

June 30, 2005

## **New CORI Regulations Take Effect Today**

The Criminal History Systems Board (“CHSB”), the state agency responsible for disseminating Massachusetts criminal offender record information (“CORI”), has issued new regulations pertaining to CORI requests, which take effect today, June 30, 2005. The new regulations will impact many employers who conduct background checks on applicants, volunteers, employees and other workers. These regulations contain three major requirements, each of which is discussed briefly below. You can find a complete copy of the regulations on the CHSB’s website, <http://www.mass.gov/chsb>. The CHSB expects certified agencies to incorporate the requirements of these regulations into their CORI business processes immediately.

### **Collection Of Additional Information From Applicants**

Under the new regulations, CORI requests must include additional information from applicants, such as their weight, height and eye color. According to the CHSB, this new information will be used if a certified agency has difficulty assessing whether a CORI report can be attributed to a particular applicant. The CHSB recently mailed to certified agencies a copy of the new CORI request form, which contains fields for the additional information. The CHSB has indicated that failure to use the new form “may” result in CORI requests being returned unprocessed. The new regulations also require certified agencies to verify an applicant’s identity with a government issued photographic form of identification and maintain a copy of that identification to document the verification process.

### **Mandatory CORI Policy and Opportunity To Dispute Accuracy Or Relevancy**

Certified agencies now must provide applicants the opportunity to dispute the accuracy or relevance of a CORI report prior to making an adverse decision based on information within the CORI report. As part of this procedure, after notifying an applicant of a potential adverse decision, agencies must provide the applicant a copy of the CORI report and the agency’s CORI policy, as well as the CHSB’s *Information Concerning the Process in Correcting a Criminal Record*. The agency must inform the applicant which part of the criminal record appears to make the applicant ineligible, and the applicant must be given an opportunity to dispute the accuracy and relevance of this information. These notice requirements are *in addition to* any requirements under the federal Fair Credit Reporting Act (“FCRA”) and the Massachusetts “mini-FCRA” that may apply. Agencies must maintain a CORI policy consistent with the new regulations.

## Enhanced Administrative Responsibilities For Authorized Personnel

The new regulations require CORI authorized personnel of certified agencies to meet enhanced administrative responsibilities to ensure that CORI is requested, accessed and utilized in compliance with the law. All CORI authorized personnel need to meet the standards of and sign a revised Agreement of Non-Disclosure and Statement of CORI Certification Compliance. This Agreement is available on the CHSB's website and can be accessed by clicking [here](#). According to the CHSB, the signed form must be submitted to the CHSB within the next 30 days for all authorized staff members.

Because of the sensitive nature of the information collected for the new form and the CORI received, this information should be handled in a manner that will comply with laws that protect private information about an individual (including the recent Fair and Accurate Credit Transactions Act ("FACTA") as only one example). It is important to maintain the information separately from routine personnel records and documents to ensure that access is limited to employees with a legitimate need to know and to government inspectors (after clearance with legal counsel); and to ensure secure disposal of the information when it no longer is needed.

***Watch your inbox for information on the Breakfast Briefing on "The Ins and Outs of Background Checks: What Every Human Resources Professional Should Know" that Seyfarth Shaw will offer in September 2005!***

*If you have any questions concerning the new regulations, please contact the Seyfarth Shaw attorney with whom you work or any other attorney listed on our website at [www.seyfarth.com](http://www.seyfarth.com).*



Breadth. Depth. **Results.**

This One Minute Memo is a periodical publication of Seyfarth Shaw LLP and should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general information purposes only, and you are urged to consult a lawyer concerning your own situation and any specific legal questions you may have. For further information about these contents, please contact any Seyfarth Shaw LLP office. Copyright © 2005 Seyfarth Shaw LLP. All Rights Reserved.