- Page 11 ~ b5;
- Page 12 ~ b5;
- Page 13 ~ b5;
- Page 14 ~ b5;
- Page 15 ~ b5;
- Page 16 ~ b5;
- Page 17 ~ b5;
- Page 18 ~ b5;
- Page 19 ~ b5;
- Page 20 ~ b5;
- Page 21 ~ b5;
- Page 22 ~ b5;
- Page 23 ~ b5;
- Page 24 ~ b5;
- Page 25 ~ b5;
- Page 26 ~ b5;
- Page 27 ~ b5;
- Page 28 ~ b5;
- Page 29 ~ b5;
- Page 30 ~ b5;
- Page 31 ~ b5;
- Page 32 ~ b5;
- Page 33 ~ b5;

```
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
X Deleted Page(s) X  
X No Duplication Fee X  
X For this Page X  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
```

FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
DELETED PAGE INFORMATION SHEET  
FOI/PA# 1273894-0

Total Deleted Page(s) = 35

- Page 1 ~ b5;
- Page 2 ~ b5;
- Page 3 ~ b5;
- Page 4 ~ b5;
- Page 5 ~ b5;
- Page 6 ~ b5;
- Page 7 ~ b5;
- Page 8 ~ b5;
- Page 9 ~ b5;
- Page 10 ~ b5;
- Page 11 ~ b5;
- Page 12 ~ b5;
- Page 13 ~ b5;
- Page 14 ~ b5;
- Page 15 ~ b5;
- Page 16 ~ b5;
- Page 17 ~ b5;
- Page 18 ~ b5;
- Page 19 ~ b5;
- Page 20 ~ b5;
- Page 21 ~ b5;
- Page 22 ~ b5;
- Page 23 ~ b5;
- Page 24 ~ b5;
- Page 25 ~ b5;
- Page 26 ~ b5;
- Page 27 ~ b5;
- Page 28 ~ b5;
- Page 29 ~ b5;
- Page 30 ~ b5;
- Page 31 ~ b5;
- Page 32 ~ b5;
- Page 33 ~ b5;
- Page 34 ~ b5;
- Page 35 ~ b5;

```
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
X Deleted Page(s) X  
X No Duplication Fee X  
X For this Page X  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
```

FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
DELETED PAGE INFORMATION SHEET  
FOI/PA# 1273894-0

Total Deleted Page(s) = 38

- Page 1 ~ b5;
- Page 2 ~ b5;
- Page 3 ~ b5;
- Page 4 ~ b5;
- Page 5 ~ b5;
- Page 6 ~ b5;
- Page 7 ~ b5;
- Page 8 ~ b5;
- Page 9 ~ b5;
- Page 10 ~ b5;
- Page 11 ~ b5;
- Page 12 ~ b5;
- Page 13 ~ b5;
- Page 14 ~ b5;
- Page 15 ~ b5;
- Page 16 ~ b5;
- Page 17 ~ b5;
- Page 18 ~ b5;
- Page 19 ~ b5;
- Page 20 ~ b5;
- Page 21 ~ b5;
- Page 22 ~ b5;
- Page 23 ~ b5;
- Page 24 ~ b5;
- Page 25 ~ b5;
- Page 26 ~ b5;
- Page 27 ~ b5;
- Page 28 ~ b5;
- Page 29 ~ b5;
- Page 30 ~ b5;
- Page 31 ~ b5;
- Page 32 ~ b5;
- Page 33 ~ b5;
- Page 34 ~ b5;
- Page 35 ~ b5;
- Page 36 ~ b5;
- Page 37 ~ b5;
- Page 38 ~ b5;

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XXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
X Deleted Page(s) X  
X No Duplication Fee X  
X For this Page X  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
```

FEDERAL BUREAU OF INVESTIGATION  
FOI/PA  
DELETED PAGE INFORMATION SHEET  
FOI/PA# 1273894-0

Total Deleted Page(s) = 95

- Page 1 ~ b5;
- Page 2 ~ b5;
- Page 3 ~ b5;
- Page 4 ~ b5;
- Page 5 ~ b5;
- Page 6 ~ b5;
- Page 7 ~ b5;
- Page 8 ~ b5;
- Page 9 ~ b5;
- Page 10 ~ b5;
- Page 11 ~ b5;
- Page 12 ~ b5;
- Page 13 ~ b5;
- Page 14 ~ b5;
- Page 15 ~ b5;
- Page 16 ~ b5;
- Page 17 ~ b5;
- Page 18 ~ b5;
- Page 19 ~ b5;
- Page 20 ~ b5;
- Page 21 ~ b5;
- Page 22 ~ b5;
- Page 23 ~ b5;
- Page 24 ~ b5;
- Page 25 ~ b5;
- Page 26 ~ b5;
- Page 27 ~ b5;
- Page 28 ~ b5;
- Page 29 ~ b5;
- Page 30 ~ b5;
- Page 31 ~ b5;
- Page 32 ~ b5;
- Page 33 ~ b5;
- Page 34 ~ b5;
- Page 35 ~ b5;
- Page 36 ~ b5;
- Page 37 ~ b5;
- Page 38 ~ b5;
- Page 39 ~ b5;
- Page 40 ~ b5;
- Page 41 ~ b5;
- Page 42 ~ b5;
- Page 43 ~ b5;
- Page 44 ~ b5;
- Page 45 ~ b5;
- Page 46 ~ b5;
- Page 47 ~ b5;
- Page 48 ~ b5;

Page 49 ~ b5;  
Page 50 ~ b5;  
Page 51 ~ b5;  
Page 52 ~ b5;  
Page 53 ~ b5;  
Page 54 ~ b5;  
Page 55 ~ b5;  
Page 56 ~ b5;  
Page 57 ~ b5;  
Page 58 ~ b5;  
Page 59 ~ b5;  
Page 60 ~ b5;  
Page 61 ~ b5;  
Page 62 ~ b5;  
Page 63 ~ b5;  
Page 64 ~ b5;  
Page 65 ~ b5;  
Page 66 ~ b5;  
Page 67 ~ b5;  
Page 68 ~ b5;  
Page 69 ~ b5;  
Page 70 ~ b5;  
Page 71 ~ b5;  
Page 72 ~ b5;  
Page 73 ~ b5;  
Page 74 ~ b5;  
Page 75 ~ b5;  
Page 76 ~ b5;  
Page 77 ~ b5;  
Page 78 ~ b5;  
Page 79 ~ b5;  
Page 80 ~ b5;  
Page 81 ~ b5;  
Page 82 ~ b5;  
Page 83 ~ b5;  
Page 84 ~ b5;  
Page 85 ~ b5;  
Page 86 ~ b5;  
Page 87 ~ b5;  
Page 88 ~ b5;  
Page 89 ~ b5;  
Page 90 ~ b5;  
Page 91 ~ b5;  
Page 92 ~ b5;  
Page 93 ~ b5;  
Page 94 ~ b5;  
Page 95 ~ b5;

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
X Deleted Page(s) X  
X No Duplication Fee X  
X For this Page X  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX