



# **OKLAHOMA**

## **State Board of Licensed Social Workers**

### **Oklahoma State Board of Licensed Social Workers' (OSBLSW) Policy on Background Checks**

Effective November 1, 2011 and in accordance with HB1715, the OSBLSW will require social work licensure applicants to submit to sex offender, violent offender, and national criminal history checks.

Please note that by submitting to this background check, you are submitting to both a State (Oklahoma) and Federal background check. Any finding noted on the criminal history check may result in the applicant making a personal appearance before the Board of Directors to explain the finding that was not disclosed on the application for social work licensure, if there is a pattern of charges, or substance-related charges within five years of the application being made.

Applicants submitting to the criminal history background check are entitled to obtain a copy of their record. Applicants may visit the Oklahoma State Board of Licensed Social workers at the physical location. Upon presenting the appropriate identification, the Board office will provide copies of record to the applicant.

The FBI will retain your fingerprints and associated information/biometrics and, while retained, your fingerprints will continue to be compared against other fingerprints submitted to or retained by the FBI.

Please note that applicants may challenge the accuracy of information contained in the criminal history background check as per the following Code of Federal Regulation.

#### **Privacy Act Statement and Applicant Notification Authority:**

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

#### **Principal Purpose:**

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

#### **Routine Uses:**

During the processing of this application and for as long thereafter as your fingerprints and associated

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

**Applicant Record Challenge:**

Before a final decision is made, you have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedure for obtaining a change, correction, or updating an FBI identification record is set forth in Title 28, CFR 16.34. For information on updating the national criminal history record, visit this [website \(https://www.fbi.gov/cjis/identity-history-summary-checks#challenge-of-an-identity-history-summary\)](https://www.fbi.gov/cjis/identity-history-summary-checks#challenge-of-an-identity-history-summary).

If certified documents are obtained for the purpose of updating your criminal history record, the documents should be forwarded to the FBI and to the repository in the state where the arrest occurred.

**Title 28, C.F.R., §16.34, 16.34 - Procedure to obtain change, correction or updating of identification records:**

If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

The OSBLSW does not maintain a permanent record of the background check finding. Copies of the background check findings are available only so long as they are maintained via the Federal Bureau of Investigation secure portal (up to 30 days).

Applicants who wish to receive a copy of their finding may do so by visiting the OSBLSW and providing appropriate verification (government issued ID). If the background check process was completed over 30 days prior to the request, the OSBLSW will not be able to provide the applicant with a copy of the finding.

**Application of Policy:**

This policy applies to all social workers making application after November 1, 2011, including new applicants and applicants who were previously licensed and seeking reinstatement of their license, and applicants requesting to make application in Oklahoma from another state based on reciprocity.

**Purpose:**

Safeguard the welfare of the people of the State of Oklahoma.

If the results of the national criminal history record check reveal the applicant has been convicted of, or pled guilty or nolo contendere to, any felony, or to any misdemeanor involving moral turpitude, the individual's application for licensure may be disapproved by the Board with no further action taken on the application.

**Appeals:**

Individuals with findings subject to section (A. 2.) will be requested to appear before the Board to provide additional information about their criminal history should they wish to continue with the application process.

**Background Check Procedures:**

The completion of the background check process is now being managed electronically through Idemia. ALL applicants **MUST** submit to a background check using the electronic process. Fees for the background check process will be paid directly to Idemia at the time you are printed for the background check. BOTH OKLAHOMA and NON-OKLAHOMA RESIDENTS can schedule an appointment or complete the background check process by accessing the this [link](https://ok.ibtfingerprint.com/workflow/2B7NG9) (<https://ok.ibtfingerprint.com/workflow/2B7NG9>) and entering service code 2B7NG9. Applicants assume responsibility to input the correct service code when registering for fingerprints. If the incorrect code is put in during registration, the OSBSW is unable to alter the course in which the prints are directed, and the applicant will submit to new fingerprints and pay the coinciding fingerprint fee.

**Misuse of Criminal History Record Information:****1. Purpose:**

The purpose of this policy is to establish clear procedures for responding to incidents involving the intentional misuse of Criminal History Record Information (CHRI). This policy ensures compliance with applicable federal, state and CJIS security policy requirements and protects the confidentiality, integrity and lawful use of CHRI.

**2. Scope**

This policy applies to all agency personnel, both internal and external.

**3. Definition**

Intentional misuse of CHRI includes, but is not limited to:

- Accessing CHRI without a legitimate business need
- Using CHRI for personal, political, or unauthorized purposes
- Disseminating CHRI to unauthorized individuals
- Altering, falsifying or improperly retaining CHRI
- Accessing CHRI under false pretenses

**4. Policy Statement**

Any intentional misuse of CHRI is strictly prohibited and will result in immediate corrective action, up to and including termination, criminal prosecution and civil penalties.

**5. Procedures for Responding to Intentional Misuse of CHRI****I. Identification and Initial Reporting:**

- Any employee who becomes aware of suspected or confirmed misuse of CHRI must immediately report the incident to their supervisor, Agency Security Officer or designated CJIS contact.
- Reports are initially verbalized, but must be followed with written documentation.

**II. Immediate Access Control Actions:**

- Upon discovery or credible suspicion of intentional misuse
- Using CHRI for any purpose other than what is allowed by State or Federal law
- Misuse of CHRI can result in loss of CHRI access, loss of employment and criminal prosecution
- Misuse of CHRI must be reported immediately

**III. Incident Documentation – The Agency Shall Document:**

- Date and time of discovery
- Individuals involved
- Systems and records accessed
- Nature and scope of misuse
- Immediate containment actions taken

- Documentation shall be retained in accordance with agency records retention policies
- IV. Internal Investigation:**
  - Agency shall initiate a formal investigation led by management, HR and/or Internal Affairs.
  - Audit logs, records, and related evidence shall be preserved.
  - Investigation shall determine intent and impact regarding policy or legal violations
- V. Notification and External Reporting – Agency Security Officer Shall Notify:**
  - The state CJIS Systems Agency
  - Appropriate regulatory and/or oversight bodies
  - Law enforcement authorities where criminal activity is suspected
    - Notifications shall be made in accordance with CJIS Security Policy and state reporting requirements.
- VI. Disciplinary and Corrective Actions:**
  - Confirmed misuse shall result in disciplinary action, which may include but not be limited to:
    - Written reprimand
    - Suspension
    - Termination of employment
    - Revocation of CHRI access privileges
      - Disciplinary action will be consistent with agency policies and collective bargaining agreements
- VII. Legal Action:**
  - If warranted, the agency may pursue:
    - Criminal charges
    - Civil remedies
    - Administrative sanctions
- VIII. Remediation and Prevention:**
  - The agency shall:
    - Conduct a risk assessment to identify control gaps
    - Implement corrective measures (technical, administrative, physical, etc.)
    - Require training or re-certification for staff with CHRI access
    - Update policies/procedures as needed
- IX. Training and Awareness:**
  - All personnel with CHRI access shall receive initial and recurring CHRI security and misuse awareness training
  - Employees shall acknowledge in writing their understanding of CHRI responsibilities and consequences of misuse:
    - FBI CJIS security policy, personnel sanctions
    - FBI CJIS security policy, information handling
- X. Non-Retaliation:**

The agency prohibits retaliation against any individual who reports suspected misuse of CHRI in good faith.
- XI. Policy Enforcement:**

Failure to comply with this policy may result in disciplinary action, loss of CHRI access, loss of employment and/or criminal prosecution.