



Research into Illinois' CHRI Regulations

INDIVIDUAL ACCESS AND REVIEW

Fair Information Practices Individual Participation

Under the Individual Participation FIP, except where it would compromise an investigation, case, or court proceeding, individuals can:

- a) Obtain confirmation of whether the agency has data relating to him,
- b) Have the data communicated to him in a reasonable time, manner, and cost.
- c) Challenge a denied request under (a) or (b), and
- d) Challenge incorrect data.

If the challenge is successful, the data should be amended with notification to all parties who received the incorrect information. However, where an agency decides not to amend information as requested by the individual, the data must be annotated.

Summary

Illinois's criminal history repository complies with the Individual Participation FIP. Illinois also substantially complies with the Code of Federal Regulations requirements, some of which are more stringent than the FIP would require.

Code of Federal Regulations

The Department of Justice's regulations of federally funded criminal history repositories require states to develop procedures that insure individuals have a right to access their criminal history information for the purpose of reviewing its accuracy and completeness.¹ The regulations provide the following:

1. Individuals must be entitled to access and obtain a copy of any criminal history information² maintained about them.
2. Where the individual disputes the accuracy of the data, the criminal justice agency must provide procedures for administrative review, and correction where appropriate.
3. Where a criminal justice agency refuses to correct challenged information to the satisfaction of the individual, the state must establish procedures for administrative appeal.
4. Upon request, an individual whose record has been corrected must be given the names of all non-criminal justice agencies to which the data has been given.
5. The correcting agency must notify all criminal justice recipients of corrected information.

Illinois Compiled Statutes

The Illinois General Assembly requires the Illinois State Police to establish reasonable fees and rules to allow an individual to review and correct any criminal history record information the state police may hold concerning that individual upon verification of the individual's identity.³ The General Assembly required the State Police to notify all requestors of updated information, limited the update requirement only to conviction information, and divided the burden of updating information between the State Police and the requestor.⁴ No Illinois statute gives the individual the right to receive the names of all non-criminal justice recipients of the data upon his request.

Illinois Administrative Code

The Illinois State Police have promulgated rules for access and review of criminal history record information.⁵ Once an individual's identity is verified by his fingerprints, he is permitted to view his criminal history information but may not keep a copy of the transcript. If he disputes the accuracy of the information, the individual may file a written challenge with the State Police and, if unsuccessful, has the right to an administrative appeal at the Illinois Criminal Justice Information Authority. Where information is ordered corrected by the Authority, the State Police notify all criminal justice recipients of the amended data.

¹ 28 C.F.R. § 20.21(g)

² See 28 C.F.R. § 20.3(d) (defining criminal history record information).

³ 20 ILCS 2630/7

⁴ 20 ILCS 2630/12

⁵ ILL. ADMIN. CODE tit. 20 § 1210 *et. seq.*