



CREDIT UNION DEPARTMENT POLICY

POLICY #209

December 31, 2024

CRIMINAL HISTORY RECORD INFORMATION POLICY APPLICANTS AND EMPLOYEES

INTRODUCTION

The applicable procedure which coincides with this policy is [Procedure #209](#), titled Criminal History Record Information – Employee/Applicant.

The Department is responsible for the supervision of credit unions that provide important financial services to the citizens of Texas. Much of the supervisory information in the possession of the Department is confidential as is the personal financial information handled by these institutions. To provide the highest degree of integrity and credibility in fulfilling its statutory responsibilities, to maintain the safest possible environment for employees and to protect the use of any information to which employees may have access, the Department has instituted a policy to conduct criminal history record checks.

The Department will obtain criminal history record information (CHRI) for all full-time, part-time and temporary employees, and all job applicants recommended for hiring. These CHRIs, pursuant to [TEX. GOV'T CODE, Chapter 411](#), may be performed on a regular and ongoing basis at the discretion of the Commissioner.

The Department may require that its contractors certify to the Department that the contractor's employees and subcontractors do not have criminal convictions or deferred adjudications.

This policy describes the process that the Department will follow to request information and to ensure that CHRI is used to provide a secure environment.

Job applicants, employees, and contractors are expected to cooperate fully in the criminal record check process and may be required to provide fingerprints for a federal criminal record check. Should fingerprinting be required, the Department will notify the affected individuals that the fingerprints will be used to check against the criminal history records of the Federal Bureau of Investigation (FBI). The Department will provide such individuals the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The Department will also advise the individual that procedures for obtaining a change, correction, or updating of an FBI identification record are set forth in [28 CFR §16.34](#) Procedure to obtain change, correction or updating of identification records.

OBTAINING CRIMINAL HISTORY INFORMATION

Criminal history record checks (CHRCs) will be obtained by the Executive Assistant to the Commissioner (EA) from the Texas Department of Public Safety (DPS). The Commissioner shall determine the type of criminal history record check used for a job position and may require a federal criminal record check, if needed. Criminal history record checks require consent from the employee or applicant. For persons employed by the Department as of the effective date of this policy, CHRCs may be performed by the EA. For applicants who are recommended for hiring, CHRCs will be performed while references are checked. Employment or continued employment is contingent upon consent to a record check as required and a satisfactory criminal history.

As part of its procurement process, the Department may require contractors and subcontractors to certify that their employees, volunteers, and interns do not have disqualifying criminal history. The Department may require contractors and subcontractors to submit the names and other relevant information about the contractors' and subcontractors' employees, volunteers, and interns who have or will have access to Department facilities or to confidential information so that the Department may obtain information in accordance with this policy and its associated procedures. The Staff Service Officer shall make this policy available to contractors and subcontractors during the procurement process.

EVIDENCE OF CRIMINAL CONVICTION

Evidence of criminal conviction(s) or other relevant information obtained from a CHRC will not automatically disqualify an individual from employment with the Department. Consideration of such information shall be based upon the facts of the situation. The determination of whether an individual about whom such information is obtained is qualified to provide services to the Department shall be made by the Commissioner or Deputy Commissioner, consistent with applicable law and based on discussions with the Staff Service Officer (human resources) and others deemed necessary, considering factors that include:

- The specific duties of the position held or being sought;
- The extent to which the position might offer an opportunity to engage in further activity of the same or similar type as that in which the person previously had been involved;
- The number of offenses committed by the individual;
- The past performance of employee at the Department;
- The length of employment at the Department;
- The nature and severity of each offense;
- The length of time between the offense and the employment decision;
- The efforts by the individual at rehabilitation;
- The accuracy of the information on the individual's employment application; and
- Compliance with Department policies.

The decision of the Commissioner or Deputy Commissioner is final concerning whether the individual is disqualified from working, or continuing to work, at the Department.

NOTIFICATION OF SUBSEQUENT ARREST OR CONVICTION

Each Department employee shall immediately give written notice to the Staff Service Officer (human resources) if he or she is arrested for, or convicted of any offense, not including minor traffic violation, at any time after the initial criminal history record check is performed by the Department.

Department employees who do not report subsequent arrests or convictions as required are subject to termination. Human resources shall make a recommendation to the Commissioner concerning whether the employment of an individual who does not comply with this section of the policy should be terminated. The decision of the Commissioner is final concerning whether the individual's employment is terminated.

EVIDENCE OF ARREST WITH NO EVIDENCE OF FINAL DISPOSITION

1. **Job Applicants** – The Department is not required to make a decision concerning the disqualification of job applicants when the CHRI supplied to the Department does not reflect the final disposition of relevant criminal charges. In addition, the Department is not required to hold open a position for which an applicant has applied while evidence is provided as to final disposition of the charge related to an arrest if the Commissioner, with the advice of human resources and others deemed necessary, determines that doing so is impractical or likely to disadvantage or inconvenience the Department in carrying out its responsibilities or may put the resources of the State at risk. If the Department holds the position open until final disposition evidence is obtained, the Department shall follow the section of this policy entitled “Evidence of Criminal Conviction” in determining whether the applicant is disqualified from employment.
2. **Employees** – When the Department receives evidence of an arrest that does not reflect final disposition of the related charge, the Department may require that the affected employee provide satisfactory evidence to the Department concerning final disposition of the charge related to the arrest.

The Department is not required to retain an arrested employee while evidence is obtained as to the final disposition of the charge related to the arrest if the Commissioner, with the advice of human resources and others deemed necessary, determines that doing so is likely to disadvantage or inconvenience the Department in carrying out its responsibilities or may put the resources of the State at risk.

If the Department retains the affected employee until final disposition evidence is obtained, upon receipt of such evidence, the Department shall follow the section of this policy entitled “Evidence of Criminal Conviction” in determining whether the employee is disqualified from continuing to hold a position.

OPPORTUNITY TO VERIFY IDENTITY OR TO CORRECT CHRI

The employee or applicant whose criminal history record reveals potential disqualifying information shall have the opportunity to prove that he or she is not the subject of the criminal record or to correct incorrect information in the CHRI with the appropriate law enforcement agency. The Department shall not be required to hold open the position for which the employee or an applicant applied, while correction is being sought if the Commissioner determines that doing so is likely to disadvantage or inconvenience the Department in carrying out its responsibilities or to put the resources of the State at risk.

Individuals who contend that the relevant criminal history record does not relate to them or that their record contains incorrect information should be directed to contact the DPS Error Resolution Unit at (512) 424-7256 for instructions on how to proceed. Those individuals will be given the opportunity to submit fingerprints to DPS for comparison with the fingerprints of the criminal record in question or to provide court records to correct information they believe was incorrectly represented in the record. The DPS will report the results of the fingerprint comparison or any corrected information to the Department.

DISCLOSURE

A criminal history information obtained pursuant to this policy and any documents or other records derived from that information shall not be release or disclosed except:

1. by court order
2. with the consent of the person who is the subject of the information, or
3. to the affected contractor or subcontractor unless the information was obtained from the Federal Bureau of Investigation (FBI). Information obtained from the FBI may not be released or disclosed to anyone other than the person who is the subject of the information unless a court order directs the release or disclosure of the information.

STORAGE AND DESTRUCTION OF CRIMINAL HISTORY RECORDS

The criminal history records obtained by the Department, pursuant to [TEX. GOV'T CODE §411.1407](#), shall be destroyed after the relevant employment decision is made or personnel action is taken. CHRI that is not public information shall be maintained securely and separately from personnel records prior to destruction.

All CHRI shall be maintained and destroyed in accordance with Procedure #209.

INFORMATION SECURITY FOR CHRI

Access to and the use of background information and criminal history information is strictly controlled. Only persons who have completed registration through DPS website and have agreed to the Non-Criminal Justice User Agreement as reflected on the DPS website may have access to CHRI. Authorized users who need access to CHRI information, whether electronic or hard copy, must adhere to the DPS Criminal History Security Policy. Violations of this procedure is subject to disciplinary actions in accordance with the DPS Criminal History Security Policy, as well as Policy #206 (*Disciplinary Actions*).

Any computer security incidents related to possible exposure of information obtained from the DPS systems must be reported in accordance with DPS procedures using the Computer Security Incident Response Capability Reporting Form attached to this policy in [Appendix A](#).

DEPARTMENT OF PUBLIC SAFETY CRIMINAL HISTORY SECURITY POLICY

POLICY – maintained by DPS

AUTHORIZATION TO CONDUCT CRIMINAL HISTORY CHECKS

The DPS in association with the FBI and the Criminal Justice Information Services (CJIS) Division authorize agency access to criminal history information for authorized purposes. Individuals employed by the Department who have access to this information are expected to protect the security of this information and complete training as prescribed by CJIS, DPS, and the FBI.

All staff members are required to report any suspected security incident which may include computer systems, security policy violations or misuse of information. Reports should be made to the Information Security Officer (ISO) or the Director of Information Systems of the Department and should include: the date of the incident; location of the incident; system affected; method of detection; nature of incident; description of incident; actions taken/resolution; date and contact information.

Unauthorized request, receipt, release, interception, dissemination, or discussion of Criminal Justice Information could result in criminal prosecution and/or termination of employment.

HISTORY

ADOPTED:	December 1, 2015
LAST REVIEWED DATE:	December 31, 2024 June 27, 2023 January 4, 2022 December 28, 2020 October 26, 2020 October 9, 2019 November 28, 2018
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**TEXAS CJIS SECURITY OFFICER (ISO)
COMPUTER SECURITY INCIDENT RESPONSE CAPABILITY (CSIRC)
REPORTING FORM**

DATE OF REPORT (MM//DD/YYYY): _____

DATE OF INCIDENT (MM/DD/YYYY): _____

POINT(S) OF CONTACT: _____

PHONE/EXT/E-MAIL: _____

LOCATION(S) OF INCIDENT: _____

SYSTEM(S) AFFECTED: _____

AFFECTED SYSTEM(S) DESCRIPTION (e.g. CAD, RMS, file server, etc.): _____

METHOD OF DETECTION: _____

NATURE OF INCIDENT: _____

INCIDENT DESCRIPTION: _____

IF MOBILE OR HAND-HELD DEVICE: _____

WAS DEVICE(S) LOCKED OR UNLOCKED AT TIME OF INCIDENT? _____

WAS DEVICE COMPROMISED (MOMENTARY) OR TOTAL LOSS? _____

WAS LOSS OR COMPROMISE OUTSIDE OF UNITED STATES? _____

ACTIONS TAKEN/RESOLUTION: _____

COPIES TO:

Stephen "Doc" Petty
Texas CJIS ISO
5805 N Lamar Blvd
Austin, TX 78765-4143
Stephen.Petty@dps.texas.gov

Michelle Farris
Assistant Division Director, CRS
5805 N Lamar Blvd
Austin, TX 78765-4143
Michelle.Farris@dps.texas.gov