



ARIZONA BOARD OF FINGERPRINTING

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Final Minutes for Public Meeting

Held December 14, 2007, at 9:00 a.m.

3839 North 3rd Street, Suite 107, Phoenix, Arizona

Board Members

Charles Easaw, Department of Education, Chair
Kim Pipersburgh, Department of Health Services, Vice Chair
Rand Rosenbaum, Administrative Office of the Courts
Mike LeHew, Department of Economic Security
Arthur W. Baker, Department of Juvenile Corrections

Executive Director

Dennis Seavers

CALL TO ORDER AND ROLL CALL

Mr. Easaw called the meeting to order at 8:38 a.m. The following Board members were present: Charles Easaw, Kim Pipersburgh, Mike LeHew, and Arthur W. Baker. The following Board member was absent: Rand Rosenbaum.

Also in attendance was Dennis Seavers, Executive Director.

CALL TO THE PUBLIC

Mr. Easaw made a call to the public. No members of the public were present.

MINUTES

Mr. Baker made a motion to approve the draft minutes from the November 2, 2007 meeting. Mr. LeHew seconded the motion, which passed, 4–0.

EXECUTIVE DIRECTOR’S REPORT

Mr. Seavers referred Board members to his report on the Board’s budget performance through the first quarter of fiscal year (“FY”) 2008 (see Attachment 1). Mr. Seavers noted that the Board has had expenses of \$10,860.56 less than budgeted.

Mr. Baker asked whether the state’s budget crisis would affect the Board. Mr. Seavers responded that money in the Board of Fingerprinting Fund is not appropriated, so the Board likely would not be affected. He noted that previous state budget crises since 2003, when the Board of Fingerprinting Fund was exempted from legislative appropriation and when the Board’s revenues became fee-based, have historically not affected the Board. However, he added that there have been fund sweeps in previous crises that, however unlikely, could include the Board of Fingerprinting Fund. Mr. Baker asked whether a statewide hiring freeze would affect the Board. Mr. Seavers responded that a freeze probably would not affect the Board, but whether the Board is affected would depend on how the freeze is enacted. Usually, a freeze would only affect agencies with legislatively appropriated funds, and freezes often include need-based exceptions, which might apply to the Board.

Mr. Seavers referred Board members to his report on the Board’s strategic-plan performance through the first quarter of FY 2008 (see Attachment 2).

Mr. Seavers referred Board members to his December 11, 2007 memo on legislation for the upcoming session (see Attachment 3). Mr. LeHew said that he was concerned about the addition of security-system installers to the fingerprint-clearance-card system. He believed that this addition would stray from the purpose of the card system, which was established to protect certain vulnerable citizens.

Mr. Seavers said that there was an additional piece of legislation that he inadvertently omitted from the December 11 memo. He explained that the Department of Economic Security (“DES”) had contacted him about the Adam Walsh Act, a piece federal legislation that imposes various requirements on states. Among its provisions, the Act states that foster-care parents cannot have committed certain crimes. Some of the crimes are currently on the list of precluding offenses but are appealable. To comply with the Act, DES was considering legislation to move the offenses from the appealable to the nonappealable list. DES specifically mentioned spousal abuse as an offense that would be made nonappealable. Mr. Seavers told DES that the Board or the agencies in the fingerprint-clearance-card system probably would oppose the legislative proposal. As an alternative, he suggested that DES consider removing foster parents from the card system or establishing a restricted fingerprinting clearance card that would not give clearance for foster parents.

ADOPTION OF PERFORMANCE MEASURES

Mr. Easaw referred Board members to Mr. Seavers's December 11, 2007 memo describing proposed performance measures to add to the Board's strategic plan (see Attachment 4). The new performance measures would include the following and would have targets of 100%.

- Percent of applications that have an expedited review within 20 days of receipt of a complete application;
- Percent of applications that have an administrative hearing within 45 days of an expedited review;
- Percent of applications decided within 80 of an administrative hearing.

Ms. Pipersburgh made a motion to adopt the proposed performance measures. Mr. LeHew seconded the motion, which passed 4–0.

SCHOOL-DISTRICT CLASSIFIED PERSONNEL

Mr. Easaw explained that the State Board of Education issued guidelines to school districts. According to these guidelines, school-district classified personnel would not be required to have a fingerprint clearance card.

ONLINE CASE-STATUS INFORMATION

Mr. Easaw referred Board members to Mr. Seavers's December 11, 2007 memo about online status information (see Attachment 5). Mr. Easaw noted that the memo recommended that Board members adopt the option to make limited case-status information available online.

Ms. Pipersburgh asked whether Board employees would give applicants' case numbers to the applicants' employers if the employers called the Board office. Mr. Seavers said that the staff would not, unless the Board wanted the staff to share this information. He said that the Board's current policy is not to share status information with employers, except for state agencies, unless the applicants submit a written waiver allowing the staff to share the information. Since sharing the case number would allow the employer to see case-status information, the Board staff would not share the number with the employer. Mr. Seavers explained that the Board staff would provide the case number to employers if the applicants submitted a written waiver allowing the Board staff to share case-status information with employers.

Mr. LeHew made a motion to authorize making case-status information available online and to approve related expenditures, as described in option 2 of Mr. Seavers's December 11, 2007 memo. Under this option, a limited amount of information—specifically, application number, applicant's initials, and status—would be available online. Ms. Pipersburgh seconded the motion, which passed 4–0.

ADJOURNMENT

Mr. LeHew made a motion to adjourn the meeting, and Mr. Baker seconded. The motion passed, 4-0. Mr. Easaw adjourned the meeting at 9:43 a.m.

Minutes approved on February 8, 2008

Dennis Seavers, Executive Director

Arizona Board of Fingerprinting
FY08 Budget vs. Actual
July 1, 2007, to September 30, 2007

	<u>Jul - Sep 07</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>	<u>Total Budget</u>	<u>Total% of Budget</u>
Income						
4900 - Transfers In						
4901 - Operating Transfers In	60,140.00	60,140.00	0.00	100.0%	302,589.00	19.88%
Total 4900 - Transfers In	60,140.00	60,140.00	0.00	100.0%	302,589.00	19.88%
FY07 Carryover	470,231.64	470,231.64	0.00	100.0%	470,231.64	100.0%
Total Income	530,371.64	530,371.64	0.00	100.0%	772,820.64	68.63%
Expense						
6000 - Personal Services						
6010 - Basic Compensation						
6011 - Regular Base Salary	58,297.87					
Total 6010 - Basic Compensation	58,297.87					
6030 - Exception Compensation						
6028 - 2.75% Performance Pay	1,937.10					
Total 6030 - Exception Compensation	1,937.10					
6040 - Leave Compensation						
6041 - Annual Leave	2,308.01					
6042 - Sick Leave	1,518.56					
6047 - Annual Leave Payout	7,306.30					
6048 - Holiday Leave Taken	1,865.25					
Total 6040 - Leave Compensation	12,998.12					
6000 - Personal Services - Other	0.00	67,929.16	-67,929.16	0.0%	279,611.58	0.0%
Total 6000 - Personal Services	73,233.09	67,929.16	5,303.93	107.81%	279,611.58	26.19%
6100 - ERE						
6110 - Insurance						
6111 - FICA	5,459.71					
6113 - Medical Insurance	6,581.02					

Arizona Board of Fingerprinting
FY08 Budget vs. Actual
July 1, 2007, to September 30, 2007

	<u>Jul - Sep 07</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>	<u>Total Budget</u>	<u>Total% of Budget</u>
6114 - Basic Life	59.93					
6116 - Long-term Disability	328.57					
6117 - Unemployment Insurance	107.07					
6118 - Dental Insurance	439.89					
6119 - Worker's Compensation	856.57					
Total 6110 - Insurance	13,832.76					
6150 - Retirement Plan Payments						
6155 - ASRS	5,942.44					
Total 6150 - Retirement Plan Payments	5,942.44					
6180 - Other ERE						
6183 - Personal Services	783.59					
6185 - GITA Charge	109.90					
6186 - Atty. Gen. Pro Rate Chg.	494.35					
6189 - Sick Leave Accumulation	292.94					
Total 6180 - Other ERE	1,680.78					
6100 - ERE - Other	0.00	24,073.06	-24,073.06	0.0%	106,505.89	0.0%
Total 6100 - ERE	21,455.98	24,073.06	-2,617.08	89.13%	106,505.89	20.15%
6200 - Prof. & Outside Services						
6210 - Financial Services						
6211 - Bond Issuance Cost	413.25	413.25	0.00	100.0%	1,653.00	25.0%
Total 6210 - Financial Services	413.25	413.25	0.00	100.0%	1,653.00	25.0%
6270 - Education & Training						
6271 - Education & Training	56.00	32.00	24.00	175.0%	32.00	175.0%
Total 6270 - Education & Training	56.00	32.00	24.00	175.0%	32.00	175.0%
6290 - Other Prof. & Out. Svcs.						
6299 - Other Prof. & Out. Svcs.	117.50	15,450.00	-15,332.50	0.76%	15,450.00	0.76%

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	<u>Jul - Sep 07</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>	<u>Total Budget</u>	<u>Total% of Budget</u>
Total 6290 - Other Prof. & Out. Svcs.	117.50	15,450.00	-15,332.50	0.76%	15,450.00	0.76%
Total 6200 - Prof. & Outside Services	586.75	15,895.25	-15,308.50	3.69%	17,135.00	3.42%
7000 - Other Operating						
7150 - IT Services						
7153 - Internal Svc. Data Proc.	1,279.11	2,100.00	-820.89	60.91%	8,400.00	15.23%
7172 - External Comm. Long Dist	10,940.64	2,700.00	8,240.64	405.21%	10,800.00	101.3%
7179 - Other External Comm.	380.22	850.00	-469.78	44.73%	3,100.00	12.27%
Total 7150 - IT Services	12,599.97	5,650.00	6,949.97	223.01%	22,300.00	90.49%
7200 - Rental Expenditures						
7221 - Rental of Land & Bldgs.	18,027.60	12,475.66	5,551.94	144.5%	60,004.66	30.04%
7229 - Miscellaneous Rent	39.73	200.00	-160.27	19.87%	344.00	11.55%
Total 7200 - Rental Expenditures	18,067.33	12,675.66	5,391.67	142.54%	60,348.66	29.94%
7250 - Repair & Maintenance						
7266 - Repair/Maint-Other Equip	75.67	310.00	-234.33	24.41%	1,240.00	6.1%
7269 - Repair & Maint (Other)	0.00	6,000.00	-6,000.00	0.0%	6,000.00	0.0%
Total 7250 - Repair & Maintenance	75.67	6,310.00	-6,234.33	1.2%	7,240.00	1.05%
7300 - Operating Supplies						
7321 - Office Supplies	2,688.76	3,750.00	-1,061.24	71.7%	15,000.00	17.93%
Total 7300 - Operating Supplies	2,688.76	3,750.00	-1,061.24	71.7%	15,000.00	17.93%
7450 - Conf, Edu, & Training						
7455 - Conf, Edu, & Train Regis	0.00	350.00	-350.00	0.0%	1,400.00	0.0%
Total 7450 - Conf, Edu, & Training	0.00	350.00	-350.00	0.0%	1,400.00	0.0%
7470 - Printing & Photography						
7471- Internal Printing	56.26	200.00	-143.74	28.13%	400.00	14.07%
Total 7470 - Printing & Photography	56.26	200.00	-143.74	28.13%	400.00	14.07%

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	<u>Jul - Sep 07</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>	<u>Total Budget</u>	<u>Total% of Budget</u>
7480 - Postage & Delivery						
7481 - Postage & Delivery	3,629.85	3,750.00	-120.15	96.8%	15,000.00	24.2%
Total 7480 - Postage & Delivery	<u>3,629.85</u>	<u>3,750.00</u>	<u>-120.15</u>	<u>96.8%</u>	<u>15,000.00</u>	<u>24.2%</u>
7500 - Miscellaneous Operating						
7511 - Awards	0.00				500.00	0.0%
7541 - Books, Subscr., & Pubs.	2,069.96	2,850.00	-780.04	72.63%	11,400.00	18.16%
Total 7500 - Miscellaneous Operating	<u>2,069.96</u>	<u>2,850.00</u>	<u>-780.04</u>	<u>72.63%</u>	<u>11,900.00</u>	<u>17.39%</u>
Total 7000 - Other Operating	39,187.80	35,535.66	3,652.14	110.28%	133,588.66	29.33%
8400 - Capital Equipment						
8470 - Other Equip. - Capital						
8471 - Other Equip. - Capital	5,913.68					
Total 8470 - Other Equip. - Capital	<u>5,913.68</u>					
Total 8400 - Capital Equipment	5,913.68					
8500 - Non-capital Equipment						
8520 - Furniture Non-cap						
8521 - Furniture Non-capital	13,330.53	15,000.00	-1,669.47	88.87%	15,000.00	88.87%
Total 8520 - Furniture Non-cap	<u>13,330.53</u>	<u>15,000.00</u>	<u>-1,669.47</u>	<u>88.87%</u>	<u>15,000.00</u>	<u>88.87%</u>
8550 - EDP Equip PC/LAN Non-cap						
8551 - EDP Equip. Non-cap Purch	0.00	6,500.00	-6,500.00	0.0%	11,500.00	0.0%
Total 8550 - EDP Equip PC/LAN Non-cap	<u>0.00</u>	<u>6,500.00</u>	<u>-6,500.00</u>	<u>0.0%</u>	<u>11,500.00</u>	<u>0.0%</u>
8570 - Other Equip. - Non-cap.						
8571 - Other Equip. - Non-cap.	801.34					
Total 8570 - Other Equip. - Non-cap.	<u>801.34</u>					

Arizona Board of Fingerprinting
FY08 Budget vs. Actual
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	<u>Jul - Sep 07</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>	<u>Total Budget</u>	<u>Total% of Budget</u>
8580 - Non-capitalized Software						
8583 - PC/LAN Software Non-cap.	125.00	600.00	-475.00	20.83%	2,400.00	5.21%
Total 8580 - Non-capitalized Software	<u>125.00</u>	<u>600.00</u>	<u>-475.00</u>	<u>20.83%</u>	<u>2,400.00</u>	<u>5.21%</u>
Total 8500 - Non-capital Equipment	14,256.87	22,100.00	-7,843.13	64.51%	28,900.00	49.33%
9100 - Transfers Out						
9101 - Operating Transfers Out	1,038.40	1,000.00	38.40	103.84%	1,000.00	103.84%
Total 9100 - Transfers Out	<u>1,038.40</u>	<u>1,000.00</u>	<u>38.40</u>	<u>103.84%</u>	<u>1,000.00</u>	<u>103.84%</u>
Total Expense	<u>155,672.57</u>	<u>166,533.13</u>	<u>-10,860.56</u>	<u>93.48%</u>	<u>566,741.13</u>	<u>27.47%</u>
Net Income	<u><u>374,699.07</u></u>	<u><u>363,838.51</u></u>	<u><u>10,860.56</u></u>	<u><u>102.99%</u></u>	<u><u>206,079.51</u></u>	<u><u>181.82%</u></u>

**Arizona Board of Fingerprinting
Fiscal Year 2008 Strategic Plan
July 1 to September 30, 2007**

Goal 1. To make fair and consistent determinations on good cause exceptions

Performance Measure	FY06 Actual	FY07 Actual	FY08 Estimate	FY08 Actual				
				Quarter 1	Quarter 2	Quarter 3	Quarter 4	YTD
Percent of investigator recommendations for expedited reviews accepted	97.01%	93.81%	93.00%	87.43%				87.43%
Percent of applications approved	65.29%	92.73%	80.00%	89.03%				89.03%
Percent of approvals by expedited review	72.85%	81.65%	75.00%	57.65%				57.65%
Percent of approvals by administrative hearing	27.15%	18.35%	25.00%	42.35%				42.35%

Goal 2: To provide applicants with timely decisions on their good-cause-exception applications

Performance Measure	FY06 Actual	FY07 Actual	FY08 Estimate	FY08 Actual				
				Quarter 1	Quarter 2	Quarter 3	Quarter 4	YTD
Number of applications received	1,770	1,967	2,365	433				433
Number of applications disposed	1,769	1,627	2,365	669				669
Ratio of cases opened to cases closed	1:1	1:1.83	1:1	1:1.51				1:1.51
Average number of days to dispose	81.89	115.84	63.00	118.90				118.90
Average number of days spent processing applications	55.31	82.38	42.00	78.25				78.25

Average number of days spent processing application from receipt to expedited review	43.50	24.84	20.00	28.57				28.57
Percent of applications that undergo an expedited review within 20 days (processing time)	72.86%	39.66%	100.00%	14.88%				14.88%
Average days from expedited review to hearing	64.22	61.70	40.00	50.27				50.27
Percent of applications heard within 60 days of expedited review	42.42%	47.11%	100.00%	69.09%				69.09%
Percent of applications decided within 60 days of hearing	67.83%	17.33%	90.00%	36.36%				36.36%
Number of cases open longer than 30 days since hearing	N/A	N/A	N/A	67				N/A
Number of cases open longer than 60 days since hearing	N/A	N/A	N/A	25				N/A

Goal 3. To develop fair and comprehensible rules, policies, and procedures for determining good cause exceptions

Performance Measure	FY06 Actual	FY07 Actual	FY08 Estimate	FY08 Actual				
				Quarter 1	Quarter 2	Quarter 3	Quarter 4	YTD
Number of requests received	3,020	3,236	3,405	694				694
Ratio of requests for good cause exceptions to applications submitted	1:.59	1:.61	1:.70	1:.62				1:.62
Percent of applications complete on initial submission	37.42%	37.30%	45.00%	29.30%				29.30%

Arizona Board of Fingerprinting

Memo

TO: Board members
FROM: Dennis Seavers, Executive Director
C:
Date: December 11, 2007
SUBJECT: Legislation in upcoming session



This is an informational memo on anticipated legislation for the upcoming session that may have an impact on the Board. At its December 14, 2007 meeting, the Board will discuss legislation but does not need to take any action.

BOARD-PROPOSED LEGISLATION

At its October 23 and November 2, 2007 meetings, the Board adopted a legislative proposal that included three elements.

- Continuation of the Board for five years beyond its July 1, 2008 sunset;
- A requirement for Board employees to have fingerprint clearance cards;
- Clarification of the Board's authority to request CPS information.

Representative Jerry Weiers will sponsor the legislation. Rep. Weiers is chairman of the House Committee on Natural Resources and Public Safety and was a member of the sunset committee.

OTHER LEGISLATION

New precluding offense

Board for Charter Schools

Earlier this year, a charter-school administrator was charged with failing to report child abuse or neglect as required by law. However, this crime is not a precluding offense. The Board for Charter Schools has requested legislation to add this crime to the list of appealable precluding offenses. I do not anticipate a significant impact on the Board caseload if this legislation passes.

New participants in the fingerprint-clearance-card system

Department of Emergency and Military Affairs

In the last legislative session, the Department of Emergency and Military Affairs ("DEMA") added one of its National Guard programs to the fingerprint clearance card system. DEMA has requested legislation to add DEMA employees to the card system, unless those employees

already are subject to the National Guard clearance required by federal law. DEMA estimates that 225 to 275 individuals will be added to the card system. The legislation would only increase the Board's caseload by about 10 applications.

Department of Education

The Department of Education will propose legislation to require student teachers and non-student tutors (contractors) to have a fingerprint clearance card. I am waiting on the Department of Education to provide a caseload estimate.

Security and Electronic Systems Association of Arizona

The Security and Electronic Systems Association of Arizona ("SESAA") is proposing legislation to require installers of security systems to be licensed. Currently, these installers are regulated in various degrees by some municipalities, with reciprocity among certain jurisdictions. SESAA would like the Department of Building and Fire Safety to regulate installers on a statewide basis to supplant the municipality-based regulation. SESAA would the installers to be required to have a fingerprint clearance card as a condition of licensure. SESAA estimates that about 2,000 individuals would be added to the fingerprint-clearance-card system. The Board would see an increase in its caseload of about 60 applications.

Arizona Board of Fingerprinting

Memo

TO: Board members
FROM: Dennis Seavers, Executive Director
C:
Date: December 11, 2007
SUBJECT: Addition of performance measures



At its December 14, 2007 meeting, the Board will consider whether to add performance measures to its strategic plan to reflect recently legislated time frames.

Earlier this year and effective for applications received on or after September 19, 2007, the Legislature imposed time frames on the Board's business process.

- 20 days from receipt of application to expedited review¹;
- 45 days from expedited review to administrative hearing;
- 80 days from administrative hearing to decision.

These time frames have a significant impact on the Board's business process and should be reflected in the strategic plan through performance measures to assess whether the Board is meeting the time-frame requirements. I recommend that the Board adopt three new performance measures, as listed below. Each measure would have a target of 100%. These performance measures would not be a part of the performance pay plan, which requires Board employees to meet certain performance measures in order to receive a 2.75% performance pay.

- Percent of applications that have an expedited review with 20 days of receipt of a complete application;
- Percent of applications that have an administrative hearing within 45 days of an expedited review;
- Percent of applications decided within 80 days of an administrative hearing.

¹ Through its rules, the Board defines "application" to include all of the application requirements and the criminal-history information. In effect, "application" is defined to mean a complete application, including the rap sheets.

Arizona Board of Fingerprinting

Memo

TO: Board members
FROM: Dennis Seavers, Executive Director
C:
Date: December 11, 2007
SUBJECT: Online status information about good-cause-exception applications



The purpose of this memo is to discuss possible options for making information about the status of good-cause-exception applications available online. The Board will be considering this issue at its December 14, 2007 meeting.

LEGAL BACKGROUND

Under A.R.S. § 41–619.54(A), criminal-history information that the Board maintains is confidential. Under A.R.S. § 41–619.54(B), persons who are present at a good-cause-exception hearings must not discuss or share any criminal-history information outside the hearing. Finally, under A.R.S. § 38–431.08(A)(4), good-cause-exception determinations and hearings are exempt from Open Meeting Law. The impact of these statutory sections is that all criminal-history information is strictly confidential. The Board would not be able to share criminal-history-information with any other agency or individual.¹

In contrast, the Board has flexibility in whether it can share information with other agencies or the public about the status of cases. Under A.R.S. § 41–619.54(C), criminal-history information and good-cause-exception determinations and hearings are exempt from public-records law. In effect, the Board is not required to disclose status information about good-cause-exception applications. However, the Board may choose to make this information available, including to the public, employers, and other state agencies.

CURRENT PRACTICE

The Board does not provide any status information online. The Board only provides status information to applicants, individuals designated by applicants, Board members, and certain state agencies.

¹ Certain exceptions may apply, such as the Office of the Auditor General, the Office of the Ombudsman–Citizen’s Aide, and the Office of the Attorney General. In addition, there is an exception for a yearly report provided to the governor, speaker of the House of Representatives, and president of the Senate.

Applicants and individuals designated by applicants

Applicants regularly call to receive updates on the status of their cases. The Board staff does not provide status information to employers or other individuals, unless the applicant explicitly and in writing authorizes this release of information or unless the other individual is an attorney representing the applicant. Individuals who might be authorized to receive information often include employers and family members.

Although this practice originated out of a belief that the Board was prohibited by statute from sharing information with individuals other than the applicant, the practice continues as a matter of policy.

Other state agencies

The Board staff regularly discusses case-status information with the Department of Public Safety, particularly to notify DPS of the final disposition of an application. I also convey status information to the Governor's Office when constituents contact that office with a complaint about their application.²

I regularly provide reports on the status of cases to the Department of Economic Security's Office of Special Investigations. These reports show the name, case number, and disposition for all cases closed in the reporting period. These reports also show name, case number, program, and status for all open cases where the fingerprint-clearance-card application listed a DES-regulated program, such as child-care home provider, foster-care parent, programs for individuals with developmental disabilities, or domestic-violence and homeless shelters. I began providing these reports to DES earlier this year at its request to help close a loophole in DES's system of tracking whether employees have fingerprint clearance cards. Under its current system, DES receives data feeds from DPS for DES employees who are required to have a fingerprint clearance card. DES uses the data from these feeds to populate its tracking database, which DES in turn uses to ensure that employees comply with the fingerprint-clearance-card requirements. If an individual has applied for a good-cause-exception, the DES database shows that the applicant has been denied by DPS. If the individual ultimately receives a good-cause-exception, the DES database shows that the person has a valid fingerprint clearance card. Thus, DES has a mechanism for knowing that the applicant has completed the good-cause-exception process when the applicant is approved. However, if the applicant's good-cause-exception is denied, and the applicant declines to notify DES, then DES does not know that a decision has been made on the good-cause-exception application.

The reports that I provide help DES track the status of its employees' good-cause-exception applications. However, the reports have two disadvantages. First, producing these reports is time consuming. Second, the reports include numerous individuals who are not of interest to DES, or the reports do not include individuals who are of interest to DES. Individuals can check off any program on the fingerprint-clearance-card application, so there are applicants who check

² The Board's assistant attorney general has advised me that the Governor's Office has certain constitutional authority that requires the Board to provide status information, even though that information is not public record.

off a DES-regulated program but who are not regulated DES; and there are applicants who should but do not check off a DES-regulated program.

ISSUE AND OPTIONS

The Board could make certain status information available online. The remainder of this memo discusses the various options the Board has, along with the advantages and disadvantages of each option.

I recommend that the Board adopt Option 2 below. This option—which would cost \$3,600 to \$7,200—would make status information publicly available, but it would limit the amount of information and would reduce the ability of unintended individuals from learning the status of a good-cause-exception application.

Option 1: make all status information available online

The Board could make all status information—including name, application number, dates (such as date application received or date of expedited review) and status—available online.

Advantages

First, the option would reduce the number of phone calls for status information, freeing up Board employees for other tasks. Second, other state agencies could access case-status information without me having to prepare reports for those agencies. For instance, DES could look up status information, and I would not need to send DES periodic reports. Third, this option avoids security issues; the Board would not need to pay for security programming to make sure unauthorized individuals don't access the information.

Disadvantage

This option makes information available to anyone who wants it, including individuals for whom the information is not intended.

Option 2: make a limited amount of status information publicly available online

The Board could make only the following information publicly available online: application number (perhaps accompanied by the applicant's initials for the purpose of confirming the applicant's identity) and status. Optionally, the Board could include dates, such as date application received or date of expedited review.

Advantages

This option has all the advantages of Option 1 above. In addition, it limits what status information is available, limiting the likelihood that unintended individuals would be able to figure out a person's status information. In effect, this option has the advantages and largely avoids the disadvantage of Option 1.

Disadvantages

This option does not guarantee that status information would be available to unintended individuals. Also, it is not a user-friendly method of accessing information, since the user would need to have the application number.

Option 3: make status information available only to authorized individuals

The Board could limit status information only to authorized individuals or entities and would require a secure login.

Advantage

This option prevents unintended individuals from accessing information, while still providing the information to appropriate people.

Disadvantage

This option would significantly increase (compared to other options) costs for security and would require ongoing security administration. If the status information were made available to applicants, each applicant would need to receive login information.

Option 4: continue current policy or bar access to information

The Board could continue its current policy, as described in the “Current Practice” section. Alternatively, the Board could stop providing status information to agencies like DES.

Advantage

This option prevents any unintended person from accessing status information.

Disadvantage

DES would need to come up with alternatives solutions for its case-tracking loophole.