U. S. Department of Justice
Federal Bureau of Investigation
Criminal Justice Information Services Division

Next Generation Identification Program (NGI) Rap Back Service

Non-Criminal Justice
Policy and Implementation Guide

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Introduction

1. Purpose of this Document

The purpose of this document is to provide a roadmap of required polices and operations to the SIBs, Federal Submitting Agencies, and authorized contractors who may choose to participate in FBI's Next Generation Identification (NGI) Rap Back Service. The goal is to describe how the service will be implemented for the Subscribing Entities, the Submitting Entities, and the FBI CJIS Division so that each potential Submitting Entity can understand their roles and responsibilities and make an informed decision regarding participation for themselves and their subordinate Subscribing Entities.

This document refers to non-criminal justice use of NGI's Rap Back Service. Criminal justice use for investigations and persons on supervision is detailed in the separately available document, Next Generation Identification Program (NGI) Rap Back Service: Criminal Justice Policy and Implementation Guide. Criminal justice employment is treated as a non-criminal justice use of Rap Back and is described in a separate Section, below.

2. Terms Used in This Document

This Section defines terms used in this document. These definitions do not necessarily have any specific association outside of their use within this document.

Category based subscription management: refers to the subscription management approach wherein the Submitter retains information about their subscriptions for a person within their own Rap Back system and places just one subscription in NGI per person per Category, regardless of how many subscriptions the Submitter has in their own Rap Back system for that person in that Category. The Submitter establishes the NGI Subscriptions with themselves as the Submitter and the Subscriber (their own ORI in the ORI and CRI fields).

Authorized CHRI Contractor: refers to a government agency, private business, non-profit organization or individual that is not itself an Authorized Recipient of criminal history record information (CHRI) with respect to a particular non-criminal justice purpose, but who has entered into a "Channeler" and/or "Non-Channeler" contract, pursuant to Title 28 Code of Federal Regulations (CFR) Part 906, with an Authorized Recipient to perform Channeling or Non-Channeling functions requiring access to CHRI. See also the Compact Council's Security and Management Control Outsourcing Standard for Channelers and Security and Management Control Outsourcing Standard for non-Channelers. (http://www.fbi.gov/about-us/cjis/cc/current-initiatives/channeler-faqs).

Event based subscription management: refers to the subscription management approach wherein the Submitter establishes a new NGI Rap Back subscription for each subscription request they receive from a Subscribing Entity. That is, the Submitter establishes separate NGI subscriptions on the same NGI Identity for each subscription request they receive from their Subscribing Entities, regardless of how many requests they receive for that person. The Submitter establishes the subscriptions with the requesting entity as the Subscriber (Submitter ORI in ORI field and Subscribing Entity in CRI field).

Federal Submitting Agency or Federal Agency: refers to an authorized federal agency who submits fingerprints to NGI for background searches and Rap Back subscriptions. These agencies include the Office of Personnel Management (OPM), agencies authorized under the Security Clearance Information Act, and

others. They may be submitting for themselves as the Subscribing Entity or for another authorized federal agency as the Subscribing Entity.

Identity History Summary: refers to the report of all identification, demographic, and event information, criminal and/or civil, within an NGI Identity record that may be disseminated to an authorized recipient. Since an NGI Identity record may now contain criminal and/or civil information, the existence of an NGI Identity History Summary alone does not reflect that any criminal history events exist for that person.

This term is unique to NGI and is not intended to affect other agencies' use of the term "Rap Sheet" to describe reports of information in their identification repositories.

NGI Identity: refers to a record of information within NGI associated through biometric identification to a unique individual, that is, a person's record within NGI.

Rap Back: refers to the following process:

1. Authorized Contributors submit fingerprints of civil applicants, employees, volunteers, licensees, security clearance candidates, etc. to a repository such as a state SIB or the FBI NGI Program, and ask to subscribe to those fingerprints;
2. The repository retains those fingerprints (as new Identities or within existing Identities) in their Automated Fingerprint Identification System and sets subscriptions for those authorized Contributors;
3. The repository notifies the Contributors of any future reported events the Contributors would normally be authorized to receive that are matched to those subscribed Identities.

Rap Back can also provide notice of reported events to criminal justice agencies in a similar manner.

Rap Back Subscription Date: refers to the date the subscription is established within NGI. It is added to the subscription automatically by NGI.

Rap Back Subscription Term: refers to the period of time purchased by the Subscriber for the subscription to remain in NGI without paying an additional fee, as long as validation procedures are followed. The Term may be two years, five years, or lifetime.

Two-Year Subscription Term: refers to a purchased Rap Back Subscription Term that requires "renewal" and payment of a new fee no later than two years from the Rap Back Subscription Date in order for the subscription to remain in NGI longer than two years.

Five-Year Subscription Term: refers to a purchased Rap Back Subscription Term that requires "renewal" and payment of a new fee no later than five years from the Rap Back Subscription Date in order for the subscription to remain in NGI longer than five years.

Lifetime Subscription Term: refers to a purchased Rap Back Subscription Term that requires neither "renewal" nor payment of a new fee to remain in file.

Renewing a Subscription: refers to a Subscriber reviewing a subscription at its Expiration Date; validating that they are still authorized to receive criminal history record information for the individual; calculating the new Expiration Date; and determining that the subscription must be renewed for another Subscription Term, rather than extended within the existing Term. The subscription is renewed by using the Rap Back Maintenance transaction with a "Renew" indicator. This transaction is used when the desired Expiration Date would exceed the existing Rap Back Term Date. The Submitter must purchase a

new Subscription Term, which establishes a new Rap Back Term Date and allows for the entry of the desired Expiration Date. The "renew" transaction causes a new fee to be charged to the Subscriber.

Extending a Subscription: refers to a Subscriber reviewing a subscription at its Expiration Date; validating that they are still authorized to receive criminal history record information for the individual; determining that the new Expiration Date will not exceed the existing Rap Back Term Date; and notifying the Submitter that the subscription needs to be "extended" in NGI for another expiration period. No fee is charged to extend a subscription. If the new Expiration Date would have exceeded the Rap Back Term Date, the subscription would have to have been "renewed". The Subscription is extended by using a Rap Back Maintenance transaction with a "Replace" indicator, which replaces the existing Expiration Date with an extended Expiration Date.

State Identification Bureau (SIB): refers to the state governmental agency charged with criminal fingerprint identification services within the state and with submitting fingerprints (and Rap Back subscriptions) to NGI for jurisdictions within the state not served by Federal Submitting Agencies or Authorized CHRI Contractors.

Submitting Entity or Submitter: refers to the SIB, Federal Submitting Agency, or Authorized CHRI Contractor submitting fingerprints and Rap Back transactions for Subscribing Entities. All NGI Rap Back transactions must come to NGI through an authorized Submitting Entity. In some instances the Submitting Entity may also be the Subscribing Entity.

Subscribing Entity or Subscriber: refers to those entities authorized under statute, executive order or regulation to receive CHRI and who are subscribing to NGI Identities through the NGI Rap Back Service.

Validation: refers to the process whereby the Subscriber reviews a subscription to determine whether they are still authorized to receive criminal history record information on that individual and updates the subscription accordingly. That is, are they still in an authorizing relationship with that person—is the person still licensed, employed, volunteering, etc.? In the NGI Rap Back Service, this function is accomplished through a mandatory Expiration Date within the subscription, which periodically requires the Subscriber to make this review and (1) "extend" the subscription; (2) "renew" the subscription; (3) allow the subscription to expire on its Expiration Date; or (4) cancel the subscription, as appropriate.

3. Understanding the NGI Rap Back Service

Through their legal and regulatory decisions, policy makers have determined that the nation's criminal history record information (CHRI) assists in determining whether or not individuals should be placed into positions of trust. The intent, while employing a high level of privacy protection for the record subjects, is to safeguard those individuals and properties that must rely on these persons of trust for their protections. Children and the elderly are priority benefactors, but the list includes a wide range of critical licensing and employment positions and the nation's key physical and economic infrastructures.

Up until full deployment of the Next Generation Identification, the FBI CJIS Division has been unable on a national scope to leverage fully the value of their CHRI repository. There has not been an ability to continually advise employing, licensing, volunteer, etc. entities of any reported activity against the CHRI files by individuals in positions of trust. With this implementation, NGI delivers the capability to more fully utilize the CHRI. Authorized non-criminal justice entities can now subscribe to NGI fingerprint Identities to receive notifications of future reported activities that might affect whether or not a person in a position of trust should

remain there. Based on notices from triggering events, evaluations can be made about their continued suitability. This NGI Service allows for the continued awareness of activity within the CHRI records—and a few related databases—after a subscription has been set for a person of trust who was determined to be suitable after the initial background check of the national repository. This Service provides significant potential savings by eliminating the need for repeated background checks from the same applicant agency on a single person.

In simple terms, utilizing the Rap Back Service for non-criminal justice purposes will involve the process Stages highlighted below. Full details on these Stages are provided within this document.

Stage 1 - Initial check of NGI
This retained fingerprint based search of the NGI files is for the initial determination of suitability of a person being considered for a position of trust.

Stage 2 – Decision to Set or Continue Subscription
Assuming a favorable determination from the initial check, a decision is made to subscribe the person in the Rap Back Service. The decision to initially set the subscription can occur at the same time as the initial inquiry, or in a subsequent subscription transaction after the results of the initial check are received and reviewed. All required authority and protections must be employed during the decision process.

In addition, whenever the Rap Back Service notifies the subscriber in the future of criminal or, in some cases, civil events reported to NGI, the subscriber must decide whether the subscription should be continued or canceled.

Stage 3 –Subscription Set
This step requires three (3) determinations that are essential to setting a subscription:

1. *The Submitter must have made a choice regarding how they will manage the Subscriptions at their level.*
    a. Event-based; or,
    b. Category-based

2. *Subscribers must decide on the appropriate Subscription Term for their subscriptions*
    A decision must be made as to how long of a subscription period (Term) is purchased. There are three choices available - two (2) years, five (5) years, or Lifetime. Each causes a different fee to be charged.

    Provided the legal authority remains, the subscription may run throughout the entire purchased period with no additional charge. However, the required validation/expiration process described below must also be fulfilled.

3. *Submitter and Subscriber must choose an appropriate Privacy Risk Mitigation Strategy for the subscriptions.*
    This document, along with Appendix 1, describes the five approved Privacy Risk Mitigation Strategies designed to protect the privacy of subscribed persons and to ensure the integrity of the NGI Rap Back data and Service. The Privacy Risk Mitigation Strategy choice drives the validation/expiration frequency, which determines the required Expiration Date of the subscription.

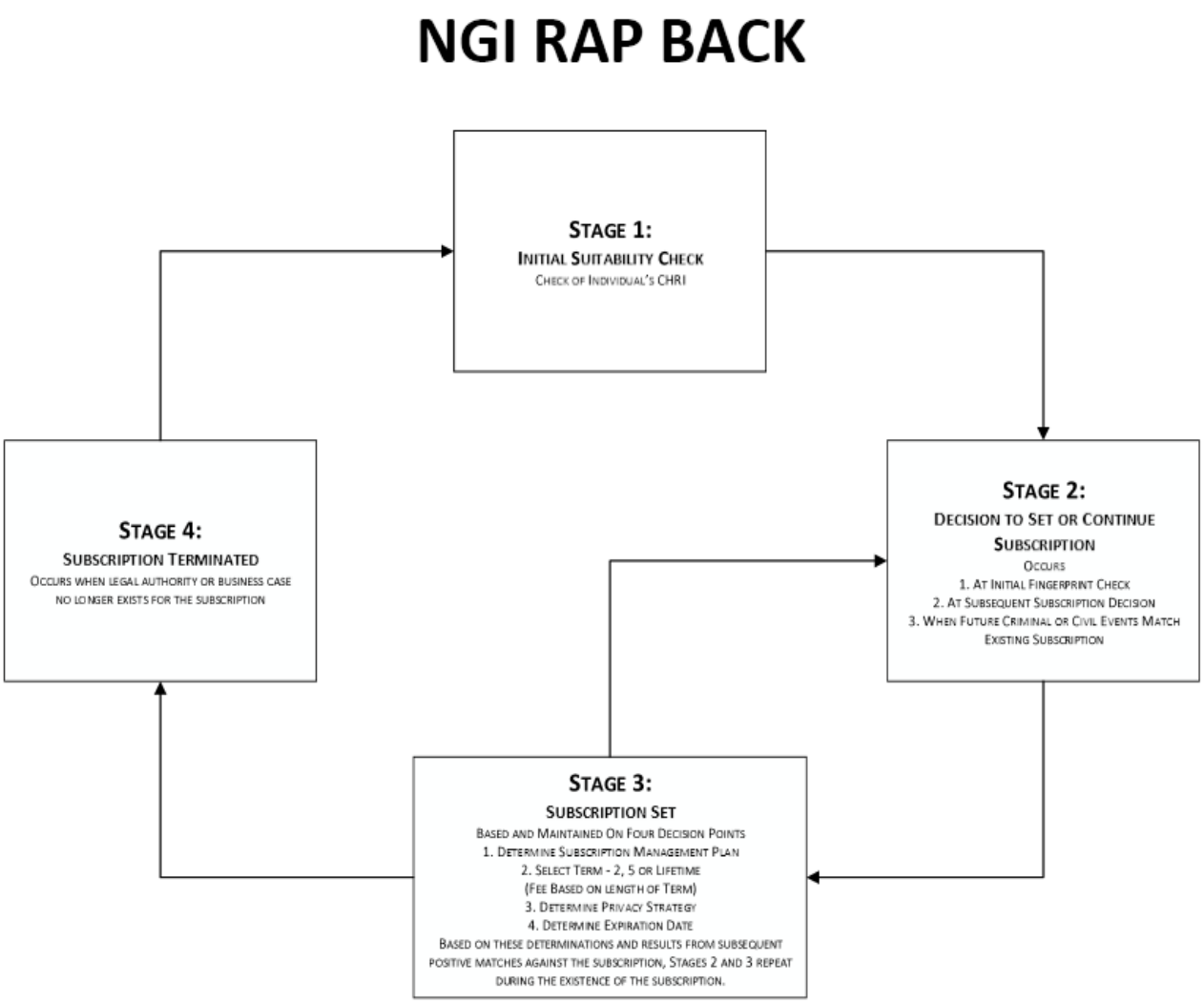
    The Expiration Date is the date at which the subscription expires, even if time remains within the purchased Rap Back Subscription Term. The Privacy Risk Mitigation Strategies require validation of the subscription at varying times. Validation is accomplished through mandatory Expiration Dates, at which

times the subscriptions must be reviewed and can be extended if appropriate. The Expiration Date must be within the Subscription Term and within five years from the day the subscription is established

Stage 4 –Subscription Terminated

This step is taken at the time legal authority for the subscription no longer exists or the subscriber has the authority to subscribe, but no longer desires to subscribe.

Throughout the rest of this guide you will find more detail on these and other start-up requirements and the system transactions that are necessary for deployment of a robust Service.



Roles of the Subscribing and Submitting Entities

The NGI Rap Back Concept of Operations stresses that the Service is being implemented across the country through the SIBs as the Submitting Entities in each state. Likewise, the policies and functions as described throughout this Guide all depend upon the Submitters as the implementers and administrators. The Submitters must not only set and enforce the policies within their states, they must create transactions in the formats required by the Electronic Biometric Transmission Specification (EBTS) for communication to the FBI, and just as importantly, they must create processes whereby their end users—the Subscribing Entities—can communicate the need for these functions to the Submitters. In some states separate authorities manage the fingerprint identification services and the criminal history record repository services. As they do with other CJIS fingerprint and criminal history services, those states will have to coordinate internally on implementation of the NGI Rap Back Service to ensure the desired benefit is delivered to their users.

This critical Rap Back Administration role is also assumed by the Federal Submitting Agencies as Submitters for themselves and for their end users—their Subscribers. In addition, Authorized CHRI Contractors can also act as Submitting Entities and in those instances must administer the functions and EBTS transactions to communicate with the NGI Rap Back Service, and they also must coordinate closely with their end users—their Subscribing Entities—to ensure the correct implementation and administration of the Service.

Because of these responsibilities, which are consistent with the other CJIS services, clear roles emerge for the Subscribers, the Submitters and the FBI CJIS Division. This document highlights those roles related to each system responsibility or function. Appendix 3: Subscribing Entity Reference Guide to NGI's Criminal Justice Rap Back Service (Subscribing Entity Reference Guide) is intended to summarize the requirements in this document for Subscribing Entities. Submitting Entities are encouraged to use that document to assist in discussions with Subscribers, to integrate into their own Rap Back Service documentation, or in any other manner that may be helpful.

In addition to the responsibilities identified later in this document, the Subscribers, Submitters, and CJIS must take on the following high level responsibilities:

Subscribers:

1. Prior to participating in the NGI Rap Back Service, Subscribing Entities must already enjoy or must establish a formal relationship with the appropriate Submitting Entity (for example, the State Department of Education submits through the SIB). The Subscriber must identify with the Submitting Entity the choices for participation (Privacy Risk Mitigation Strategy, triggers, Expiration Dates, etc.) outlined in this document and summarized in Appendix 3: Subscribing Entity Reference Guide.
2. Subscribing Entities must learn and understand the policies and requirements of the NGI Rap Back Service and ensure that their organization incorporates appropriate processes and controls to fulfill those requirements.
3. Subscribing Entities must understand and fully participate in communications procedures created by the Submitter for sending and receiving Rap Back entry, modify, renew, cancel, etc. messages between the Subscriber and the Submitter.
4. Subscribing Entities must understand that they can only subscribe to persons with whom they have official relationships under the statutory or other authority they have identified with the Submitter.

Submitters:

1. Submitting Entities must establish a process for Subscribing Entities to use in preparing for participation in NGI's Rap Back Service that communicates at least the requirements for Subscribers as outlined in the Subscribing Entity Reference Guide.
   Submitting Entities must establish a formal messaging and communications methodology to receive notices from Subscribing Entities regarding setting, modifying, deleting the subscriptions, as well as regarding the transactions associated with future Rap Back Activity Notifications and all NGI Rap Back Service transactions. This document defines the NGI Rap Back functions and transactions that are communicated between the Submitter and NGI, but there must be clear communication regarding those transactions between the Subscribers and the Submitters. That clear communication is the responsibility of those two entities. The messaging and communications methodology may be automated, manual, or a combination of both. Possible approaches include use of secure email, secure website transactions, mailed letters or even phone calls on low volume transactions. Unencrypted internet email is not acceptable. Submitters could require the Subscribers to fill out pre-formatted spreadsheets or on-line forms, or could choose just to accept unformatted text transactions. The requirement is that the Submitter have a clear process so that the Subscriber knows how to enter, modify, and remove their Rap Back subscription data in NGI in a timely manner.

2. It is important that the Subscribers are able to understand the NGI EBTS responses received from the Submitters. The Submitters can either provide the EBTS response, as is, or can reformat them into a specific Submitter defined format. Error handling is especially important. Subscribers must understand the effect of EBTS error messages and whether they need to take any further action. For example, when do they need to correct and re-submit Rap Back subscription information after an error? The Submitters' processes should provide guidance in that regard.

   Submitting Entities must establish procedures to fulfill the requirements identified throughout this document for Submitting Entities, which are summarized in Appendix 2: Submitting Entity Start-Up Checklist.

   Note: It is not necessary for Submitters to have in-state or federal agency Rap Back Services to participate in the NGI Rap Back Service. A state that has no in-state Rap Back Service or a Federal Submitting Agency without current Rap Back capability can participate in the NGI Rap Back Service by creating all the NGI Rap Back EBTS transactions; having an in-state or federal agency communications methodology to send and receive information to and from their Subscribers; and having the required administrative processes to manage the Privacy Risk Mitigation Strategies, monthly Subscription validation/expiration lists, and other Rap Back functions described in this document. Submitters who operate AFIS and CCH repositories do not have to create subscription services within those systems to participate in the NGI Rap Back Service.

FBI CJIS Division:

1. FBI CJIS Division will establish an entity within the CJIS Division the Submitters can work with to request training, to process and maintain the Submitting Entity checklists, to resolve operational problems, to answer or identify the correct person to answer policy questions, and to act as the single point of contact for the Submitters regarding Rap Back issues.
2. FBI CJIS Division will assist Submitting Entities with the Submitting Entity Start-Up checklist and the related start-up questions, such as their Subscription Management Plans, their communications methodology, and other global issues that will be relevant at start-up.

Criminal Justice Employment Use of Rap Back

The NGI Criminal Justice Rap Back Policy and Implementation Guide describes how criminal justice agencies may use the NGI Rap Back Service. Those subscriptions are handled differently than non-criminal justice subscriptions in that, for example, they do not require a fee, can be established without submission of fingerprints, and are designed for persons under supervision or law enforcement investigation.

Criminal justice agencies may also use the NGI Rap Back Service for their criminal justice applicants, employees, volunteers, and contractors (all hereafter referred to as criminal justice employees) but those subscriptions must be handled under all the rules identified in this document, with the exception that criminal justice employees do not have to pay any Rap Back fees. Importantly, the criminal justice employment subscriptions must be managed under one of the Privacy Risk Mitigation Strategies, with the criminal justice agency validating the record at the intervals required by the chosen strategy. Following are key facts for criminal justice agencies planning to use NGI's Rap Back Service for their criminal justice employees:

- The "criminal justice" status of criminal justice employees does not change. Although the Rap Back subscriptions must be managed under the rules in this Non-Criminal Justice Policy and Implementation Guide, the employees are still considered criminal justice employees for all purposes.
- Submitters sending transactions for criminal justice agencies wanting to subscribe to their criminal justice employees must submit them using Tenprint Fingerprint Identification Submissions (i.e. TOT/MAP) with Retention Code (2.005 RET) set to "Y" and Rap Back Category Code (2.2065 RBC) set to "J". This transaction will not generate a fee.
- In the same manner as for the non-criminal justice subscriptions, the Submitting Entity and the subscribing criminal justice agency must implement a process for validation of these criminal justice employee subscriptions.
- Likewise, criminal justice employee subscriptions must be Extended or Renewed at the mandatory Expiration Date by use of a separate EBTS Rap Back Maintenance (RBMNT) transaction with Rap Back Maintenance Indicator (2.2039 RBMI) "Renew" or "Replace" as described later in this document. The "Renew" transaction is a billable transaction for non-criminal justice Rap Back subscriptions, but does not generate the fee billing process for criminal justice employment subscriptions (Category Code "J").

The Submitting Entity and the subscribing criminal justice agency must comply with the other requirements for Rap Back subscriptions identified throughout this Guide.

Key Start-Up Requirements

This Section describes the policies and requirements that participating Subscribers and Submitters will have to implement and sustain. Each numbered item identifies the actions required of the Subscribers, Submitters, and the FBI CJIS Division. The key transactions of the NGI Rap Back Service are discussed in the next Section. These requirements are summarized for Submitters in Appendix 2: Submitting Entity Start-Up Checklist and for Subscribers in Appendix 3: Subscribing Entity Reference Guide to NGI's Rap Back Service.

1. Authority

Submitters and Subscribers must have appropriate authority to participate in NGI's Rap Back Service

Under NGI's Rap Back Service, the non-criminal justice fingerprints submitted for searching and subscription will be retained in accordance with the requirements of the National Archives and Records Administration (http://www.Archives.gov/about/regulations/regulations.html) and will be searched by future submissions to NGI. These new functions require that the participating state and federal agencies and all participating entities have authority:

1. To submit the fingerprints to NGI;
2. For the fingerprints to be retained by NGI; and,
3. For the fingerprints to be searched by future submissions to the NGI system and appropriate responses sent to Submitting and Subscribing Entities. These future searches include latent fingerprint searches.

As a reminder, for non-criminal justice Subscribing Entities this authority can take any of these forms:

1. a nongovernmental entity authorized by federal statute or federal executive order to receive CHRI for non-criminal justice purposes; or
2. a government agency authorized by federal statute, federal executive order, or state statute which has been approved by the United States Attorney General to receive CHRI for non-criminal justice purposes.

Note: Civil fingerprints retained in NGI are available for searching against latent fingerprints. When a latent fingerprint matches against civil fingerprints within NGI, the agency owning the latent fingerprint receives notification for comparison purposes. Notification of the match is not provided to the non-criminal justice Subscribing Entity.

Subscribers:
Subscribing Entities must coordinate with their Submitting Entities to ensure that their authorities are appropriate. Upon implementation of the NGI Rap Back Service, a portion of this process will already have been accomplished for most Subscribers, in that they will be entities already approved by the FBI CJIS Division for submission and search of non-criminal justice applicants. However, the authority for the NGI to retain the fingerprints and provide notice of future matches must be reviewed. Subscribers must have ORIs assigned by the CJIS Division. Subscribers must understand they are limited to subscriptions only on persons for whom they have appropriate authority.

Submitters:
Submitting Entities must review the authorities of the Subscribing Entities to which they provide the NGI Rap Back Service to ensure that the Subscribers have appropriate scope of authority and that they have ORIs assigned by the CJIS Division. In addition, the Submitting Entities must ensure that their own role is adequately supported by statutory or other appropriate authority (regulation, executive order, etc.)

For Submitters using Category Based Subscription Management

Requirement: *Manage verification of Subscribers' authority to participate in NGI's Rap Back under the Category Based Subscription Management Approach in the same manner as under Event Based Subscription Management Approach.*

Even though no Subscriber information need be entered in NGI under the Category Based Subscription Management Approach, those Subscribers will receive the same level of Rap Back Activity Notification information, including NGI CHRI. As such, they must have the same level of authority as under the Event Based Subscription Management Approach.

2. Subscription Management Plans

Submitters must decide upon and implement an appropriate Subscription Management Plan for subscriptions they submit

The design of the NGI Rap Back Service provides Submitting Entities a choice between two alternatives for how to manage the subscriptions they submit to NGI. The goal is allow states or Federal Submitting Agencies with current Rap Back services to more easily integrate the national system, and allow states and federal agencies starting new services to decide the best means to take advantage of the NGI Rap Back Service.

A. EVENT-BASED SUBSCRIPTION MANAGEMENT

The Submitter establishes a new NGI Rap Back subscription for each subscription request from a Subscribing Entity.

Separate NGI subscriptions are set on the same NGI Identity for each subscription event for that person—each application for a license, application for a covered governmental job, application to volunteer, etc. The subscription is based upon the civil event.

B. CATEGORY BASED SUBSCRIPTION MANAGEMENT

The Submitter establishes a single subscription for an NGI Identity for each identified Rap Back Category and tracks all subscriptions at the Submitter level, without any Subscriber information residing in NGI.

The Submitting Entity creates just one subscription for each identified Rap Back Category on an NGI Identity—regardless of how many in-state or federal agency subscriptions they have for that person in that Category—and does not add any Subscriber information to the NGI record. The Submitter manages all adds, deletes, modifications, etc. for each NGI subscription Rap Back Category they maintain. The subscription is based upon the Submitter managing the subscription information at the state level (or federal agency level for Federal Submitting Agencies).

The Category Based Subscription Management Plan is designed for those states or Federal Submitting Agencies that already have robust Rap Back services and want to integrate the new NGI Rap Back Service into their existing functions. The Category Based Subscription Management Plan places significant responsibility on the Submitter to apply the NGI policies to their in-state or Federal Submitting Agency Rap Back services.

The implementation of NGI Category Based Subscription Management requires that the subscriptions maintained within the Submitter's Rap Back Service referenced by NGI Subscriptions entered under this approach are held to the same level of oversight and control as though they had they been entered into NGI under Event Based Subscription Management. The following requirements pertain to participation in Category Based Subscription Management:

Submitters choosing the Category Based Approach are required to have documented processes and controls in place to follow the requirements and Best Practices or Alternate Practices identified throughout this Guide. CJIS and the Submitter will use the required Submitter's Checklist process to discuss, document, and validate the Submitter's plan for fulfilling the requirements of Category Based Subscription Management, with the following considerations:

1. CJIS can enable use of Category Based Subscription Management contingent upon necessary improvements being verified as in place prior to the Submitter using Category Based Subscription Management for their participation in NGI's Rap Back Service.

2. Submitter must discuss with CJIS any changes in the enabled processes. CJIS must document those changes to the Submitter's existing Rap Back plan.

3. Approximately one-year after a Submitter begins participating in Category Based Subscription Management, CJIS will validate that the Submitter's documented processes are still in place and are resulting in the Submitter's compliance with the requirements for Category Based Subscription Management. The CJIS Audit Unit may conduct this one-year review on site or remotely. The CJIS Audit Unit may schedule this approximate one-year review in a manner that fits into the Unit's existing audit activities.

4. In order to ensure Privacy Risk Mitigation Strategies and other system processes are being followed, the regular CJIS audits will have a special emphasis on validating the processes described to CJIS at start-up remain in place, or have been modified only after discussions with CJIS, and that they remain effective.

5. Upon request, the Submitter must be able to provide CJIS with appropriate reports including, but not necessarily limited to:
    a. All Submitter-maintained subscriptions for the Category Based Subscriptions in NGI, along with the associated Privacy Risk Mitigation Strategies being employed for those subscriptions;
    b. All Submitter-maintained subscriptions for named Subscribers and the associated Privacy Risk Mitigation Strategies being employed for those Subscribers;
    c. Other available information that will assist CJIS in validating the processes being employed by the Submitter.

Detailed discussions of the two approaches and considerations for choosing between them are in Appendix 5: NGI Rap Back Subscription Management Plans.

Subscribers:
Subscribers have no specific responsibilities regarding the Submitters' choosing the appropriate Subscription Management Plan. In either case, they will have to coordinate with the Submitters on submission of all Rap Back subscriptions and managing their validations/expirations, changes, and deletions.

Submitters:
The Submitting Entity must choose between these two Subscription Management Plans, as supported under the NGI Rap Back Service.

FBI CJIS Division:
The FBI CJIS Division will work with Submitters on implementation of the above approaches. The expectation is that each Submitter would choose only one of these methods for managing their subscriptions. It is also the FBI CJIS Division's expectation that as the Submitting Entity is establishing their Subscription Management Plan, unanticipated details will emerge, and the FBI CJIS Division will provide assistance to the Submitters as those challenges arise.

Coordination between the CJIS Division and the Submitters will be necessary pre and post implementation.

3. Privacy Risk Mitigation Strategies

Submitters and Subscribers must decide upon and implement approved Privacy Risk Mitigation Strategies

A foundational precept of NGI's Rap Back Service is that it creates no new authorities for access to Criminal History Record Information (CHRI). As such, the CHRI disseminated under Rap Back is subject to all the existing statutes, policies, and requirements. The receiving entities are responsible to know those policies and requirements. Rap Back does create some new privacy risks however, in that it creates a new means of access to the NGI CHRI. The new means of access does introduce some risks inherent to that access.

The following items have been identified as the most important new risks associated with the implementation of Rap Back:

1. **Release of CHRI to unauthorized entities**
   Since Rap Back does not provide CHRI to any new users, the greatest new threat here is release to entities that were authorized at one time but no longer are authorized. For example, the system must have controls to prevent data regarding the arrest of a person who used to be a nurse from being sent to the State Board of Nurses if his license is expired and the individual is no longer working in the medical field.
2. **Release of Personally Identifiable Information (PII)**
   A new risk here is the new transactions, such as pre-notification, and the need to ensure that the transactions themselves do not create an unauthorized release of PII.
3. **Extended retention of subscriptions for persons no longer of official interest to the end users who initially subscribed to them.**
   Responsible system management and privacy strategy require policies and controls that establish an inherent integrity to the data and the operations against that data. For example, the system must guard against a one-year teacher whose subscription stays in file indefinitely.

The Compact Council has endorsed the Privacy Risk Mitigation Strategies set out in Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies as appropriate for mitigating the risk associated with Rap Back.

The Strategies are designed to protect the privacy of the individuals subscribed in Rap Back, as well as to ensure integrity of Rap Back operations and data.

A key component of the privacy strategy decision is determining the appropriate Rap Back Activity Notification Format for each subscribed population. That is, when a future triggering event match occurs, should the Subscriber receive a pre-notification message, the triggering event, or the triggering event and Identity History Summary? Using the considerations discussed in Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies, the Subscriber and Submitter must agree upon the appropriate Rap Back Activity Notification Format and then that choice must be included each time a subscription is established for that Subscriber's population and must be employed for each future Rap Back Activity Notification received for them.

Also very important to the Privacy Risk Mitigation Strategies is the appropriate use of validation and expiration dates. Validation of a subscription requires the Subscribing Entity to confirm that they still have an authorizing relationship to the person (is still licensed, employed, volunteering, etc.). If the Subscribing Entity is still authorized, the subscription may remain in file; if they are not, it must be removed. The NGI Rap Back Service implements the validation function through the use of required Expiration Dates. For example, if the Submitter and Subscriber have chosen One-Year Validation/Expiration as their Privacy Risk Mitigation Strategy, then they must set the Expiration Date of their subscription to no greater than one year from entry.

Note: Although there are data fields for Rap Back Activity Notification Format and Expiration Date, both of which are directly related to the Privacy Risk Mitigation Strategies, there is no separate data field in the Rap Back subscription record to indicate which Privacy Risk Mitigation Strategy is being employed for that subscription. It is the responsibility of the Submitters and Subscribers to manage subscriptions under the chosen Privacy Risk Mitigation Strategies.

Subscribers:
The Subscribing Entity must coordinate with the Submitting Entity on the most appropriate Privacy Risk Mitigation Strategies for their subscriptions. Success of those Strategies relies heavily upon the Subscribing Entities embracing the importance of the privacy controls, creating a culture of privacy protection and implementing reliable processes to implement the chosen approaches. The Subscribing Entity must participate with the Submitting Entity in the activities required for pre-notification, validation/expiration, etc., as detailed in Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies. The Strategies must be established prior to the Subscribing Entity creating any subscriptions in NGI. The Submitter may use the Subscribing Entity Reference Guide in any manner to assist in that discussion and decision.

Submitters:
The Submitting Entity does not have to use a single Strategy for all their Subscribers; they may use the Strategies most appropriate to the different purposes and capabilities of their users. They must, however, ensure that all of their Subscribers are participating in one of the Strategies and that all subscriptions are covered by an appropriate Strategy. All subscriptions for one population, as determined by their ORI, must be managed under one Privacy Risk Mitigation Strategy. The Submitter must establish reliable processes to implement the Strategies selected, as described in Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies. They also must ensure that the Subscribing Entities understand the importance of these Strategies and have processes in place to implement them. They may use the Subscribing Entity Reference Guide to assist in any appropriate manner.

For Submitters using Category Based Subscription Management

Requirement: *Manage Submitter-maintained subscriptions that are related to NGI Category Based subscriptions according to their respectively chosen Privacy Strategies, regardless of the NGI Subscription's Expiration Date or Rap Back Activity Notification Format.*

Best Practice Regarding Expiration Dates: *Enter or modify the Expiration Date of the NGI Category Based Subscription to the latest valid date among the Submitter-maintained subscriptions.*

Since the Submitter has agreed under the Category Based Subscription Management approach to manage each population of Subscribers according to the chosen Privacy Strategies, they can make the NGI Category Based subscription as broad as possible. That is, the Submitter is going to apply the validation/expiration rules to their Submitter-maintained subscriptions independently of what happens to be in the NGI Category Based subscription, so they can make the Expiration Date as late as the Submitter-maintained subscriptions will allow.

In that way, they can perform their Submitter-level validation/expiration process as normal, which will have to be shorter than or equal to the validation/expiration period entered in the NGI subscription. They can then use the outcome of their Submitter-level process to "extend" or "renew" the NGI subscription for the persons, as appropriate. This processing will require new procedures to extend the outcome of the Submitter-level validation to the NGI records, but if the Submitter can convert the Submitter-level validation process to successfully update the NGI records in a reliable manner, the Submitter can elect to opt-out of NGI's monthly validation/expiration list processing. They will keep their NGI subscriptions up to date as a by-product of their Submitter-level processing. Any subscription that is not extended or renewed will be removed from NGI on its Expiration Date.

Best Practice Regarding Rap Back Activity Notification Format: *Enter Identity History Summary and Triggering Event.*
Alternate Practice Regarding Rap Back Activity Notification Format: *Enter the broadest Rap Back Activity Notification Format among the Submitter-maintained subscriptions.*

Similarly, the Submitter can make the Rap Back Activity Notification Format of the NGI subscription as broad as possible. For example, if they are using Pre-notification for a volunteer entity, they can still enter the Identity History Summary and Triggering Event as the Rap Back Activity Notification Format in the NGI Category Based subscription. When they get a Rap Back Activity Notification, they still will do their Submitter-level pre-notification to the volunteer entity, but they will not have to do an Identity History Summary Request to obtain the record when the Subscriber responds positively. They can just provide the one they already received with the Rap Back Activity Notification.

If the same person gets a license with an agency that uses the Identity History Summary and the Triggering Event Rap Back Activity Notification Format, the Submitter will not have to modify the NGI subscription. If a future event happens, the Submitter provides the Identity History Summary and Triggering Event to the licensing agency and still goes through the Submitter-level pre-notification process with the volunteer entity.

Alternately, the Submitter can enter the specific Rap Back Activity Notification Format for the first subscription, and then modify it should another subscription request be received on this person in the same Category that has a broader Rap Back Activity Notification Format.

FBI CJIS Division:
The FBI CJIS Division will coordinate with the Submitters on their respective approaches. Coordination between the FBI CJIS Division and the Submitters may be necessary both pre and post implementation. The FBI CJIS Division will provide Submitters the guidance and training needed to ensure as much instruction as possible is communicated.

4. EBTS Transactions

Submitters must use new Electronic Biometric Transmission Specification (EBTS) transactions to participate in NGI's Rap Back Service

The fingerprint submissions from the SIBs, Federal Submitting Agencies, and other authorized fingerprint contributors are submitted to the CJIS Division in the FBI's national standard format, called the Electronic Biometric Transmission Specification, or EBTS. NGI's Rap Back Service modifies some existing EBTS transactions and creates some entirely new, Rap Back-specific, EBTS transactions. All Submitting Entities must make those modifications and create the appropriate new transactions for them and their Subscribers to participate in NGI's Rap Back. The Rap Back start-up technical requirements are set out in EBTS version 10.0 and Submitters must implement at least those Rap Back EBTS transactions to begin participation in NGI's Rap Back Service. The latest available version of the EBTS can be found at website: https://www.fbibiospecs.org/ebts.html.

For quick reference, Appendix 4: Non-Criminal Justice Rap Back Related Data in EBTS discusses the non-criminal justice Rap Back related data within the EBTS. Those data make up the logical Rap Back Subscription Record within NGI. Please refer to the most current version of the EBTS at the above website for the specific technical requirements for participation in the NGI Rap Back Service. The NGI Rap Back Service Transactions Section of this document describes all the operational transactions the Subscribers and Submitters must perform to participate in Rap Back. Each description of an operational transaction also includes notes on the related EBTS transactions that the Submitter must execute to complete the operational transactions. These notes are not the complete technical requirements for these transactions and are intended only to: outline the EBTS transactions for implementing NGI's Rap Back; assist Submitters in quickly finding the appropriate location of Rap Back related information within the EBTS; and to provide some policy/operational guidance regarding the use of the EBTS transactions. All technical planning, development, and implementation must be done by referring to the EBTS document.

Subscribers
The Subscribing Entity must ensure that the requests for subscription they send to the Submitter contains all the necessary information to complete the corresponding EBTS transaction. The Subscribers must use the Submitter's messaging communications methodology or procedures to forward the correct status information to the Submitter so that the NGI subscription records are accurate and up to date.

Submitters
The Submitting Entity must complete programming to send and receive all Rap Back EBTS transactions to and from NGI at the appropriate times with the appropriate information. Submitters must implement all logic and controls associated with the business activities the EBTS formats represent, as well as the logic and controls associated with the EBTS transactions themselves.

In order to support the Subscribing Entity's role of ensuring their Rap Back subscriptions are synchronized with the status of the person under their purview, the Submitting Entities must establish messaging and

communication protocols and instructions on how Subscribers are to send subscription information to them. They must have trained the Subscribers on the Rap Back functions and how each is fulfilled between the Subscriber and the Submitter. They must then have an internal process for converting all messages received from the Subscriber into the EBTS transaction formats and sending those to NGI.

For Submitters using Category Based Subscription Management

Requirement: *Prepare for all EBTS transactions under Category Based Subscription Management Approach in the same manner as under the Event Based Management Approach.*

Even though the Submitter will be entering NGI subscriptions with themselves as the Submitter and the Subscriber, they still must be prepared to use all the EBTS transactions under the Category Based Subscription Management Approach.

FBI CJIS Division

The FBI CJIS Division will provide technical and policy guidance on Rap Back subscriptions, including the logic and controls associated with the related business activity and with the EBTS transactions. The FBI CJIS Division will ensure that EBTS transactions from Submitters are processed and appropriate responses returned within system requirements.

The FBI CJIS Division will have a robust error handling process, including the ability for manual intervention when a Submitter or Subscriber is unable to resolve an error.

5. Notification to Applicants

The applicants must be notified that their fingerprints will be retained in the national file for notification of future criminal history events

Under the Privacy Act, collectively the FBI CJIS Division, the Submitting Entities, and the Subscribing Entities must ensure that the applicant receives notification of the retention within NGI and a summary of intended uses. This requirement can be fulfilled either through each Subscribing Entity's application processes, through a statewide process administered by the Submitter, or other reliable means. The future uses include the searching of latent fingerprints against retained civil fingerprints.

Follow the below link to the FBI's Privacy Act Notification Statement as a guide to the level of notification required.

http://www.fbi.gov/about-us/cjis/cc/library/privacy-act-statement-1

Subscribers:

The Subscribing Entity must ensure that their application processes include a verifiable notice to the applicants of such language, or that they participate in a statewide or other process that fulfills this requirement.

Submitters:

The Submitting Entity must educate the Subscribing Entities on the critical importance of this notice and ensure that each of its Subscribing Entities has the above process in place, or that a statewide or other process accomplishes the notice.

For Submitters using Category Based Subscription Management

Requirement: *Manage notification to applicants under Category Based Subscription Management in the same manner as under Event Based Subscription Management.*

FBI CJIS Division:
The FBI CJIS Division will be available to discuss alternative notification processes, or other policy questions, as requested by Submitters.

6. Subscription Term and Subscription Expiration

Subscribers must understand the relationship between the Subscription Term and the Subscription Validation/Expiration period.

Each NGI Rap Back subscription has two key dates: The Rap Back Term Date and the Subscription Expiration Date:

- The Rap Back Term Date reflects how long of a subscription period has been purchased by the Subscriber through the payment of the fee. This date is automatically populated using the information provided in the EBTS Rap Back Subscription Term field.
- The Expiration Date is the date at which the subscription expires to fulfill the validation requirement, even if time still remains on the Subscription Term. If time does remain on the Subscription Term, the subscription may be "extended" with no additional fee.

The NGI Rap Back Service requires both dates in order to fulfill two key requirements of the Service:

1. The desire to provide Subscribers the flexibility to purchase subscriptions at lower fees when they know that many of their subscriptions will not last long term. The multiple Subscription Terms provide this flexibility. This Section discusses how the Subscription Term fulfills this process and how it interacts with the validation/expiration process.
2. The need to protect the privacy of the subscribed persons. This protection is accomplished through the Privacy Risk Mitigation Strategies that require review and validation of all subscriptions at least every five years. The five Privacy Risk Mitigation Strategies provide implementation alternatives so that Submitters and Subscribers can use the Strategies best suited to their operations. This Section discusses how the Expiration Date is the means by which the validation process is accomplished and how it must operate within the timeframes set by the Subscription Term.

The Subscriber must pay a fee for each NGI Subscription. The amount of the fee determines the Rap Back Subscription Term, which is the length of time during which the subscription can be repeatedly "extended" without incurring an additional fee. The available Subscription Terms are as follows:

- 2-Year
- 5-Year
- Lifetime

Although the Subscriber pays a fee for a 5-year Subscription Term, for example, that does not mean that the subscription automatically remains active for five years. Each NGI subscription must be governed by one of the Privacy Risk Mitigation Strategies, as discussed in Item #3: Privacy Risk Mitigation Strategies, above.

Those Privacy Risk Mitigation Strategies require that NGI Rap Back subscriptions be reviewed and validated at certain intervals in order to remain in NGI. That validation process is implemented for NGI Rap Back through the use of the Expiration Date field. That is, even though a Subscriber pays for a 5-year Subscription Term, for example, if they participate in Privacy Risk Mitigation Strategy #4: One Year Validation/Expiration, they must validate the subscription every year. This means that they must set the Expiration Date of their subscriptions to one year from the date of entry.

The logic is as follows:

a. The Subscriber has paid for the Subscription to remain in NGI for a certain Subscription Term (2 years; 5 years; or lifetime), so they will not be charged again during that Term.
b. However, the approved Rap Back Privacy Risk Mitigation Strategies require that the Subscriber periodically verify that they are still in an authorizing relationship with the subscribed person—the subscription must be validated at intervals determined by the Privacy Risk Mitigation Strategy chosen by the Subscriber and Submitter.
c. As the mandatory Expiration Date required by the chosen Privacy Risk Mitigation Strategy approaches, the Subscriber will be provided an opportunity to review their subscription, validate that it can still be in NGI Rap Back and, if it is still valid, "extend" it for a new validation/expiration period that is within the Subscription Term. If they do not extend the subscription, it is automatically removed at the Expiration Date.
d. The Subscription is "extended" by use of the Rap Back Maintenance "Replace" transaction, through which the Subscriber replaces the expiring Expiration Date field with a new date that is consistent with the selected Privacy Risk Mitigation Strategy, and which does not extend the subscription past the Rap Back Term Date.
e. No fee is charged for the Rap Back Maintenance "Replace" transaction that replaces the Expiration Date field with a new "extended" Expiration Date that is less than or equal to the Subscription Term.
f. If the new Expiration Date would extend the Subscription past the Rap Back Term Date, the Subscriber must either:
    i. Use a different Expiration Date that is less than the Rap Back Term Date;
    Or
    ii. "Renew" the Subscription for a new Subscription Term. The renewal is accomplished by the Submitter using the Rap Back Maintenance "Renew" transaction to renew the Subscription, which automatically creates a new Rap Back Term Date. The Submitter must include a new Expiration Date in that transaction.
g. The Rap Back Maintenance "Renew" transaction which renews the Subscription does cause the billing process to charge the Subscriber a new Rap Back subscription fee.
h. The subscription is always renewed for the same Subscription Term as originally purchased.

See NGI Service Rap Back Transactions Item #3: Performing Maintenance on Rap Back Subscription Records for more discussion of the transactions.

Following are two examples of how the two dates relate to each other:

1. Five years is the maximum validation/expiration period allowed under the Privacy Risk Mitigation Strategies, meaning that the Expiration Date can never be greater than five years from the date the subscription is established. However, a Subscriber can pay for a lifetime Subscription Term under any of the Strategies. Paying that fee will allow the Subscriber to repeatedly extend the subscription under the validation/expiration requirement for the chosen Strategy, as appropriate, and never have to pay another fee for that subscription.

2. Alternately, a state Licensing Commission may choose a five year Subscription Term for one population of its license holders, because the lower fee makes sense in light of a higher turnover in that industry. But they could also choose Privacy Risk Mitigation Strategy #4: One Year Validation/Expiration because that works best for their operational processing. The Licensing Commission would then set the Expiration Dates of its licensees' subscriptions to one year. For each of the first four years, during the monthly validation/expiration list process, the Licensing Commission would tell the SIB which persons for that month are still licensed and need to be extended for another year. (See Item #5: Receiving and Responding to the Monthly Rap Back Subscription Validation/Expiration Lists under the NGI Rap Back Service Transactions Section, below, for information on the monthly validation/expiration lists.) The SIB would use the Rap Back Maintenance "Replace" transaction to extend the Expiration Dates in those subscriptions for another year. At the end of the fifth year, a "Replace" of the Expiration Date would extend the Expiration Date past the Rap Back Term Date, so at that time, the Licensing Commission would have to initiate a Subscription renewal message to the SIB with a new one-year Expiration Date, which the SIB would send to NGI in the Rap Back Maintenance "Renew" transaction format. That message would renew the Subscription, automatically set the new Rap Back Term Date to five years from the previous Term Date, replace the expiring Expiration Date with the new one-year Expiration Date entered by the Subscriber, and cause a new five-year Rap Back Subscription Term fee to be charged.

Subscribers will have to choose the appropriate Privacy Risk Mitigation Strategies, Expiration Dates, and Subscription Terms based upon their knowledge of the populations to which they subscribe.

7. Subscription Term Decisions and Subscription Fees

To determine appropriate fees, Subscribers must decide upon appropriate Subscription Terms for their subscriptions

The NGI Rap Back Service will charge a Rap Back subscription fee for each non-criminal justice subscription. The amount of that fee is determined by the Subscription Term selected for the subscription.

The Interim Rap Back subscription fees that will be charged at start-up have been established, as follows:

2 -Year Rap Back Term -- $2.25
5 -Year Rap Back Term -- $6.00
Lifetime Rap Back Term -- $13.00

NGI will use a transaction-based fee process similar to the non-criminal justice fingerprint search fee process currently in place. The following transactions will cause Rap Back subscription fees to be charged:

1. The Tenprint Fingerprint Identification Submission transaction, when an NGI Rap Back subscription is set using that transaction. The Rap Back subscription fee charged from a Tenprint Fingerprint Identification Submission is in addition to the fingerprint search fee normally charged for non-criminal justice fingerprint submissions.
2. The Subsequent Subscription transaction. This transaction, when used for non-criminal justice subscriptions, will always cause a Rap Back subscription fee to be charged, but will not incur a fingerprint search fee, even when fingerprints are included within the transaction.

3. The Rap Back Maintenance "Renew" transaction, which renews the Subscription. This transaction renews the Subscription for the same period as the original Term (2-year or 5-year) of the subscription, and causes the Rap Back subscription fee for that Term to be charged again.

The Interim Rap Back fee was established as described in the Federal Register Notice for the CJIS User Fee Final Rule, effective May 13, 2010, New Services[1]. The Interim Rap Back fee will remain unchanged until adequate historical data is available to incorporate the Rap Back Service into the annual user fee study which analyzes the actual costs of providing reimbursable services. At such time, the user fee study, to include Rap Back services, will be conducted using the same methodology outlined within the Final Rule. The results of the fee study will be reviewed and a new Rap Back fee class will be established through the regulatory process. The FBI CJIS Division anticipates that it will have collected sufficient data to incorporate fully the Rap Back Service into the annual user fee study by FY 2016.

Note: Once a Rap Back subscription is established, the Subscription Term cannot be modified. In addition, if a Subscriber cancels the subscription prior to the end of its Subscription Term, the remainder of that purchased Term is forfeited. There is no refund of a pro-rated amount.

For Submitters using Category Based Subscription Management

Requirement: *Enter the first NGI Category Based subscription for an individual with the Subscription Term chosen by the Subscriber of that particular civil event.*

Best Practice: *If a subsequent Submitter-maintained subscription on the person in the same Category has a Subscription Term that extends further into the future than the first NGI subscription, cancel the present NGI subscription and enter a new one with the new Subscription Term. Repeat the process for additional subscriptions on the person in the same Category.*

For example, the Submitter enters the first NGI Category Based subscription for an individual with the Subscription Term chosen by that first Subscriber; the Subscriber is billed for that Term; and the Submitter manages the NGI Subscription to that Term. If one year later another subscription request for the same person in the same Category comes to the Submitter with a five year Subscription Term, the Submitter then has to manage one Submitter-maintained subscription that expires in one year and another Submitter-maintained subscription that expires in five years. The NGI subscription should be changed to accommodate the Submitter-maintained subscription with the longer Term. Of course, the same would always be true for a second (or subsequent) subscription with a lifetime Term.

The Subscription Term and the resulting Rap Back Term Date are not modifiable fields in NGI. So, the only way to change the NGI subscription is to cancel the first subscription and re-enter it with the five-year Subscription Term. NGI will bill the Submitter the five-year Term fee, which the Subscriber will pay, as expected. Cancelling and re-entering with the new, longer Term should not cause a fee problem, since the second Subscriber was anticipating payment of the fee, anyway. If the first subscription had paid a lifetime fee, the Submitter would not have to change the NGI subscription when the second subscription request came in. In that instance, NGI would not charge the Submitter anything for the second subscription, since there would have been no NGI transaction related to the second subscription.

[1] Federal Register Volume 75, No. 70, dated May 13, 2010, which states: "If the FBI offers a new service or otherwise requires a new fee class in the future, the charge for this new fee class will be based upon the closest existing fee class until such time as a new fee class can be established. Authorized users will be advised of the new service or new fee class by CJIS Information Letter or other CJIS communication."

Requirement Regarding Fees: *Determine whether you have the authority and resources to manage the NGI Rap Back fees associated with the subscription requests you will receive.*

A key issue for any Submitter implementing NGI's Rap Back is their coordination and management of the NGI fees with their own fees. This question becomes more complicated if the Submitter chooses the Category Based Subscription Management Approach. The Submitter will send NGI the fees for the first subscription on a person in a certain Category. If another subscription is requested on that same person in the same Category, the Submitter will not send that subscription to NGI, and will not pay NGI any fee for that subscription. The Submitter must be able to accommodate the fact that the second subscription will not have to pay an NGI subscription fee. The Submitter must consider that the NGI subscription needs to be managed to accommodate all the Submitter-maintained subscriptions referenced by the NGI Category Based subscription.

For example, the Submitter must accommodate the fact that a "lifetime" Subscription Term Subscriber can "extend" their subscription an indefinite number of times, without ever having to pay another NGI fee, but there could be another Submitter-maintained subscription on that person from an entity who expected to pay a new fee every two or five years.

8. Subscription Expiration Decisions

Subscribers must determine appropriate Expiration Dates for their Rap Back subscription records

Every NGI Rap Back subscription record must contain an Expiration Date. Subscribers and Submitters must ensure that the Expiration Date field is correctly used according to the guidelines for the Privacy Risk Mitigation Strategies listed below. If no Expiration Date is indicated in the subscription request transaction, the transaction will be rejected. The Submitter and Subscriber must have agreed upon a Rap Back Privacy Risk Mitigation Strategy for each of their populations. Then the Expiration Date must be determined from that Privacy Risk Mitigation Strategy choice and the chosen Subscription Term. Refer to Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies for the details of these Strategies.

Strategy 1: Pre-Notification with Mandatory Validation/Expiration within Three Years

This Strategy requires the Expiration Date field to contain a date within the Subscription Term and no later than three years from the date the subscription is established.

Strategy 2: Authority for Duration of a License

This Strategy requires the Expiration Date field to contain the end date of the term of license, or, if the licensing entity prefers, a date somewhat prior to that date. The Expiration Date must contain a date within the Subscription Term and no later than five years from the date the subscription is established.

Strategy 3: Statutory Authority for a Set Period of Time

This Strategy is equivalent to Strategy 2, and similarly requires the Expiration Date field to contain a date within the Subscription Term; no later than the end of the Set Period of Time authorized in the statute; and no later than five years from the date the subscription is established.

Strategy 4: One-Year Validation/Expiration

This Strategy requires the Expiration Date to contain a date no later than one year from the date the subscription is established.

Strategy 5: Subscription Synchronization Through Automated or Formalized Procedures

This Strategy requires the Expiration Date field to contain a date within the Subscription Term and no later than five years from the date the subscription is established.

Subscribers

The Subscribing Entity must understand the Privacy Risk Mitigation Strategy that is being employed for their population(s) and ensure that they place the correct Expiration Date in the subscription request sent to the Submitter. This includes managing changes to the Expiration Date or other parts of the subscription as they occur. It is important that the Subscriber sends a request to remove the subscription when they are no longer authorized to receive the CHRI, such as the person leaves employment, license expires, or other terminating occurrence.

Critical to the correct managing of validation/expiration of subscriptions is the timely review of validation/expiration lists that are provided monthly by the Submitter. The Subscriber must receive those lists, review them in a timely manner, and notify the Submitters of appropriate actions.

The processing of monthly validation/expiration lists and use of the Rap Back Maintenance transactions for the Expiration Date and Subscription Term fields are discussed under the NGI Rap Back Transactions Section, Item #5: Receiving and Responding to the Monthly Rap Back Subscription Validation/Expiration Lists, below.

Submitters

The Submitting Entity must have communicated to the Subscribers the appropriate means of determining the Expiration Date based upon the chosen Privacy Risk Mitigation Strategy. The Submitting Entity must ensure that appropriate Expiration Dates are entered and modified based upon communications from the Subscribing Entities and must process errors and other responses efficiently.

The Submitter must have robust processes in place to receive the validation/expiration lists from NGI, divide them among the Subscribers, and deliver them as quickly as possible. The Submitter then must be able to quickly process the responses from the Subscribers to ensure that the appropriate Subscriptions are extended or renewed and are not accidentally removed from file.

Note: While validating subscriptions is mandatory, the validation/expiration list process described throughout this document is not mandatory. It is a process provided by CJIS to assist Submitters in administering the validation process. However, Submitters may opt out of receiving these monthly lists if they have an alternate validation process in place that ensures all subscriptions are validated within NGI in a timely manner.

For Submitters using Category Based Subscription Management

Please see Expiration Date discussion under Privacy Risk Mitigation Strategies in Item, #2, above.

FBI CJIS Division

The FBI CJIS Division will be available to assist Submitters when questions arise regarding the Expiration Date functions or when they have technical difficulties with the transactions.

9. Subscription Triggering Events

Subscribers may identify additional events that will trigger Rap Back Activity Notifications in each subscription

All Rap Back Subscribers will be notified via a Rap Back Activity Notification when one of the following events occurs:

1. A future arrest fingerprint submission matches against one of their subscribed Identities.
2. One of their subscribed Identities is involved in a consolidation.
3. One of their subscribed Identities is deleted.
4. One of their subscribed Identities is Restored its previous state after an expungement, consolidation, or deletion.

In addition to those default notification triggers, the Subscribing Entity may choose one, some, or all of the remaining triggers to generate notifications, with the exception that civil event notifications are only authorized for select federal agencies who have specific statutory authority to receive that information.

There are two EBTS transactions that allow for setting the triggers and one that allows for modification of the triggers. Triggers may be set with the original non-criminal justice fingerprint submission (Search and Subscribe), or with the Subsequent Subscription transaction. The triggers may be modified anytime thereafter by a Rap Back Maintenance transaction. Whenever a trigger is activated, a Rap Back Activity Notification transaction is sent to the Submitting Entity of the Subscriber. As discussed elsewhere, the contents of that Rap Back Activity Notification will depend upon the Privacy Risk Mitigation Strategy agreed upon between the Subscriber and the Submitter.

If no triggering event is indicated in the Rap Back request transaction, the subscription will be established with the default "Criminal Retain Submission" as the only trigger. The available triggering events are:

a. Criminal Retain Submission
   This trigger will activate whenever a retained criminal Tenprint Fingerprint Identification Submission transaction or NFF Criminal Print Identification (CPI) transaction matches against a subscribed NGI Identity. This trigger is automatically set for all subscriptions, regardless of whether it is requested or not.
b. Dispositions
   This trigger will activate whenever a reported disposition transaction is matched against a subscribed NGI Identity. The disposition transactions included are:
   - Disposition Fingerprint Search Request
   - Disposition Submission Request
   - Disposition Maintenance Request
c. Civil Retain Submission
   This trigger will activate whenever a retained civil Tenprint Fingerprint Identification Submission matches against a subscribed NGI Identity, and it will provide notification of civil event information. This trigger is limited to certain federal agencies that have specific statutory authority to receive this information [e. g. for Office of Personnel Management (OPM), Security Clearance Information Act (SCIA)].
d. Expunge/Partial Expungement
   This trigger will activate whenever all or a portion of a subscribed NGI Identity is expunged and provide notification of the information being removed from the record.
e. Warrant entry with FBI number included

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is entered into the NCIC Wanted Person file or Immigration Violator file.

f. Warrant Deletion

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is deleted from the NCIC Wanted Persons file or Immigration Violator file. This trigger will be activated by NCIC Cancel, Clear, or Locate transactions.

g. Warrant Modification

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is modified within the NCIC Wanted Persons file or Immigration Violator file.

h. Sex Offender Registry entry

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is entered in the NCIC Sex Offender Registry.

i. Sex Offender Registry Deletion

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is deleted from the Sex Offender Registry. This trigger will be activated by Cancel or Clear transactions.

j. Sex Offender Registry Modification

This trigger will activate whenever a record containing an FBI/UCN that matches a subscribed NGI Identity is modified within the Sex Offender Registry. Transactions that will cause this trigger to activate are limited to modification of any of the following fields:

- Name
- Case Number
- Registration Date
- Registry Expiration Date
- Registering Agency

k. Death Notices

This trigger will activate whenever NGI receives a death notice and associates it with a subscribed NGI Identity. This will include both fingerprint-based and non-fingerprint-based death notice submissions. The Rap Back Activity Notification will include whether it was a fingerprint supported death notice or not. NGI does not remove the Rap Back subscription as result of a fingerprint based or non-fingerprint based death notice.

Subscribers

The Subscribing Entity must choose one of the following alternatives:

a. Indicate on each subscription request the desired triggers for that subscription; or,
b. If the Submitting Entity agrees, the Subscriber can ask the Submitter to always insert the same set of identified triggers in each NGI subscription request for the Subscriber; or,
c. Allow the triggers for each subscription to default to only the default triggers of arrest notification, Identity consolidation, Identity deletion, and Identity restoration.

Submitters

The Submitting Entity must ensure that all Subscribing Entities understand the concept of triggers and the effects of choosing the different trigger options. The Submitting Entity may agree with individual Subscribers to always insert the same set of identified triggers for their subscription requests to NGI.

For Submitters using Category Based Subscription Management

Best Practice: *Enter the NGI Subscription with the broadest number of Triggering Events that you will allow for any subscriptions in the state or federal agency.*

Alternate Practice: *Since Triggering Events is a modifiable field, the Submitter can enter just the Triggering Events appropriate to the first subscription received, and then add any additional Triggering Events as appropriate to any subsequent subscription requests received for this person within the present Category.*

Since the Submitter will filter future Rap Back Activity Notifications to the in-state or federal agency level Subscribers, it is permissible for the Submitter to enter the first NGI subscription with all authorized Triggering Events and then only forward future Rap Back Activity Notifications to Subscribers when they are caused by Triggering Events appropriate to those Subscribers.

Alternately, the Submitter may subscribe with only the Triggering Events appropriate to the initial Subscriber and then modify the NGI subscription if additional Subscribers request subscriptions on this person in this Category with different Triggering Events. Even under that approach, however, the Submitter will have to filter the Rap Back Activity Notifications. The second Subscriber could have allowable Triggering Events that were unauthorized for the first Subscriber

FBI CJIS Division
The FBI CJIS Division will ensure that Submitters understand role of the triggers, and their effects.

10. Opting Out of In-State Notifications

SIBs may opt out of receiving in-state notifications

Many states currently have Rap Back programs in place, and will likely choose to continue their current business processes when the NGI Rap Back Service becomes available. The default NGI functionality is that Rap Back Activity Notifications will be sent on all identified triggering events, regardless of state of origin of the event. States will have the capability, however, to indicate in each subscription request transaction whether or not that subscription should be opted out of receiving the in-state notifications. This capability will allow those states who do not want to receive notifications on in-state events to prevent that from happening. It will also allow states to receive in-state notifications on some populations, but not receive them on others, if that is the desired configuration. Federal arrests matching NGI Rap Back subscriptions will always cause notifications to the Submitters.

Note: When CJIS Service Providers make additions or corrections to the criminal history records within CJIS, those transactions do not process through the SIB and cannot cause in-state notifications to the states in which they occur. A good example is when CJIS Service Providers add dispositions provided by internal sections to the CJIS criminal history records. As such, Rap Back provides in-state notifications on all transactions entered by CJIS Service Providers, even if the state has "Opted Out" of in-state notifications for that Subscription.

Subscribers:
This function will be largely transparent to Subscribers. No action is required since they will continue to get the in-state Rap Back notifications from the in-state Rap Back service, plus they will receive the benefit of

out-of-state Rap Back Activity Notifications from NGI's Rap Back through whatever process they have agreed to with their Submitting Entity.

Submitters:
Submitting Entities who want to opt out of receiving in-state notices from the NGI Rap Back Service must establish this preference within each transaction creating an NGI subscription. Of importance, if the Submitting Entity does not indicate the preference of not receiving in-state events on the transaction establishing the NGI Rap Back subscription, the transaction will not be rejected. NGI will insert the default value, which is that NGI will send all identified triggering events, regardless of state of origin of the event.

For Submitters Using Category Based Subscription Management

Requirement: *Manage Opting Out of In-State Notifications under the Category Based Subscription Management Approach in the same manner as under Event Based Subscription Management.*

FBI CJIS Division:
The FBI CJIS Division will coordinate with Submitters to ensure that they are aware of this option and properly establish Rap Back subscriptions in accordance with the EBTS.

11. Linking Plan

Subscribers must create a plan for linking future Rap Back Activity Notifications back to the right person or section to take action

The Subscribing Entity may receive future Rap Back Activity Notifications years after a subscription is set. A key goal of NGI's Rap Back Service is to be sure that future unsolicited Rap Back Activity Notifications are delivered to the right person or section within the Subscribing Entity, so that appropriate action will occur in a timely manner.

The fields available for internal linking include the following. This information will be included in Rap Back Activity Notifications sent to Subscribers:

1. FBI/UCN Number;
2. Subscribing Entity ORI (CRI)
3. The Rap Back Attention field
   This is a 100-character, free text field.
4. Ten User Defined fields
   i. Appropriate use is determined by the Submitter
   ii. These are free text fields of 100 characters each
   iii. Can contain additional linking information such as State SID; Subscribing Entity's reference number; more detailed internal contact information; reminder notes regarding the subscription; or any other relevant information.

Subscribers
The Subscribing Entity must decide how they are going to use these fields to ensure future Rap Back Activity Notifications, and other Rap Back messages are delivered to the right person or section within their organization.

The Subscribing Entity should coordinate with the Submitter to see whether and how they have prescribed use of the User Defined fields for their Subscribers.

Submitters
The Submitting Entity must educate the Subscribing Entities regarding the importance of using these fields to link the Rap Back messages to the right person or section within their organization.

The Submitting Entity must decide whether it would be an effective strategy to implement Submitter-level standardization of the information being entered into the User Defined fields for linking to the right Subscribing Entity, and within the Subscribing Entity to the right section or person. It is highly recommended that the Submitter engage Subscribers in that decision and then be sure to communicate to all Subscribers any Submitter-level standardization that is implemented.

For Submitters using Category Based Subscription Management

Best Practice: *Enter adequate information in the NGI subscription's User Defined fields to enable linking to all related Submitter-maintained subscriptions for this Identity.*

The Submitter must be able to find and administer all Submitter-maintained subscriptions related to each NGI Category Based subscription. This linking can be accomplished with the SID or in any reliable manner established by the Submitter. The User Defined fields are appropriate for creating this linking.

FBI CJIS Division
The FBI CJIS Division will ensure that the Submitting Entities are aware of the availability and uses of the linking fields. The FBI CJIS Division will be available to answer questions from Submitting Agencies regarding the requirement.

12. Training and Auditing

The FBI CJIS Division and Submitters must have training and audit programs in place

As with all the FBI CJIS Division services, training and auditing are foundational to establishing and maintaining the NGI Rap Back Service's effectiveness and the integrity of operations and data. CJIS system users are accustomed to following the policies established by the CJIS Advisory Policy Board, the CJIS Division, and the Compact Council. The Subscribers who will take advantage of the NGI Rap Back Service are already governed by the policies of these entities; Rap Back emphasizes the importance of those existing policies and increases them only to preserve the same level policy control and protection as required at present.

As such, the present training and auditing requirements in place for non-criminal justice use of CHRI are expanded to include training on the functions of Rap Back as well as the need for protection of the data as it is accessed, sent, received, and used as a result of Rap Back. Those new requirements include the need for the Subscribers and the Submitters to employ an appropriate Privacy Risk Mitigation Strategy, as detailed in Item #3: Privacy Risk Mitigation Strategies, above, and in Appendix 1: Approved Rap Back Privacy Risk Mitigation Strategies.

This Section will be further detailed with Submitter and Subscribing Entity responsibilities upon coordination with the FBI CJIS Division's Audit Unit.

For Submitters Using Category Based Subscription Management

Requirement: *Manage Training and Auditing under Category Based Subscription Management in the same manner as under Event Based Subscription Management.*

NGI Rap Back Service Transactions

The following operational transactions are all based on the Rap Back automated system transactions and together create the core of the NGI Rap Back Service. These are the operational transactions the Submitting Entities must process to provide the NGI Rap Back Service to their Subscribers:

1. Set the NGI Rap Back subscription and collection of fees
2. Receive Rap Back Activity Notifications
3. Perform Maintenance on Rap Back subscription records, which includes:
    a) Modify Rap Back subscription data
    b) Extend and Renew the Rap Back subscription, and collect fees if necessary
    c) Discontinue/cancel the Rap Back subscription
4. Retrieve a Subscriber's Rap Back Subscription List
5. Receive a Rap Back Subscription Renewal Notification
6. Request a Rap Back Identity History Summary
7. Process monthly validation/expiration lists

The above operational transactions are accomplished through the following EBTS electronic transactions.

EBTS electronic transactions and processes the Submitters must create to implement the new NGI Rap Back Service.

1. Tenprint Fingerprint Identification Submission (EBTS Section 3.1.1.20 Rap Back Subscription Requests) – with Rap Back subscription information
    - Response: Submission Results – Electronic (SRE - EBTS Section 3.1.1.21) – with Rap Back subscription information

2. Rap Back Subsequent Subscription Request – Civil (RBSCVL - EBTS Section 3.6.20)
    - Response: Rap Back Subscription Response (RBSR – EBTS Section 3.6.21)

3. Rap Back Subsequent Subscription Request – Criminal (RBSCRM - EBTS Section 3.6.19)
    - Response: Rap Back Subscription Response (RBSR – EBTS Section 3.6.21)

4. Rap Back Maintenance Submission (RBMNT - EBTS Section 3.6.22)
    - Response: Rap Back Maintenance Response (RBMNTR – EBTS Section 3.6.23)

5. Rap Back Subscription List Request (RBRPT - EBTS Section 3.3.3.1)
    - Response: Rap Back Subscription List Response (RBRPTR – EBTS Section 3.3.3.2)

6. Rap Back Identity History Summary Request (RBIHS - EBTS Section 3.3.3.3
    - Response: Rap Back Identity History Response (RBIHSR – EBTS Section 3.3.3.4)

Unsolicited EBTS Transactions that the Submitter must be able to receive and process from NGI

1. Rap Back Activity Notifications (RBN – EBTS Section 3.5.2)
2. Rap Back Renewal Notifications (RBRN – EBTS Section 3.5.3)

Related automation activities that Submitters must process

1. Processing Monthly Rap Back Subscription Validation/Expiration Lists
2. Creating and receiving bulk transactions

These EBTS transaction are described below in their operational context. The descriptions also include relevant EBTS notes. These notes do not contain the complete technical requirements for these transactions. These notes are intended only to assist Submitters in quickly finding the appropriate location of Rap Back related information within the EBTS and to provide some policy/operational guidance regarding the use of the EBTS transactions. There is no intention to replicate the EBTS requirements here in this document, only to highlight certain items. Submitters must refer to EBTS for complete technical implementation details. The information in EBTS controls any unintentional conflict between this document and EBTS. All technical planning, development, and implementation must be done by referring to the EBTS document.

These transactions do not include other automation activities that will be required, according to the Submitters' particular situation. Deciding whether to automate communication with Subscribers is one example.

The nature of these functions again emphasizes the critical role of communication and coordination between the Submitting Entities and the Subscribing Entities to receive and maintain notice of the correct status of the subscribed individuals. Only through that accurate exchange and the submission of the correct transactions by the Submitting Entities can the system ensure that the NGI Rap Back subscriptions accurately reflect the correct status of the subscribed persons.

1. Setting the NGI Rap Back Subscription

There are two alternative means for a Submitting Entity to set an NGI Rap Back subscription on behalf of a Subscribing Entity. First, the Tenprint Fingerprint Identification Submission transaction that sends the applicant fingerprints to NGI for search can also include a request to set the subscription at that time (called Search and Subscribe). Alternately, if the requesting entity prefers to review the results of the fingerprint search before making the subscription decision, they may do so by the Submitter sending the Tenprint Fingerprint Identification Submission to NGI to search and retain the fingerprints, but not to set the subscription (called Search and Retain). The Subscriber reviews the results and notifies the Submitter of the applicants who pass. The Submitter sets those subscriptions using the Subsequent Subscription function, as described below. The choice of which method to use is up to the Subscriber, who can choose the method that works best with their population of applicants. The Submitter now will have to decide how to administer the charging of the subscription fees in addition to the fingerprint search fee that has always been charged.

A non-criminal justice NGI Rap Back subscription is a subscription placed upon a biometrically matched or created NGI Identity based upon an authorized civil event (teacher application, volunteer application, medical license application, etc.). The fingerprints from the authorized event must be submitted to and retained in NGI at least for the duration of the subscription for Event Based subscriptions. For Category Based Subscription Management, only one set of civil event prints per person per Category must be sent to NGI.

The above fingerprint requirements can be fulfilled through the processes described in this Section.

Not all Tenprint Types of Transactions (TOT) will be able to establish Rap Back subscriptions. For example, the Humanitarian TOT submissions already provide internal notifications, and therefore will not be allowed to establish Rap Back subscriptions. Neither will Departmental Orders/FOIA Requests. The entire list is included for reference.

Tenprint Fingerprint Identification Submission Transaction	TOT	Can be used to create Rap Back Subscription
Criminal Tenprint Submission (Answer Required)	CAR	Yes
Criminal Tenprint Submission (No Answer Necessary)	CNA	No
Criminal Fingerprint Direct Route	CPDR	Yes
Criminal Fingerprint Processing Non-Urgent	CPNU	Yes
Departmental Order Channeling Electronic	DOCE	No
Electronic In/Manual Out User Fee Submission	EMUF	No
Federal Applicant (No Charge)	FANC	Yes
Federal Applicant User Fee	FAUF	Yes
Federal No Charge Direct Route	FNDR	Yes
Non-Federal No Charge Direct Route	NNDR	Yes
Non-Federal User Fee Expedite	NFUE	Yes
Non Federal Applicant User Fee	NFUF	Yes
Miscellaneous Applicant Civil	MAP	Yes
Known Deceased	DEK	No
Unknown Deceased	DEU	No
Missing Person	MPR	No
Amnesia Victim	AMN	No
Freedom of Information Document	FOID	No

For Submitters using Category Based Subscription Management

Requirement: *Enter all Category Based Subscriptions in NGI as the Submitter and Subscriber (Submitter ORI in ORI and CRI fields). Enter the following fields as discussed in this Guide:*

1. *Expiration Date*
2. *Rap Back Activity Notification Format*
3. *Subscription Term*
4. *Triggering Events*
5. *Opt Out of In-State Notification*
6. *Linking information (User Defined fields)*

No Subscriber information is required in the NGI subscription record under the Category Based Subscription Management Approach. The Submitter only enters one NGI subscription for each Category for each Identity, regardless of how many Submitter-maintained subscriptions exist or are created for that person in that Category. All Rap Back activities must be managed as discussed in this Guide.

Requirement When Additional Subscription Requests are Received on a Submitter-level Identity that already has an NGI Category Based Subscription Established: *Review the Submitter-level subscription request to determine whether any changes need to be made in the NGI subscription regarding the following data according to the requirements and Best Practices in this Guide:*

1. *Expiration Date*
2. *Rap Back Activity Notification Format*
3. *Subscription Term*
4. *Triggering Events*
5. *Opt Out of In-State Notification*
6. *Linking Information (User Defined Fields)*

A. Setting Subscription with initial criminal history search (Search and Subscribe)

In the non-criminal justice environment, the first step in the Rap Back process is the submission of the non-criminal justice fingerprints for initial determination of whether the applicant for an entrusted position has a disqualifying criminal history. The Search and Subscribe transaction allows the non-criminal justice entity to include the request to set the NGI Rap Back subscription within the fingerprint search request submission (EBTS Tenprint Fingerprint Identification Submission). A subscription fee will be charged in addition to the fingerprint search fee in this instance. If the results of the fingerprint search turn out to be disqualifying, the Subscriber will have to request that the newly established subscription be canceled.

Some Submitters using the Category Based Subscription Management Plan may not want to use the Search and Subscribe transaction because it links the NGI subscription to the present civil event, making the subscription subject to deletion if that civil event is deleted. See discussion in Item B, Setting the Subscription subsequent to the initial fingerprint submission (Subsequent Subscription), below.

Operational flow and EBTS notes for setting the subscription with the initial criminal history search

EBTS Section 3.1.1.20 Rap Back Subscription Requests discusses setting a Rap Back subscription with the initial criminal history search (Search and Subscribe). The Submitting Entity must use one of the EBTS Tenprint Fingerprint Identification Submission transactions listed in EBTS Section 3.1.1 Tenprint Fingerprint Identification Submission. The Tenprint Fingerprint Identification Submission transactions that have been approved for establishing Rap Back subscriptions are listed in the table above with their respective Types of Transaction (TOTs). Beginning in version 10.0 of the EBTS, the transaction formats for those TOTs allow for the inclusion of all the appropriate Rap Back information (summarized in Appendix 4: Non-Criminal Justice Rap Back Related Data in EBTS). Accordingly, to set a Rap Back subscription with the initial fingerprint search, the Submitter must submit the fingerprints to NGI for search with the appropriate TOT as follows:

1. The Subscriber sends the fingerprints to the Submitter, as for any non-criminal justice fingerprint search, but under the pre-established communications process, includes within the transaction that they want the prints to be retained, and to establish a Submitter-level (if applicable) and NGI Rap Back subscription upon this individual, regardless of search results.
2. The Submitter receives the Subscriber-generated set of fingerprints and subscription information and transforms that into the EBTS transaction format, including the appropriate TOT and any default values agreed upon with the Subscriber.
3. The Submitter must set the Retention Code field (2.005 RET) to "Y".
4. The Submitter must set the ORI and CRI fields according to their Subscription Management Plan.
    a. If the Submitter is using Event-Based Subscription Management, they must enter the Subscriber's ORI in the CRI field and their own ORI in the ORI field.
    b. If they are using Category-Based Subscription Management, they must place their own ORI in the CRI and ORI fields.
5. After receipt of the EBTS transaction, NGI processes the fingerprints; matches them to an existing Identity or establishes a new Identity if one does not exist; retains the prints; establishes the Rap Back subscription on the Identity; and sends the appropriate Submission Results – Electronic (SRE) response to the Submitter.
    a. The SRE will contain all Rap Back subscription data that were stored in NGI. In some instances NGI will modify Rap Back information prior to it being stored in NGI. For example if a Subscriber asks for the civil event trigger when they are not authorized, NGI

will create the subscription, but without the civil event trigger. In those instances, the SRE will indicate that the Rap Back subscription was established with modifications. It will also indicate which field was changed.

b. If the Rap Back subscription could not be established because of an error in the subscription information fields, an unauthorized TOT, or other error-causing situation, the SRE will indicate that the search was completed (results are in the SRE), but that the subscription was not established. No subscription fee is charged if the subscription fails. The Subscriber and Submitter will have to correct the information and resubmit. The resubmission must be in a Subsequent Subscription transaction, described in sub-Item B, below. There is no fingerprint search fee for the Subsequent Subscription transaction. There will be a Rap Back subscription fee if the re-submission successfully establishes the subscription.

c. If the subscription is established, the SRE will contain all of the information established in the subscription plus a Rap Back Subscription Identifier (2.2048 RBSI). This number will be used within all EBTS transactions with the FBI CJIS Division related to this subscription.

Note: The name (2.018 NAM) entered in the Tenprint Fingerprint Identification Submission will be used to set the subscription. If that name is different than the master name in the NGI record, that Submitted Name will be returned in the Submitted Name field (2.2008 SNAM) of the SRE. In addition, when the Tenprint Fingerprint Identification Submission is used to set a subscription, the first date of birth (2.022 DOB) entered in the Tenprint Fingerprint Identification Submission will be used to set the subscription and will be returned in the Submitted DOB field (2.2007 SDOB) of the SRE.

6. If the fingerprints are rejected, the subscription will not be established from that transaction. If the Subscriber resubmits fingerprints that are accepted, the subscription will be established from that transaction, if the subscription data are acceptable, and the subscription fee will be charged. If the Subscriber resubmits fingerprints that are rejected and the Subscriber receives a name search response, no subscription will be established and no subscription fee will be charged.
7. The Submitter forwards the results information to the Subscriber.
8. The NGI subscription is now set from the initial non-criminal justice applicant fingerprint submission and no additional action needs to be taken by the Subscriber or Submitter for its creation.
9. If the fingerprint search results include disqualifying criminal history information, the Subscriber will have to send a message to the Submitter indicating that the subscription needs to be canceled. The NGI fingerprint and subscription fees have already been charged, and the Subscriber will be billed for those. Those fees will not be refunded.

Note: Placing a value in the Rap Back Category field indicates to NGI that the Tenprint Fingerprint Identification Submission includes subscription information for processing in addition to the fingerprint search processing. The subscription edits are applied and subscription responses are included with the fingerprint search results in the SRE response when the Rap Back Category field has a value in it. There is no separate EBTS field within the Tenprint Fingerprint Identification Submission used solely to indicate the Submitter's intention to set a subscription in addition to searching the fingerprints.

B. Setting the Subscription subsequent to the initial fingerprint submission (Subsequent Subscription)

Five main scenarios exist for use of the Subsequent Subscription request:

1. Setting the subscription after review of fingerprint search results: If the Subscribing Entity wants to subscribe to their applicants only after they make a suitability determination that includes the results of the Tenprint Fingerprint Identification Submission search, they may do so by using the Subsequent Subscription transaction. With this approach, they pay the fingerprint search fee based upon the initial retained fingerprint search submission (Search and Retain), and they pay the subscription fee based upon the Subsequent Subscription transaction. To make this process as efficient as possible, the Subsequent Subscription also includes a bulk submission capability.

   After NGI Rap Back start-up, there is no time limit on how long after the initial fingerprint Search and Retain submission that the Subscribing Entity may submit a Subsequent Subscription transaction. Because a triggering event may have occurred between the time that an initial ten print fingerprint Search and Retain transaction was submitted and when the Subsequent Subscription transaction was submitted, NGI will always send the Submitting Entity a new Identity History Summary in response to each Subsequent Subscription request. That Identity History Summary must be provided to the Subscribing Entity by the Submitting Entity to allow the Subscriber the opportunity to review the record for any disqualifying activity that may have occurred in the time between the original fingerprint submission and the Subsequent Subscription transaction

2. Setting the subscription after making a Submitter-level identification to an NGI record: The Subsequent Subscription transaction can also be used when an SIB or Federal Submitting Agency has made an identification of the applicant to a Submitter-level record that is linked to an NGI Identity. The Submitter can run the QR PUR/I transaction to obtain the person's Identity History Summary, so the applicant entity is aware of any disqualifying information. Since the Submitter has already matched the applicant to an NGI Identity, they should not have to pay the fingerprint search fee; but, they should still be able to set the NGI Rap Back subscription, if the applicant entity wants to accept the person. They can do that using the Subsequent Subscription transaction. A Rap Back subscription fee will be charged, but no fingerprint search fee will be incurred.

3. Setting the subscription under the Category Based Management Approach: The state SIBs and Federal Submitting Agencies choosing Category Based Subscription Management must be aware that how they establish their NGI Category Based Subscriptions can cause their subscriptions to be deleted if the related civil event is deleted at some point in the future. Specifically, the Search and Subscribe transaction and the Subsequent Subscription transactions—with the exception of the Subsequent Subscription transaction submitted with UCN, fingerprints, and no civil Event Identifier (EVI)—cause the NGI Rap Back subscription to be linked to the related civil event, making it subject to deletion if the civil event is deleted.

   If this potential scenario is a problem for an SIB or Federal Submitting Agency, the best way for them to de-couple the NGI subscription from the event and avoid the problem is to establish all their NGI Category Based subscriptions with the following two steps:
   1. Search the fingerprints with the Search and Retain Tenprint Fingerprint Identification Submission, rather than the Search and Subscribe Tenprint Fingerprint Identification Submission.

2. Then set the NGI Category Based subscription with the Subsequent Subscription transaction:
    a. Including the UCN received in response to the Search and Retain Submission;
    b. Including the same set of fingerprints that was included with the Search and Retain Submission;
    c. NOT including the EVI received in response to the Search and Retain Submission; and,
    d. Including the other EBTS fields for the Subsequent Subscription.

This Subsequent Subscription transaction will establish the NGI Category Based subscription without linking it to the earlier civil event. As a result the earlier civil event now can be deleted with the CDEL transaction (EBTS 3.6.7 Civil Event Deletion Request) without removing the NGI Identity or the NGI subscription, if that is the appropriate action.

The NGI Category Based subscriptions on a person are created based upon the fingerprints of the first civil event for that person in a Category. To avoid the potential problem being discussed, the above methodology should be used whether that first Subscribing Entity wants to review the results of the fingerprint search before deciding to set their subscriptions, or the Subscribing Entity wants to subscribe immediately to all their applicants (in which case they would have normally used the Search and Subscribe methodology).

Note: This process creates two instances in NGI of the fingerprints from that civil submission: one with the Search and Retain civil event and one with the NGI Category Based subscription. The existence of these two instances of the same fingerprints creates considerations for the deletion of the underlying civil event. Please refer to the discussion at the end of Appendix 5: NGI Rap Back Subscription Management Plans, in the Section titled Deletion of Civil Events and Fingerprints.

4. Setting the Subscription after it failed to set within a Search and Subscribe transaction: The initial Tenprint Fingerprint Identification Submission transaction included the request to set the subscription, but the subscription failed for some reason: The Subscriber can correct the subscription information and ask the Submitter to re-submit. That re-submission must be in a Subsequent Subscription transaction in a manner similar to Subsequent Subscription scenario #1, above.

5. Re-establishing a subscription in the following situations:
    a) A subscription was canceled in error by the Subscriber or Submitter, and the 60-day period during which Maintenance transactions can still be processed on the subscription has also passed.
    b) A subscription that is eligible to be "extended" or "renewed" has reached its Expiration Date; the monthly validation/expiration lists have been sent; the Rap Back Renewal Notification message has been sent; through an internal error, the Subscriber has not responded to those notices; the subscription has expired in error; and the 60-day period during which Maintenance transactions can still be processed on the subscription has also passed.

Now the only option to re-establish either of these subscriptions is to create a new subscription and pay a new subscription fee. Since the Subscriber/Submitter has already submitted the prints for this civil event and should have the associated civil Event Identifier (EVI), they can create a new subscription for this person using a Subsequent Subscription transaction with the UCN and EVI from that previous Tenprint Fingerprint Identification Submission, in a manner similar to Subsequent Subscription scenario #1. There will be an additional subscription fee, but no new fingerprint search fee.

Operational flow and EBTS notes for setting the subscription subsequent to the initial fingerprint submission

When the Subscribing Entity wants to review the results of the tenprint fingerprint search before deciding whether to subscribe to the person:

In this scenario, the Subsequent Subscription transaction can only be used with a civil Event Identifier that was returned from an initial tenprint submission under a TOT approved for setting a Rap Back subscription.

1. The Subscriber sends the fingerprints to the Submitter, as for any non-criminal justice fingerprint search, but under the pre-established communications process, includes in the transaction that they want the prints to be retained, but NOT to establish a Submitter-level (if applicable) or NGI Rap Back subscription upon this individual. The Submitting Entity knows from communication with the Subscriber that they will send Subsequent Subscription requests only on those individuals who pass the background check and are accepted for the position, license, volunteer, etc. The Subscriber normally would not supply any subscription information at this point.
2. The Submitter receives the fingerprints from the Subscriber and creates the EBTS Tenprint Fingerprint Identification Submission transaction, with the Retention Code field (2.005 RET) set to "Y".
3. After receipt of that EBTS transaction, NGI processes the fingerprints; matches them to an existing Identity or establishes a new Identity if one does not exist; retains the prints; DOES NOT establish a Rap Back subscription on the Identity; and sends the appropriate criminal history search results in the Submission Results – Electronic (SRE) transaction back to the Submitter.
4. The SRE will contain within it the civil Event Identifier (2.2035 EVI), which identifies this event and must be included with the Subsequent Subscription transaction, should the Subscriber decide to set a Rap Back subscription after reviewing the applicant's criminal history response. This civil Event Identifier can only be used to set a subscription related to this civil event. It may not be used to set a subscription for a different civil event this person may have in the future (or past). For example, if this event is a teacher license, this civil Event Identifier cannot be used to set a subscription for this person later applying with the YMCA to provide after-school volunteer soccer coaching.
5. If the potential Subscribing Entity reviews the results of the criminal history search and decides to set the subscription, they must send the appropriate subscription information to the Submitter. The Submitter uses that data to fill out and send NGI the Rap Back Subsequent Subscription – Civil (RBSCVL) transaction, as discussed in EBTS Section 3.6.20, which provides for all the required and optional Rap Back fields. The transaction also must include a set of fingerprints or a civil Event Identifier. In the scenario being described here, the Submitter must include the civil Event Identifier from the previous NGI search of the fingerprints related to this event. They must also include the UCN of the NGI Identity matched by the previous fingerprint search. They do not need to include the associated fingerprints.
6. The Submitter must set the ORI and CRI fields in the Subsequent Subscription transaction according to their Subscription Management Plan.
    a. If the Submitter is using Event-Based Subscription Management, they must enter the Subscriber's ORI in the CRI and their own ORI in the ORI field.
    b. If they are using Category-Based Subscription Management, they must place their own ORI in the CRI and ORI fields.
7. NGI will then send the Submitter a Rap Back Subscription Response (RBSR) transaction (EBTS Section 3.6.21), which will contain the Rap Back Subscription Identifier (RBSI 2.2048) for the

newly created subscription. Note that while a subscription set with a Subsequent Subscription transaction results in a Rap Back Subscription Response (RBSR) transaction in response, a subscription set with a Tenprint Fingerprint Identification Submission transaction does not receive an RBSR response. The Rap Back response information in that instance is all contained within the SRE that is sent in the normal course in response to the Tenprint Fingerprint Identification Submission.

8. For civil subscriptions, the response will always contain an Identity History Summary. This Summary is to ensure that the Subscribing Entity receives notice of any event that may have occurred between the time they received and reviewed the results of their initial fingerprint search request and the time that they made their licensing/employment decision and set the Rap Back subscription with the Subsequent Subscription transaction. The Subscribing Entity should always review the new Identity History Summary for new data.
9. The only situations in which no fingerprints are required within the Subsequent Subscription transaction are the one described here and the situations described in Subsequent Subscription scenarios #4 and #5, above.
10. If the Subscriber had reviewed the results of the initial tenprint search and had decided not to subscribe to the individual, no further action would have been necessary on their part or the part of the Submitter.

Note: The name and DOB returned in the Type 2 NAM (2.018) and DOB (2.022) fields of the RBSR are the name and DOB the Subscriber used to set the Subscription.

Operational flow and EBTS notes for setting the subscription subsequent to a Submitter-level identification to an NGI Identity

The state or Federal Submitting Agency has made an identification to an Identity within their own AFIS that is linked to an NGI Identity. They want to set a subscription without paying the fingerprint search fee.

This scenario can occur whether the Subscriber chooses to set subscriptions on all their applicant fingerprint search subjects, or only after they have reviewed the CHRI results of the fingerprint search and made a suitability determination. In this scenario, NGI does not have the fingerprints from the related civil event on file, so the Submitter must send those fingerprints to NGI along with the Rap Back subscription request.

1. The Subscriber sends the applicant fingerprints to the Submitter, as for all their non-criminal justice fingerprint searches. The Submitter searches the fingerprints in their AFIS and matches a fingerprint record that is linked to an NGI Identity. In this manner they have obtained a valid UCN to which they want to subscribe based upon an authorized set of fingerprints that were biometrically matched to an NGI Identity. The Subsequent Subscription transaction allows them to do that.
2. One of the following scenarios will then transpire:
    a. If the Subscribing Entity only subscribes to persons after reviewing the results of the fingerprint search submission, the Submitter can run the QR - PUR/I transaction and provide the results to the Subscriber. Then, if the Subscriber wants to set the subscription after reviewing the CHRI results, they must send the Submitter all the subscription information with an indication they want the subscription set. The Submitter then transforms that information into the Rap Back Subsequent Subscription Request – Civil

(RBSCVL) transaction (EBTS Section 3.6.20). That transaction provides for all the required and optional Rap Back fields and in this instance must include the UCN that was matched with the in-state identification and the tenprint fingerprints associated with the related civil event (the teacher application, volunteer application, medical license application, etc.).

Or

b. If the Subscribing Entity subscribes to all applicants for whom it submits fingerprints to the Submitter, the Submitter would not send a Tenprint Fingerprint Identification Submission with Rap Back information to NGI: instead, they would transform the Rap Back information that the Subscriber had already provided within the initial Tenprint Fingerprint Identification Submission into an EBTS Subsequent Subscription transaction and send it to NGI. That transaction must include the fingerprints associated with the related civil event (the teacher application, volunteer application, medical license application, etc.).
c. No fingerprint search fee is incurred in either scenario.

3. After submission of the Subsequent Subscription transaction, NGI will send the Submitter a Rap Back Subscription Response (RBSR) transaction (EBTS Section 3.6.21). For civil subscriptions, the RBSR will always contain an Identity History Summary. The Subscribing Entity should always review the new Identity History Summary for new data. The RBSR will contain the civil Event Identifier for the civil application and submission of fingerprints, as well as the Subscription Identifier for the Subscription.

Note: The name and DOB returned in the Type 2 NAM (2.018) and DOB (2.022) of the RBSR are the name and DOB the Subscriber used to set the Subscription.

Operational flow and EBTS notes for setting a Category Based NGI subscription that is not linked to a particular civil event.

When the Submitter wants to avoid the possibility of their NGI Category Based subscription being deleted when the related civil event is deleted with the CDEL transaction:

A Category Based subscription on a person is based upon the fingerprints of that person's first civil event in a Category. If desired by the Subscriber, the Submitter can provide the results of the initial fingerprint search to the first Subscriber before setting the NGI Category Based subscription. Additional subscription requests received by the Submitter for that person in that Category do not need to be sent to NGI, but may result in the need for maintenance to be performed on the established NGI subscription. It is recommended, however, that the fingerprints collected from the additional subscription requests be sent to NGI with the Fingerprint Image Submission (FIS) transaction. The following operational flow is for the first subscription request on this person in this Category.

1. The Subscriber sends the fingerprints to the Submitter, as for any non-criminal justice fingerprint search. They have previously agreed with the Submitter as to whether they want to review the criminal history results before setting the subscription.
2. The Submitter receives the fingerprints from the Subscriber and creates the EBTS Tenprint Fingerprint Identification Submission transaction, with the Retention Code field (2.005 RET) set to "Y" (Search and Retain). No subscription information is included in the submission.
3. After receipt of that EBTS transaction, NGI processes the fingerprints; matches them to an existing Identity or establishes a new Identity if one does not exist; retains the prints; DOES NOT

establish a Rap Back subscription on the Identity; and sends the appropriate criminal history search results in the Submission Results – Electronic (SRE) transaction back to the Submitter.

4. The SRE will contain within it the civil Event Identifier, which identifies this event.
5. If the potential Subscribing Entity reviews the results of the criminal history search, they will indicate to the Submitter whether to subscribe. If they indicate in the affirmative, they must send the appropriate subscription information to the Submitter, if they have not done so already. The Submitter uses that data to fill out and send NGI the Rap Back Subsequent Subscription–Civil (RBSCVL) transaction, as discussed in EBTS Section 3.6.20. The Submitter must set the ORI and CRI fields to the Submitter's ORI. The transaction must include the UCN of the NGI Identity matched by the Search and Retain fingerprint search conducted in Step #2. **It also must include the set of fingerprints that was submitted with that Search and Retain submission, but it must NOT include the EVI returned to the Subscriber/Submitter from that transaction.**
6. If the Subscriber does not want to review the results of the fingerprint search before setting the subscription, the Submitter simply creates and sends the RBSCVL transaction as described in Step #5.
7. NGI will then send the Submitter a Rap Back Subscription Response (RBSR) transaction (EBTS Section 3.6.21), which will contain the Rap Back Subscription Identifier (RBSI 2.2048) for the newly created subscription. In this situation, the setting of the subscription is considered an event, and the RBSR will also contain the Event Identifier (2.2035 EVI) for that event. This subscription is not linked to the original Search and Retain fingerprint submission.
8. For civil subscriptions, the response will always contain an Identity History Summary. In this scenario that Summary is to ensure that the Subscribing Entity who wanted to review the results before making the subscription decision receives notice of any event that may have occurred between the time they received and reviewed the results of their initial fingerprint search request and the time that they made their licensing/employment decision. The Subscribing Entity must always review the new Identity History Summary for new data.
9. If the Submitter sent the RBSCVL without the Subscriber reviewing the Identity History Summary, the Identity History Summary supplied with the RBSR can serve as notice to the Subscriber of the results of the fingerprint search.
10. The NGI Category Based subscription is now created, without a link to the civil event from the Search and Retain submission. The Search and Retain civil event can be deleted without deleting the subscription, if that is the appropriate action.

Note: The name and DOB returned in the Type 2 NAM (2.018) and DOB (2.022) of the RBSR are the name and DOB the Subscriber used to set the Subscription.

2. Receiving Future Rap Back Activity Notifications

If a future fingerprint or other identified triggering event transaction matches against an NGI Identity containing a Rap Back subscription, NGI will notify the Submitting Entity who established the Rap Back subscription. Depending upon the setting of the Rap Back Activity Notification Format field within the subscription, NGI will send a Rap Back Activity Notification containing either:

a) the triggering event information;
b) the triggering event information and the Identity History Summary; or
c) pre-notification.

The Submitting Entity and Subscribing Entity will have already established which of these three notification formats the Subscriber will receive.

Each time a Rap Back event matches against a subscribed Identity, NGI creates a unique identifying number called the Rap Back Activity Notification Identifier (2.2041 RBNI). The Rap Back Activity Notification Identifier is unique to that Rap Back event, and does not refer to the subscription as a whole. The Rap Back Subscription Identifier refers to the subscription as a whole. If an Identity History Summary is requested in response to a Rap Back Activity Notification, the Identity History Summary Request must include the Rap Back Activity Notification Identifier.

Operational flow for receiving and processing the Rap Back Activity Notification — Triggering Event or Triggering Event and Identity History Summary

1. The NGI Subscription is already established on an NGI Identity, with the associated Rap Back Activity Notification Format set to either the "Triggering Event" or "Triggering Event and Identity History Summary".
2. A subsequent arrest fingerprint submission—or other transaction that is on the triggering event list for this subscription—matches against the subscribed NGI Identity. NGI automatically sends the Submitting Entity the Rap Back Activity Notification including the Rap Back Activity Notification Identifier, the User Defined fields, and other relevant information from the subscription. The notification also contains the appropriate event information for that Subscribing Entity: the triggering event or the triggering event and Identity History Summary.
3. The Submitting Entity receives the transaction from NGI and uses its established communication methodology to send the Rap Back Activity Notification including all the associated information to the Subscribing Entity.
4. Since the Subscriber received the Identity History Summary and/or the triggering event, they can determine whether any administrative licensing/employment/volunteer action is needed on their part. They must update the NGI subscription if the status of the person changes relative to the Subscriber's authority to receive future Rap Back Activity Notifications.
5. If a Subscriber receives a Rap Back Activity Notification with just the Rap Back trigger and would like to see the Identity History Summary, they may submit an Identity History Summary Request transaction with the Rap Back Activity Notification Identifier any time after receipt of the Activity Notification.
6. There is no time limit for how long after receipt of a Rap Back Activity Notification that a Subscriber may submit an Identity History Summary Request on an active subscription. In addition, there is no limit to the number of times the Identity History Summary may be requested.

Operational flow for receiving and processing the Rap Back Activity Notification—Pre-Notification

1. The NGI Subscription is already established on an NGI Identity, with an indication that the Rap Back Activity Notification Format is "pre-notification". As a result, in this case the Subscriber will receive only pre-notification when a future event matches against this subscription in NGI.
2. A subsequent arrest fingerprint submission—or other transaction that is on the triggering event list for this subscription—matches against the subscribed NGI Identity. NGI automatically sends the Submitting Entity the Rap Back Activity Notification including the Rap Back Activity Notification Identifier, the User Defined fields, and other relevant information from the subscription. The notification also contains the pre-notification language.
3. The Submitting Entity contacts the Subscriber by the Submitter's established communications methodology with the pre-notification information.
4. The Subscriber verifies whether they are still in an authorizing relationship with that person—the person is still licensed, is still employed, is still volunteering, etc.

5. The Subscriber then sends an affirmative or negative response to the Submitter:
    a. If the Subscriber's response to the pre-notification is affirmative, the Submitter generates an Identity History Summary Request to NGI and includes the Rap Back Activity Notification Identifier. NGI sends the Identity History Summary in response, again including all User Defined fields.
    Upon receipt of the Identity History Summary, the Submitter forwards it to the Subscriber through the pre-established processes. Once the Subscriber receives the Identity History Summary, they are able to proceed with any appropriate administrative action. They must update the NGI subscription if the status of the person changes related to the Subscriber's authority to receive future Rap Back Activity Notifications.
    b. If the Subscriber's response to the pre-notification is negative, the Submitter sends a Rap Back Maintenance transaction removing the subscription from the NGI Identity.
6. If no response is received at NGI to the Rap Back Activity Notification with pre-notification within 15 days, the system will generate a second notice to the Submitting Entity. NGI will take no further action to notify the Submitter/Subscriber after that second notice.
7. There is no time limit for how long after receipt of a pre-notification message that a Subscriber may submit an Identity History Summary Request on an active subscription. In addition, there is no limit to the number of times the Identity History Summary may be requested following pre-notification.

EBTS notes for receiving Rap Back Activity Notifications

Receiving Rap Back Activity Notifications is discussed in EBTS Section 3.5.2 Rap Back Activity Notification (RBN).

As noted above, a Subscribing Entity may request an Identity History Summary after receiving an RBN. This function is accomplished with the EBTS Rap Back Identity History Summary Request (RBIHS) transaction discussed in EBTS Section 3.3.3.3. That transaction must include the Rap Back Subscription Identifier and the Rap Back Activity Notification Identifier(s) (2.2041 RBNI) provided within the RBN transaction. NGI will respond with a Rap Back Identity History Summary Response (RBIHSR) discussed in EBTS Section 3.3.3.4.

A Subscriber may respond to a pre-notification RBN negatively, that is, they are no longer authorized to receive the CHRI related to the applicant, and they want both the subscription and the civil event removed from NGI. Please refer to Item #3: Performing Maintenance on Rap Back Subscription Records, for discussion of removing the subscription with an EBTS Rap Back Maintenance transaction and removing the related civil event with an EBTS Data Management Service transaction.

Note: There is no EBTS message for communicating a "positive" or "negative" response to a Rap Back Activity Notification with Pre-Notification to NGI. The Subscriber needs to respond positively or negatively to the Submitter, but the EBTS responses from the Submitter to NGI for Pre-Notification are either (1) a Rap Back Identity History Summary Request, or (2) a Rap Back Maintenance Request to remove the subscription. NGI will send a second notice if neither of these is received within 15 days.

Note: The name and DOB included in the Type 2 NAM (2.018) and DOB (2.022) of the RBN are the name and DOB the Subscriber used to set the Subscription.

For Submitters using Category Based Subscription Management

Requirement: *Upon receipt of Rap Back Activity Notifications, review Submitter-maintained subscription records and notify the Subscriber of the Rap Back Activity in the correct format and for the correct Triggering Events based upon the information stored in the state Rap Back system, independent of those values in the NGI Category Based Rap Back Subscription record.*

The Rap Back Activity Notifications must be provided to the Subscriber only as appropriate to the Privacy Strategy chosen for the Subscriber. For example, if the NGI subscription uses Rap Back Activity Notification Format "Identity History Summary and Triggering Event" but the Submitter-maintained subscription is being managed under Privacy Strategy #1: Pre-Notification with Mandatory Validation/Expiration within Three Years, then the Submitter must hold the Identity History Summary and Triggering Event information until they have performed their established in-state or within-federal-agency pre-notification process. When the Subscriber responds with verification that that they are still authorized, the Submitter can provide the Identity History and Triggering Event information already received from NGI.

3. Performing Maintenance on Rap Back Subscription Records

The NGI Rap Back maintenance functions are designed to allow the Subscribing Entities to keep their subscriptions up to date and accurate. As such, the Subscribers must communicate the need for these changes to their respective Submitting Entities using the established communication methodologies. In addition during the Submitting Entity Start-Up Checklist process, the Submitting Entities acknowledged that they will provide the Subscribing Entities access to all these functions.

Maintenance includes the ability to: modify Rap Back subscription data, renew the Rap Back subscription, and discontinue/cancel the Rap Back subscription.

The maintainable Rap Back subscription data are:

1. Biographic Data – Subscription Name and Subscription DOB
2. Rap Back Activity Notification Format (2.2062 RBNF)
3. Rap Back Opt Out In-State Indicator (2.2063 RBOO)
4. Rap Back Attention Indicator (2.2070 RBATN)
5. Rap Back Expiration Date (2.2015 RBXD)
6. Triggering Event(s) (2.2040 RBT)
7. Rap Back Recipients - up to 9 (2.2020 RBR)
8. User Defined Fields - up to 10 (2.2064 RBUD)
9. Rap Back Disclosure Indicator (2.2067 RBDI) - Indicator to include this Rap Back subscription information on the Identity History Summary when provided for criminal justice purposes.

Operational flow for Maintaining Rap Back Subscriptions

1. Through the agreed upon Submitter and Subscriber processes, the NGI Subscription is already established on an NGI Identity.
2. The status of one of the Subscriber's subscriptions has changed and they need to reflect that change in the NGI Rap Back record associated with that person's NGI Identity. Accordingly, they send the agreed upon message to the Submitting Entity to make the appropriate change.

3. The Submitting Entity formats the information received from the Subscriber into the appropriate EBTS Rap Back Maintenance transaction and sends it to NGI.
4. NGI processes the maintenance transaction and makes the appropriate change in the NGI Rap Back subscription. NGI sends the Submitter a transaction verifying the completion of the change.
5. The Submitter passes the subscription change verification along to the requesting Subscriber under the agreed upon communications methodology.

EBTS notes for Performing Maintenance on Rap Back Subscriptions

Refer to EBTS Section 3.6.22 Rap Back Maintenance Submission (RBMNT) for details regarding these EBTS transactions. The results of RBMNT transactions are sent to the Submitter in the Rap Back Maintenance Response (RBMNTR) transaction. See EBTS Section 3.6.23.

Note: The name and DOB returned in the Type 2 NAM (2.018) and DOB (2.022) of the RBMNTR are the name and DOB the Subscriber used to set the Subscription.

As described within the EBTS, Rap Back provides for the following maintenance functions:

- Replace
- Delete
- Append
- Cancel
- Renew
- Un-cancel

Those functions are identified with the Rap Back Maintenance Indicator field (2.2039 RBMI) of each Rap Back Maintenance Submission transaction.

"Replace" and "Renew"

The distinction between these two Maintenance transaction functions for expiration/validation processing is discussed above, in Key Start-Up Requirements Item 6: Subscription Term and Subscription Expiration.

When the RBMNT transaction is used with RBMI "Replace" and the replaced field is the Expiration Date:

- NGI checks to see if the new Expiration Date is greater than the Rap Back Term Date in the subscription;
- If it is, the transaction will reject;
- If it is not, NGI places the new Expiration Date from the transaction into the subscription;
- The Subscription is now extended to the new Expiration Date;
- No new fee is charged.

When the RBMNT transaction is used with RBMI "Renew" and includes a new Expiration Date:

- NGI checks to see the Rap Back Subscription Term of the subscription;
- NGI calculates a new Rap Back Term Date for the subscription by adding the same Subscription Term as used to create the subscription and automatically inserts that date into the Rap Back Term Date field of the subscription—the calculation is from the existing Rap Back Term Date, not from the date the subscription is renewed;
- NGI verifies that the Expiration Date in the "Renew" transaction is equal to or less than the new calculated Rap Back Term Date. If it is, NGI places it into the Expiration Date field. If it is not, the transaction rejects;

- The Rap Back fee associated with the Subscription Term is billed to the Subscriber as a result of this transaction;
- The Subscription is now renewed with new Rap Back Term Date and Expiration Date, and the Subscriber will not have to pay a new fee for that period of time.

The RBMNT Transaction with RBMI "Renew" can only be used with civil Rap Back subscriptions that have a two-year or five-year Subscription Term. There is no need to "renew" a subscription for which a lifetime subscription Term was purchased.

Deletion of the Rap Back civil event

When a subscription is deleted with the Rap Back Maintenance transaction, the associated fingerprints and civil event remains on file within NGI. The Rap Back Maintenance transaction does not include the ability to remove the civil event from NGI.

Based upon state or federal law, the individual may have the authority to request that their civil fingerprints and other information related to their civil event be removed. NGI provides for that capability under the Data Management Service (EBTS Section 3.6) suite of transactions. EBTS Section 3.6.7 describes the Civil Event Deletion Request (CDEL) transaction that Submitters must use to remove a civil event from NGI. The CDEL transaction will result in a Civil Event Deletion Response (CDELR) in reply. See EBTS Section 3.6.8. If a civil event with an associated Rap Back subscription is deleted, the subscription is also removed and this will be noted in the CDELR.

Maintenance transactions on expired or canceled subscriptions

The EBTS states that Rap Back Maintenance can be performed on expired or cancelled Subscriptions for a configurable time period after the expiration date or cancellation date. At implementation that configurable period of time is 60 days. This capability provides Submitters/Subscribers two powerful functions as described in EBTS Section 3.6.22 Rap Back Maintenance Submission (RBMNT):

a. Submitters/Subscribers can "Un-Cancel" records that were erroneously canceled for up to 60 days after the cancel transaction was processed. That is, a Subscriber can notify the Submitter of an erroneously canceled record, and the Submitter can send NGI a Rap Back Maintenance transaction with the RBMI value of "Un-Cancel". The Subscription will be restored to its previous state with no fee.
b. If a Submitter/Subscriber allows a record to expire when it should have been "renewed" or "extended" they can renew or extend that subscription with a Rap Back Maintenance transaction with RBMI "Renew" or "Replace" for 60 days after the subscription expired.

If a subscription was canceled or expired in error and more than 60 days have elapsed, the Submitter/Subscriber will have to submit a new subscription request and pay a new Rap Back subscription fee. Since the associated civil event is already on file, the new subscription request in this instance can be accomplished with a Subsequent Subscription transaction using the civil Event Identifier of the associated civil event, and no fingerprint search fee will be incurred.

As noted above regarding Civil Deletion Request, the EBTS contains biometric file maintenance transactions in the Data Management Section (EBTS Section 3.6) that are relevant to Rap Back subscriptions.

For Submitters using Category Based Subscription Management

Requirement*: Perform Rap Back Maintenance transactions on Category Based Rap Back subscription records in the same manner as under Event Based Subscription Management.*

Rap Back Maintenance transactions will be used to modify the NGI Category Based subscription when necessary to sustain it within NGI under the NGI requirements and the Best Practices identified in this Topic Paper and the Non-Criminal Justice Policy and Implementation Guide.

4. Retrieving a Subscriber's Rap Back Subscription List

This transaction provides the Rap Back Subscriber the ability to retrieve their Subscription List including each of their subscriptions, along with the associated Designated Recipients and subscription status.

The non-criminal justice Rap Back Subscription List will contain:

1. UCN
2. Rap Back Subscription Subscribing Entity (CRI)
3. Biographic Data – Subscription Name and Subscription DOB
4. Rap Back Category
5. Rap Back Notification Format
6. Opting out of receiving in-state triggering events
7. Rap Back Subscription Date
8. Civil Rap Back Subscription Term
9. Expiration Date.
10. Triggering Event(s)
11. Rap Back Recipients (up to 9)
12. User Defined Fields (up to 10)
13. Indicator to include Rap Back subscription information on the Identity history summary
14. Rap Back Subscription Identifier
15. Associated Event Identifier
16. Rap Back Attention Indicator

The Rap Back Subscription Lists will be supplied in a format easily imported into popular spreadsheet programs. The Submitter/Subscriber may request that these lists be filtered by values in any combination of the following fields:

1. Rap Back Subscription Identifier
2. Rap Back Subscription Subscribing Entity (CRI)
3. Rap Back Designated Recipients
4. Expiration Date range

Subscribers can use these filters to define and restrict the number of records received within these broad categories. Since the subscription lists can be imported into spreadsheet programs, the Subscribers can then sort and search the received lists in any way desired.

Operational flow for retrieving a Subscriber's Rap Back Subscription List

1. Through the agreed upon Submitter and Subscriber processes, the Subscriber's NGI Subscriptions are already established on NGI Identities.
2. In order to verify their own records—or any other reason—the Subscribing Entity wants to retrieve a complete or partial list of their subscriptions, with associated Designated Recipients and status.

Accordingly, they send the agreed upon message to the Submitting Entity to retrieve the Subscription List.
3. The Submitting Entity transforms the information received from the Subscriber into the EBTS Rap Back Subscription List Request transaction format and sends it to NGI.
4. NGI processes the request according to the parameters included within the request and returns the results to the Submitter.
5. The Submitter passes it along to the requesting Subscriber according to the agreed upon communications methodology and in the agreed upon format.
6. The Subscriber imports the data into a spreadsheet program to further sort and view the subscriptions.

EBTS notes for requesting a Rap Back Subscription List

This transaction is discussed in EBTS Section 3.3.3 Rap Back Information Retrieval Submission, specifically EBTS Section 3.3.3.1 Rap Back Subscription List Request (RBRPT). The Subscription List Response is discussed in EBTS Section 3.3.3.2 Rap Back Subscription List Response (RBRPTR).

The Submitter uses the Return All Records (2.2047 RAR) field to indicate that a Subscription List Request should return all Rap Back Subscriptions that are routed through the Submitting ORI. If omitted the default is 'N', where only subscriptions where the Submitter is also the Subscriber (Submitter ORI in ORI and CRI fields) are returned.

The response transaction (RBRPTR) contains the Rap Back Subscription List field (2.2050 RBSL), which is a comma-separated-values (CSV) file with filename results.csv that contains the Subscription List information. If the RBSL field exceeds 10MB in size, the transaction will be rejected, and the requestor will have to apply more filtering parameters or contact their NGI Representative for other subscription list report options.

For Submitters using Category Based Subscription Management

Best Practice: *Use the Rap Back Subscription List request to view Category Based Rap Back subscriptions entered by your agency as Submitter and Subscriber.*

The Rap Back Subscription List request is the same under Category Based Subscription Management as it is for Event Based Subscription Management. However, since the Subscriber ORI is not in the CRI field and there is no requirement for any Subscriber information in the NGI Category Based subscription, the Subscription Lists will not provide the same level of detail regarding Subscribers from the state as under Event Based Subscription Management. That level of detail will have to be obtained from the Submitter's Rap Back system.

5. Receiving and Responding to the Monthly Rap Back Subscription Validation/Expiration Lists

The Expiration Date field must be set by the Subscriber and Submitter as discussed above in Key Start Up Requirements Item #6: Subscription Term and Subscription Expiration. Each month, NGI will provide Submitters a list of all the records that will expire in the month that occurs approximately 45-75 days in the future. For example, on or around June 15, NGI will send a list that contains all the records that will expire in the coming August. The Submitters will send each Subscriber their portion of the list through their agreed upon communications methodology. The Subscribers then must determine whether the Subscriptions can be extended or renewed or they should be allowed to expire. The Subscriber then provides the Submitter a list of the records to be extended or renewed, including what their new Expiration Dates should be. No action is required on the ones that should be allowed to expire, or the Subscriber can indicate that they be canceled immediately, if that is appropriate.

In addition, NGI will then send a Rap Back Renewal Notification transaction to the Submitter 10 days prior to the designated Expiration Date for each Rap Back subscription. This message will serve as an additional reminder to the Submitter/Subscriber that a subscription is about to expire. The Submitter may opt out of receiving these Renewal Notifications. On the Expiration Date of any record that was not extended, the subscription will expire.

The Expiration Date is separate from the Rap Back Term Date. If the Expiration Date renewal process as described in this Section would extend the Rap Back subscription past the Rap Back Term Date, the Subscriber must also renew the subscription and pay a new fee. See EBTS notes below regarding this important point.

Note: While validating subscriptions is mandatory, the validation/expiration list process described throughout this document is not mandatory. It is a process provided by CJIS to assist Submitters in administering the validation process. However, Submitters may opt out of receiving these monthly lists if they have an alternate validation process in place that ensures all subscriptions are validated within NGI in a timely manner. Submitters may also opt out of receiving the Rap Back Renewal Notifications and the list of all records canceled in the previous month. These opt-in/opt-out decisions are not established through EBTS transactions or settings. Submitters will communicate these decisions within their Submitting Entity Start-Up Checklist (Appendix 2).

Operational flow example for receiving and responding to Monthly Rap Back Subscription Validation/Expiration Lists

1. In January two years and ten and one-half months ago, an NGI Subscription was established by a Subscribing Entity using Privacy Risk Mitigation Strategy 1: Pre-Notification with Mandatory Validation/Expiration within Three Years.
2. It is now November 15th, and the NGI Rap Back system generates a Rap Back Subscription Validation/Expiration List to the Submitting Entities with all their records that will expire in January, including this one.
3. The list is sorted by Subscriber ORI. The Submitter separates the list and sends each Subscriber their portion through secure electronic means (or whatever agreed upon secure communications methodology).
4. The Subscriber must review all the subscriptions and verify whether they still have the authorizing relationship with each person, including the present record, and can therefore extend or renew the subscriptions. They create a bulk response to the validation/expiration list, indicating which subscriptions

should be extended, which ones should be renewed, and which ones are no longer valid or will expire at the date indicated on the list. For those that can be extended, they must include the new Expiration Date. If the new Expiration Date would extend the subscription past the Rap Back Term Date, the Subscriber must renew the Subscription and pay the fee resulting from that transaction. See EBTS notes, below. If the subscription is no longer valid at present, the Subscriber should include in their response to the validation/expiration list that it should be canceled immediately.

5. For all the responses on the list from the Subscriber, the Submitter formats that information into a bulk EBTS Rap Back Maintenance Request submission that "extends" the Expiration Dates of all those Subscriptions that should be extended; that "renews" the Subscription for those that should be renewed; or that cancels those that should be canceled immediately, and sends it to NGI. NGI processes the maintenance transactions, as appropriate.
6. Ten days prior to the expiration of each of the January subscriptions that were not renewed by the Subscriber and Submitter. NGI will send an EBTS Rap Back Renewal Notification as an additional reminder. (The Submitter can opt out of receiving those notifications.) For each one, if no response is received by NGI by the date of expiration, the NGI System deletes the subscription. The civil event associated with the subscription remains in file. If the expiration was an error, the Subscriber can re-establish the subscription at no charge for 60 days after the expiration. See Section #3, Performing Maintenance on Rap Back Subscriptions for more information. After that time period, a new subscription transaction and a new fee must be submitted.
7. After the end of January, NGI sends the Submitter a list of all the January Subscriptions that were removed from file. As previously agreed upon by the Submitters and Subscribers, the Submitter sends those lists of deleted records to the Subscribers for them to check for any errors.

EBTS notes for responding to a Monthly Subscription Validation/Expiration Lists

As stated above, the monthly validation/expiration lists are used to notify the Subscribers of the subscriptions about to expire. They are actually just Rap Back Subscription Lists that are automatically generated by NGI on a monthly basis with Expiration Date range as an input parameter. As such, they are not a specific EBTS transaction and are not discussed in the EBTS. They are an operational function of the NGI Rap Back Service and will be administered as described in this document.

Regarding "Replace" and "Renew"

The previously discussed differences between extending the subscription with a Rap Back Maintenance "Replace" transaction and renewing the subscription with a Rap Back Maintenance "Renew" transaction are critical to the correct processing of the monthly validation/expiration lists. The Subscriber must know when they can safely extend a subscription without exceeding the Rap Back Term Date, and when extending the subscription would exceed the Term Date, and they must renew the subscription instead. This monitoring of the Subscription Term and managing the extending or renewing of subscriptions during validation/expiration list processing is the responsibility of the Subscriber. Maintenance transactions to extend the Expiration Dates that would exceed the Subscription Term will be rejected by NGI.

Regarding the extending or renewing of a Rap Back Subscription that expires due to an error

This feature can be used whether the subscription expires in error through the monthly validation/expiration listing or in any other expiration situation. This function is accomplished by the Submitter using the Rap Back Maintenance Submission transaction with RBMI "Replace" or "Renew" as described in EBTS Section 3.6.22 for up to 60 days after the subscription expired. Refer to NGI Rap Back Service Transactions Item #3: Performing Maintenance on Rap Back Subscription Records, above, for a discussion of when this function is used.

Regarding the Rap Back Renewal Notifications

This transaction is discussed in EBTS Section 3.5.3 Rap Back Renewal Notification (RBRN). These are individual notices sent to the Submitters/Subscribers 10 days prior to the Expiration Date in the subscription record. The Subscriber can extend, renew, or cancel the subscription, as appropriate, after receiving this notice. If no action is taken by the Subscriber, the subscription will be placed in expired status on the Expiration Date.

Note: The name and DOB included in the Type 2 NAM (2.018) and DOB (2.022) of the RBRN are the name and DOB the Subscriber used to set the Subscription.

For Submitters using Category Based Subscription Management

Best Practice: *Create an alternative in-state or within-federal-agency validation/expiration process that ensures all Submitter-maintained subscriptions (that are referenced by NGI subscriptions) are validated under an approved NGI Privacy Risk Mitigation Strategy.*

Alternate Practice: *Create an in-state or within-federal-agency process to use the monthly Rap Back Subscription Validation/Expiration Lists to validate your Category Based Rap Back Subscriptions.*

The Submitter using Category Based Subscription Management has agreed to apply NGI Rap Back Privacy Risk Mitigation Strategies to the Submitter-maintained subscription records referenced by their related NGI Category Based subscriptions. That can be done by the Submitter using the monthly Validation/Expiration List process to review the Category Based subscriptions entered into NGI and using in-state or within-federal-agency processes to validate all the Submitter-maintained subscriptions referenced by those NGI Category Based subscriptions. Or, the Submitter can opt out of receiving the monthly Validation/Expiration Lists and instead use an in-state or within-federal-agency process to perform the validations in the time periods required by the chosen Privacy Risk Mitigation Strategies for all their subscriptions, including the Category Based subscriptions entered into NGI. The in-state or within-federal-agency processes must result in the NGI Category Based Rap Back subscriptions being extended or renewed before they expire, or they will be removed automatically from NGI.

6. Receiving Notification of Consolidations on Rap Back Subscribed Identities

This function notifies the Rap Back Subscribing Entities when NGI consolidates any of their subscribed Identities with another NGI identity. "Consolidation" refers to the situation when CJIS discovers that there are two NGI Identities for the same person. The NGI will consolidate the two Identities into a single Identity, and under this function, notify any Subscribing Entities that have subscriptions to either of the Identities. This function is important, because the Subscribing Entity probably has not seen the CHRI associated with the other NGI Identity of their subscribed person. The Rap Back subscription will be retained on the UCN of the Identity that is kept active by NGI, which may be a different UCN than the one in the Subscriber/Submitter files.

Operational flow for receiving a Consolidation Notice

1. Through a previously missed identification at CJIS, there are two NGI Identities for a single person.
2. Through the agreed upon Submitter's processes, a Subscriber has set a subscription for one of their employees/applicants/volunteers, etc. on one of those NGI Identities.

3. Through receipt of an additional criminal or civil event at NGI (or other means), CJIS identifies that two separate Identities exist for this person.
4. The NGI consolidation process combines the records. As a part of that process, the NGI program sends a Rap Back Activity Notification message to the Submitting Entity indicating the consolidation. That Notification includes the combined Identity History Summary, which reflects the criminal activity that was previously listed separately on the two records and contains new information for the Subscribing Entity.
5. Using the established Submitter's communication methodology, the Submitting Entity forwards the consolidation information to the Subscribing Entity.
6. The Subscribing Entity must review the consolidated Identity History Summary to determine whether any disqualifying information is now provided, which was previously not provided because it was on the NGI Identity not originally associated with their NGI Rap Back subscription. If they discover that the individual is no longer eligible for the position or any information that in any way affects the subscription, the Subscribing Entity must send the appropriate communication to the Submitting Entity to remove or modify the NGI Rap Back subscription. If the new information does not affect the subscription, no action is required on the part of the Subscribing Entity.
7. The Submitter and Subscriber must update their records with the new UCN, if it changed, or other changed information received from NGI regarding the subscription, as appropriate.

EBTS notes for receiving a notification of consolidated on Rap Back subscribed Identities

This function is accomplished through the Rap Back Activity Notification transaction. The consolidated identity is an automatic trigger for all Rap Back subscriptions, so all Subscribers will receive these Rap Back Activity Notifications whenever a consolidation occurs on any of their subscriptions. Refer to NGI Rap Back Service Transactions, Item #2: Receiving Future Rap Activity Notifications for more information regarding receipt and processing of Activity Notifications.

For Submitters using Category Based Subscription Management

Requirement: *This process is performed under Category Based Subscription Management in the same manner as under Event Based Subscription Management.*

7. Performing Bulk Submissions

The bulk submission capabilities of NGI's Rap Back Service allow Submitters and Subscribers to perform large quantity functions efficiently. Bulk submissions are files of large numbers of single EBTS transactions. NGI will process the Bulk Submissions as a series of single transactions. The response file then will contain both the file of individual EBTS response transactions and summaries listing the results of each transaction in the following categories. Each transaction will be identified by at least its assigned UCN:

1. The transactions that succeeded;
2. The transactions that failed; and
3. The transactions that succeeded, but had some modification/correction by NGI, such as if three triggers were requested, including civil events, but the Subscriber was not authorized to receive civil events, then the Subscription would be set, but only with the two remaining triggers.

These separate lists will allow the Submitters and Subscribers to quickly tell which Subscription Requests need further attention, without having to sort through large quantities of individual transaction results.

Bulk Submissions can also be used for Maintenance transactions, such as to extend or renew large numbers of Subscriptions. The results will be provided in formats easily imported into popular spreadsheet programs.

For Submitters using Category Based Subscription Management

Requirement: *This process is performed under Category Based Subscription Management in the same manner as under Event Based Subscription Management.*

8. Requesting an Identity History Summary

As discussed under NGI Rap Back Service Transactions Item #2: Receiving Future Rap Back Activity Notifications, a Subscribing Entity may request an Identity History Summary after receiving an Activity Notification. There is no limit on the number of times an Identity History Summary may be requested after receipt of a Rap Back Activity Notification.

EBTS notes for Requesting an Identity History Summary

This function is accomplished with the EBTS Rap Back Identity History Summary Request (RBIHS) transaction discussed in EBTS Section 3.3.3.3. The Rap Back Activity Notification Identifier from the Rap Back Activity Notification must be included in the RBIHS. The response from NGI is in the Rap Back Identity History Response (RBIHSR) transaction discussed in EBTS Section 3.3.3.4.

Note: The name and DOB returned in the Type 2 NAM (2.018) and DOB (2.022) of the RBIHSR are the name and DOB the Subscriber used to set the Subscription.

For Submitters using Category Based Subscription Management

Requirement: *This process is performed under Category Based Subscription Management in the same manner as under Event Based Subscription Management.*

Considerations for NFF States

By definition, National Fingerprint File (NFF) states do not send subsequent arrest tenprint submissions or any disposition information to the FBI on state-maintained records. Rather, that information is retained at the state level and accessed by NGI when needed for response to criminal or authorized non-criminal justice inquiries. NFF policy does require that NFF states send a Criminal Print Ident (CPI) message to NGI when a subsequent set of arrest fingerprints is received and identified at the state to an existing NFF record. Below are several considerations for NFF states to keep in mind.

1. The use of the CPI transaction as a default triggering event

The NGI Rap Back Program will use the CPI transaction as a trigger in the same manner as a Criminal Retain Submission to NGI. As such, the NFF states do not need to make any changes for their in-state arrests to cause appropriate triggering actions in the NGI Rap Back Service.

2. Possible programming changes if Disposition is a trigger event

The NFF states do not send any notice to NGI of subsequent in-state dispositions that occur. As such, with "Dispositions" as a valid Rap Back trigger, policy decisions will have to be made regarding the role of NFF states, whether an NFF Disposition Event Notice transaction similar to the CPI transaction would be created, and if so, whether that transaction would be mandatory for NFF states to program. Those decisions will be added to this document as they occur.

3. NFF State considerations for managing subscriptions

NFF states can participate in either of the Subscription Management Plans identified in Item #2: Subscription Management Plans under Key Start-Up Requirements, above.

a. <u>Event-Based Subscription Management</u>

The Submitter (the NFF State) establishes a new NGI Rap Back subscription for each subscription request from a Subscribing Entity.

As for any state, an NFF state can establish separate subscriptions for each new civil event a person applies for or participates in. Using the functionality described under NGI Rap Back Service Transactions Item #1: Setting the NGI Rap Back Subscription, an NFF state can set the subscription with a new set of fingerprints if there is no in-state match; or can use the Subsequent Subscription transaction to set the subscription if there is an in-state match against a state record with a corresponding NGI Identity. NFF states would have to submit the fingerprints according to the functional flow described in Setting the NGI Rap Back Subscriptions.

b. <u>Category-Based Subscription Management</u>

The Submitter (the NFF State) establishes a single subscription for an NGI Identity for each identified Category and tracks all subscriptions internally, without any Subscriber information residing in NGI.

As for any state, an NFF state can simply establish a Rap Back subscription for the "state" and then manage the additional subscriptions in-state, providing Rap Back Activity Notifications and other information to the in-state Subscribers from the in-state subscription records, following NGI guidelines.