This is a summary of the Background Study Enhancements bill that includes provisions allowing DHS to more fully automate and expand the electronic background study system. It allows DHS to collect fingerprints and a photograph of the background study subject.

Fingerprint collection vendor – This provision adds a definition for “authorized fingerprint collection vendor,” which is an organization that has a written contract to provide services. *Section 1*

- **NETStudy** – This provision adds a definition for “NETStudy,” DHS’ background study request system since 2004. *Section 2*

- **NETStudy 2.0** – This provision adds a definition for “NETStudy 2.0,” the system that replaces NETStudy’s background study request system and the internal background study processing system. NETStudy 2.0 is designed to improve the protection of vulnerable adults and children by improving the accuracy and completeness of background studies. NETStudy 2.0 also uses information from the Minnesota Court Information System (MNCIS) and the national crime information database. The new NETStudy 2.0 is designed to increase efficiencies in and speed of the hiring process. *Section 3*

- **Roster** – This provision adds a definition for “roster,” “active roster,” “inactive roster,” and “master roster.” These are the methods used to identify background study subjects’ employment affiliation and are used to update subjects’ records if DHS receives new criminal information from MNCIS. *Section 4*

  - **Active Roster:** an employer-maintained list of actively affiliated staff who have had a background study.
  - **Inactive Roster:** the list of individuals who have either initiated their own background study or those individuals who have recently been removed from an employer’s active roster. Individuals on the inactive roster list remain eligible to provide services. Individuals shall remain on the inactive roster for no more than 180 consecutive days, unless the individual submits a written request to the commissioner requesting to remain on the list for a longer period of time.
  - **Master Roster:** the combination of Active and Inactive Rosters of all individuals who, as a result of a background study under this chapter, are determined by DHS to be eligible to provide services for one or more entities.

- **Personal care provider organizations and Community First Services and Supports (CFSS) workers** – This provision adds CFSS support workers to the subdivision requiring Personal Care Attendants (PCA’s) to receive a background study because PCA services are transiting to the CFSS model. *Section 5*

- **Self-initiated background studies** – This provision allows an individual to initiate a background study on him/herself through NETStudy 2.0. If the subject is not disqualified, the subject is placed on the inactive roster. *Section 6*
- **Licensed programs** – This provision removes the requirement to complete a repeat background study for individuals who have a 90-day absence from providing services when the individual is on an entity’s active roster. *Section 7*

- **Agency background studies; electronic criminal case information updates; rosters; and criteria for eliminating repeat background studies** – This provision clarifies that the rosters in NETStudy 2.0 will be the method used to apply updates of criminal information from MNCIS. This section also requires that an entity provide background study subjects with the DHS privacy notice before initiating a study. After initiating the study and paying the applicable fee, the employer is able to immediately see whether the subject is eligible to provide direct contact services and view a photo of the individual for identity confirmation. The employer will not be informed about any other entities that initiated a study on that subject. This section also states that a previous background study is transferable to a new employer when the subject provides his or her Social Security number during the initial study and for any subsequent study. When an individual does not provide his or her Social Security number for the background study, that study is not transferable and a repeat background study on that individual is required if the individual seeks a position requiring a background study under this chapter with another entity. *Section 8*

- **Individual studied** – This provision adds a requirement that for a background study conducted through NETStudy 2.0, the subject must provide his or her home address, city, county, and state of residence for the previous five years to facilitate registry checks. The subject of a background study must also provide a photograph at the time of the fingerprinting. *Section 9*

- **Applicant, license holder, or other entity** – This provision specifies that a background study subject’s personal information is only available to an entity that initiates a subsequent background study after the entity has paid applicable fees and provided the privacy notice to the individual. *Section 10*

- **Privacy notice to background study subject** – This provision requires an entity initiating a background study to provide the DHS privacy notice to the subject before the study is initiated. This section also adds the requirements for what information is included in the privacy notice including that the subject’s fingerprints will not be retained by the MN Department of Public Safety’s Bureau of Criminal Apprehension (BCA) or DHS, but that the FBI will keep them. The privacy notice must also include notification that under NETStudy 2.0, the subject’s photograph taken at the time of fingerprinting will be retained by DHS and, if the subject has provided her or her Social Security number during the initial study (making the study transferrable to other employers), the photo will be available to entities initiating a new study to ensure that the individual applying for the position is the individual on whom the study was conducted. Finally, the privacy notice will inform background study subjects that DHS’ authorized fingerprint vendor cannot retain the subject’s fingerprints, photo, or information from NETStudy 2.0. The authorized vendor shall only retain the names and the time of the study as necessary for billing and auditing purposes. *Section 11*

- **Electronic transmission** – This provision adds NETStudy 2.0 as the secure system used to submit a request for a background study. *Section 12*
• **Fingerprints and photograph** – This provision specifies who is required to provide fingerprints for a background study. This section retains the current requirements for child foster care and adoption studies. The new language clarifies that the DHS’ authorized fingerprint collection vendor cannot retain the subject’s fingerprints, photo, or information from NETStudy 2.0. The authorized vendor shall only retain the name and time of the study as necessary for billing or auditing purposes. DHS will retain the subject’s photograph. *Section 13*

• **Destruction of background study subject information** – This section includes three data destruction provisions: *Section 14*
  - First, it adds language that permits an individual to request in writing the destruction of their background study file at DHS if the individual has not been affiliated with any entity for the previous two years and does not have a current disqualifying characteristic. Upon the destruction of a record, DHS will only retain the subject’s name and the date that the information was destroyed.
  - Second, it requires the automatic destruction of a background study subject’s photo if the individual has not been on the master roster for two years; and
  - Third, it requires that DHS must destroy background study data of individuals who are dead or presumed dead.

• **Study subject affiliated with multiple facilities** – This provision requires that, under NETStudy 2.0, active rosters will be the method used to identify when a subject is affiliated with more than one entity. *Section 15*

• **Timing** – This provision removes the 15-day requirement for DHS to provide notice to the entity that initiates a study. (DHS issues these notices within three working days to the entity and the study subject. See Section 17.) *Section 16*

• **Time frame for notice of study results and auditing system access** -- This section has five provisions: *Section 17*
  - First, DHS must notify all study subjects of the status of a study within three working days and it removes references to a paper form that is obsolete.
  - Second, it requires that the notification to the study subject includes the name of the entity that initiated the background study. Every time an employer uses the system to verify that a new individual is eligible for hiring because a previous background study was completed, the individual will be mailed a notice to the last known address for the individual.
  - Third, it requires that entities with access to NETStudy 2.0 sign an acknowledgment of responsibilities form and designate a sensitive background study information person, who must be an employee of the license holder or entity.
  - Fourth, this section requires DHS to have an audit system that identifies specific users’ actions.
  - Fifth, the language specifies that a background study subject may request a report of the entities that initiated a study on him/her.

• **Background studies identified on active rosters** – This provision establishes that the employer’s documentation requirements are met if using NETStudy 2.0
for records of dates that studies were initiated and documentation of a study having been completed when the entity is relying on a background study completed for another agency. Section 18

- **NETStudy 2.0 system** – This provision directs that: Section 19
  - DHS must design, develop, test, and implement the NETStudy 2.0 system before September 1, 2015.
  - NETStudy 2.0 must meet the applicable data security standards and policies of the FBI, BCA, and MN.IT Services.
  - New language requires specific standards for security encryption on all data at the database level and as it travels electronically among entities initiating background studies, DHS’s authorized fingerprint collection vendor, the BCA, and, in cases requiring national checks, the FBI.
  - NETStudy 2.0 shall only provide the minimum amount of necessary information to DHS employees working in the system, controlling access to the data field level.
  - Requires DHS to oversee regular audits of the authorized fingerprint collection vendor.

- **Civil remedies** – This provision requires entities that initiate a background study and DHS’ authorized fingerprint collection vendor to be subject to the applicable responsibilities and civil penalties of section 13.08 of the Government Data Practices Act. Section 20