

## IMPORTANT NOTICE CONCERNING YOUR FINGERPRINT-BASED BACKGROUND CHECK

As an applicant who is the subject of a state and/or national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for a job or license, an immigration or naturalization matter, security clearance, or adoption), you must understand that mailing your fingerprints to the Missouri State Highway Patrol or IDEMIA (Identogo), the Missouri Fingerprint Services vendor, you hereby agree to the following:

- Your fingerprints will be used to check the criminal history record files of the Missouri State Highway Patrol (MSHP) and/or the Federal Bureau of Investigations (FBI).
- Any criminal history information returned as a result of this search will be made available to requestors pursuant to Chapter 43 RSMo.
- All information including your fingerprints, photograph, and any demographic data collected during the course of your fingerprint-based record check may be stored in MSHP and/or FBI files. Such data will be subject to comparisons against other submissions received by the MSHP and/or the FBI and to further disseminations by the MSHP or the FBI as may be authorized under the Federal Privacy Act (5USC 552a(b)) or Missouri Revised Statutes.
- Any future updates made to your arrest record may also be shared with the agency requesting this fingerprint-based background check if the requesting agency is a subscriber to the state or federal Rap Back program

Questions about this notice may be directed to the Missouri State Highway Patrol Criminal Justice Information Services Division at 573-526-6153 or [machs@mshp.dps.mo.gov](mailto:machs@mshp.dps.mo.gov)

## Q & A Regarding the Fingerprinting of Real Estate Applications

### **1. *Who must get fingerprinted?***

Everyone who is applying for an original real estate license through the Missouri Real Estate Commission (MREC) is required to be fingerprinted before making application for an original license. All applicants are required to have their fingerprints taken through the Missouri State Highway Patrol's approved vendor for both the Missouri State Highway Patrol (MSHP) and Federal Bureau of Investigation (FBI) fingerprint background check. Currently the approved vendor is IDEMIA (Identogo).

A copy of the receipt provided by the approved vendor must be submitted with the license application. Assuming everything else is in order and no convictions or pleadings are disclosed, a temporary work permit will be issued even if the fingerprint check results are not yet received by the MREC. However, a license will not be issued until the fingerprint check results are received and a satisfactory result is indicated.

**SAVE YOUR RECEIPT.** This receipt contains vital tracking information should there be any questions.

### **2. *What will I need to do to get fingerprinted?***

You must first register with the Missouri Automated Criminal History Site (MACHS) at [www.machs.mo.gov](http://www.machs.mo.gov). You will need to provide the MREC's four-digit registration number, **0004**, to authorize the MSHP and FBI to send the results to the MREC.

Upon registration, you will be directed to a list of fingerprint locations available throughout the state, some sites may offer evening and/or weekend hours. You are required to bring a Photo ID with you to the fingerprint site. Acceptable forms of ID are a valid driver's license, military ID, or a passport. While each location is on a first come, first served basis appointments should be scheduled and will take precedence over walk-ins. The actual fingerprint process will take approximately 10 minutes.

### **3. *How soon must the fingerprint check be completed?***

To reduce the number of fingerprint check results received by the MREC from individuals who do not apply for a real estate license, the Criminal Justice Information Service of the MSHP suggests waiting to be fingerprinted by the approved vendor until just before, or at the same time, registration is made to take the licensure examination. As only a fingerprint receipt from the vendor needs to be submitted with the application,

and since the fingerprint check results are typically received by the MREC within three to five days of the prints being taken, this should not delay the processing of an application.

#### **4. *How much does it cost and who gets the money?***

The fee is \$41.75 – IDEMIA (Identogo) receives \$8.50; the MSHP receives \$20.00; and the FBI receives \$13.25. The MREC does not receive any portion of this fee.

#### **5. *How do I pay for this service?***

You will not be required to pay until you arrive at the IDEMIA (Identogo) approved site to submit your fingerprints. You can pay by credit card, debit card, money order or cash (must be exact change). No personal checks will be accepted.

#### **6. *How will the approved vendor know who is to be given the results?***

MREC's four-digit registration number, **0004**, which you must provide when registering at [www.machs.mo.gov](http://www.machs.mo.gov) identifies the MREC as the authorized agency to which the results are to be provided. Failure to identify the MREC as the authorized agency may cause you to be fingerprinted again at your expense.

#### **7. *Must I have an appointment and how long will it take?***

Appointments are NOT required. However, you must pre-register at [www.machs.mo.gov](http://www.machs.mo.gov) before you can be fingerprinted.

The actual fingerprinting process typically takes 10 minutes or less.

#### **8. *What do I do after I get fingerprinted?***

At the conclusion of your fingerprinting appointment, you will be provided a receipt that contains your unique TCN number. You will use this TCN number if you need to contact MACHS regarding the status of your background check. A copy of this receipt must be submitted with your application for licensure.

The fingerprint checks are electronically obtained by the MREC. On occasion, either the MSHP or the FBI cannot read your prints. In this instance, you will be contacted by IDEMIA (Identogo) via e-mail and by phone informing you that your fingerprints have to be retaken.

**9. *What happens if I refuse to get fingerprinted?***

As fingerprinting is required to obtain a real estate license, you will not be able to get a license. This requirement is no different than having to meet the other requirements for obtaining a real estate license.

**10. *Do I still have to be fingerprinted if I've been fingerprinted for another agency or when I was in the military?***

Yes. Fingerprint results cannot be shared between agencies and results can change over time. Therefore, even if you had your fingerprints taken before, you must have them taken again and you must specify that the results are to be provided to the MREC.

**11. *Can I have my fingerprints taken at the local sheriff's office or at the MSHP instead of through the approved vendor?***

No. Regulations require the use of the MSHP's approved vendor. This is to reduce administrative and tracking problems.

**12. *What happens if the MREC is notified of a conviction or pleading that was not disclosed?***

All convictions and pleadings will be checked against the application. Should it be found that an applicant has failed to disclose convictions or pleas, the Commission will review the matter and determine if denial or discipline of a license is appropriate. This determination would be based on both the substance of the conviction or pleading and the failure to disclose the conviction or pleading.

**13. *What if I live out of state?***

If you reside out of state, you will be required to go to your local law enforcement agency to have your fingerprints taken. You will then submit the completed fingerprint card to IDEMIA (Identogo) for digital transfer and submission to the MSHP and FBI. Be sure to include the MREC's registration number, **0004**, on the fingerprint card. In addition to any fees charged by the local law enforcement agency, you will be required to pay the fees outlined in question 4. Mail the fee and fingerprint card to **IDEMIA (Identogo), Attention: MO Cardscan Department, 340 Seven Springs Way, Suite 250, Brentwood, TN 37067.**

Retain a copy of your IDEMIA (Identogo) payment and envelope to be used in lieu of a receipt.

## Missouri Applicant Fingerprint Privacy Notice

The Missouri Applicant Fingerprint Privacy Notice includes three (3) sections.

1. The State and National Rap Back Privacy Notice
2. The Noncriminal Justice Applicant Privacy Rights
3. The Privacy Act Statement

### State and Federal Rap Back Privacy Notice

Applicants submitting their fingerprint images to the Central Repository for a fingerprint based criminal record check are advised that their fingerprint images will be retained in state and federal biometrics databases, pursuant to Section 43.540 RSMo. If the submitting agency participates in the State or State and National Rap Back Programs, fingerprint images will be submitted, searched and retained for the purpose of being searched against future submissions to the State and National Rap Back programs; fingerprint searches will also include latent print searches.

The "Missouri Rap Back Program" and "National Rap Back Program" shall include any type of automatic notification made by the State Missouri and/or the Federal Bureau of Investigation through the Missouri State Highway Patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of the qualified entity has been arrested for a reported criminal offense and the fingerprints for that arrest were forwarded to the Central Repository or the Federal Bureau of Investigation by the arresting agency.

By signing the Missouri Applicant Fingerprint Privacy Notice you are acknowledging the receipt of and agreeing to the terms of the State and National Rap Back Privacy Notice, the Noncriminal Justice Applicant Privacy Rights, and the Privacy Act Statement.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## NONCRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification<sup>1</sup> that your fingerprints will be used to check the criminal history records of the FBI.
- You must be provided, and acknowledge receipt of, an adequate Privacy Act Statement when you submit your fingerprints and associated personal information. This Privacy Act Statement should explain the authority for collecting your information and how your information will be used, retained, and shared.<sup>2</sup>
- If you have a criminal history record, the officials making a determination of your suitability for the employment, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or update of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the criminal history record.<sup>3</sup>

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.<sup>4</sup>

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)

<sup>1</sup>Written notification includes electronic notification, but excludes oral notification. <sup>2</sup>

<https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement> <sup>3</sup>See 28 CFR 50.12(b). <sup>4</sup>See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article IV(c)

# Privacy Act Statement

*This privacy act statement is located on the back of the FD-258 fingerprint card.*

**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 Pub. L. 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 otherwise 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.

As of 03/30/2018