

to the receiving state's applicable statute, executive order, regulation, formal determination or directive of the state attorney general, or other applicable legal authority.

(c) If the state receiving the record has no law, regulation, executive order, state attorney general directive, or other legal authority providing guidance on the screening of criminal history record information received from the FBI or another state as a result of a national search, then the record screening under §904.3(a) shall be performed in the same manner in which the state screens its own records for noncriminal justice purposes.

#### **PART 905—NATIONAL FINGERPRINT FILE (NFF) PROGRAM QUALIFICATION REQUIREMENTS**

Sec.

905.1 Definition.

905.2 Purpose and authority.

905.3 Participation in the NFF Program.

AUTHORITY: 42 U.S.C. 14616.

SOURCE: 70 FR 73587, Dec. 13, 2005, unless otherwise noted.

##### **§ 905.1 Definition.**

“National Fingerprint File” means a database of fingerprints, or other uniquely personal identifying information, relating to an arrested or charged individual maintained by the FBI to provide positive identification of record subjects indexed in the III System.

##### **§ 905.2 Purpose and authority.**

The purpose of this part 905 is to require each National Fingerprint File (NFF) participant to meet the standards set forth in the NFF Qualification Requirements as established by the Compact Council (Council). The Council is established pursuant to the National Crime Prevention and Privacy Compact Act (Compact), title 42, U.S.C., §14616.

##### **§ 905.3 Participation in the NFF Program.**

Each NFF Program participant shall meet the standards set forth in the NFF Qualification Requirements as established by the Council and endorsed

by the FBI's Criminal Justice Information Services Advisory Policy Board; however, such standards shall not interfere or conflict with the FBI's administration of the III, including the NFF, for criminal justice purposes. Each participant's performance will be audited and measured by criteria designed to assess compliance with those requirements. Measurements by which to determine compliance to the NFF Qualification Requirements are outlined in the FBI and State Sampling Standards. (For a copy of the standards, contact the FBI Compact Officer, 1000 Custer Hollow Road, Module C-3, Clarksburg, WV 26306-0001.)

#### **PART 906—OUTSOURCING OF NONCRIMINAL JUSTICE ADMINISTRATIVE FUNCTIONS**

Sec.

906.1 Purpose and authority.

906.2 Third party handling of criminal history record information.

AUTHORITY: 42 U.S.C. 14616.

SOURCE: 69 FR 75245, Dec. 16, 2004, unless otherwise noted.

##### **§ 906.1 Purpose and authority.**

The purpose of this part 906 is to establish rules and procedures for third parties to perform noncriminal justice administrative functions involving access to Interstate Identification Index (III) information. The Compact Council is establishing this rule pursuant to the National Crime Prevention and Privacy Compact (Compact), title 42, U.S.C., chapter 140, subchapter II, section 14616. The scope of this rule is limited to noncriminal justice background checks in so far as they are governed by the provisions of the Compact as set forth in 42 U.S.C. 14614 and 14616.

##### **§ 906.2 Third party handling of criminal history record information.**

(a) Except as prohibited in paragraph (b) of this section, criminal history record information obtained from the III System for noncriminal justice purposes may be made available:

(1) To a governmental agency pursuant to a contract or agreement under which the agency performs activities or functions for another governmental