



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney
Governor

John McNeal
SCPD Director

MEMORANDUM

DATE: May 28, 2021

TO: Ms. Marianne Kennedy, Chair
DELJIS Board of Managers

FROM: Terri Hancharick – Chairperson TH
State Council for Persons with Disabilities

RE: 24 DE Reg. 963 [DELJIS Proposed Regulation on Delaware
Criminal Justice Information System (May 1, 2021)]

The State Council for Persons with Disabilities (SCPD) has reviewed the Delaware Criminal Justice Information System (DELJIS) Board of Managers' proposed amendments to existing regulations at 1 Del. Admin. C. § 1301. SCPD has the following observations.

The stated purpose of these amendments is to ensure that DELJIS conforms to the requirements of the relevant statutes, codified at 11 Del. C., Ch. 85 – 86. In addition to some minor wording changes, there are two primary substantive changes in the proposed regulations. First, there are new subsections detailing the responsibilities of Contracting Government Agency (“CGA”) and private contractors who have access to DELJIS through a contract with a CGA, detailing what CGAs are required to put in place for the oversight of contractors and employees of contractors, as well as the

obligations of contractors with respect to appropriate access and use of DELJIS. Notably under the proposed regulations at 7.3, the CGA would only be able to share CJIS information with a contractor orally or by a secured and encrypted e-mail that cannot be printed or forwarded.

Second, there is language added to the subsections related to suspension of access to DELJIS for an individual user arrested for a criminal offense and to administrative investigations of improper access or breach to clarify that in the case that a user does not request a hearing within fifteen days, the Board will review a summary of the matter and issue a decision during a regularly scheduled meeting of the Board. The affected user would receive some form of written notice prior to the meeting. Additionally, the subsection regarding record retention and destruction has been moved to a different place in the proposed regulations and slightly reformatted, however the provisions appear to be the same as the existing regulations.

The proposed amendments do not appear to have a significant impact on privacy concerns, however the added details regarding CGA and contractor responsibilities surrounding access and use to data may further promote the security of data contained in DELJIS.

SCPD is endorsing the proposed regulation given that the State contracts with agencies that provide services for the state and specifically employ people with disabilities.

Thank you for your consideration and please contact SCPD if you have any questions regarding our observations or position on the proposed regulation.

cc: Ms. Laura Waterland, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council