



What is an information exchange agreement?

An information exchange agreement codifies the rules by which two parties engage in the sharing of Criminal Justice Information (CJI) or Criminal History Record Information (CHRI) obtained from NCIC/LEADS. These agreements typically include language, which establishes some general duty-of-care over the other party's information, whether and how it can be further disseminated, penalties for violations, the laws governing the agreement (which establishes venue), procedures for the handling of shared information at the termination of the agreement, and so on. The agreement will ensure consistency with applicable state and federal laws, directives, policies, regulations, standards, and guidance.

Why is an information exchange agreement required?

Before exchanging CJI/CHRI received from NCIC/LEADS, agencies are required by the FBI CJIS and LEADS Security Policies to execute formal agreements that specify security controls. The exchange of information may take several forms including electronic mail, instant messages, web services, facsimile, hard copy, and information systems sending, receiving and storing CJI/CHRI. Please note the requirements for securing CJI/CHRI are not new and the procedures should already be in place. The agreement is a FBI policy requirement to formalize the applicable security controls.

The intent of the CJIS and LEADS Security Policies is to ensure the protection of the aforementioned CJI until the information is: released to the public via authorized dissemination (e.g. within a court system; presented in crime reports data; released in the interest of public safety); purged or destroyed in accordance with applicable record retention rules.

The following code sections and policies govern the exchange of CJI/CHRI:

- Title 28, Code of Federal Regulations, Parts 20 & 25, § 50.12, and Chapter IX
- ORC 5503.10 and 2913.04(C)
- OAC 4501:2-10
- FBI CJIS Security Policy
- LEADS Security Policy

What should an information exchange agreement contain?

Providing agency's responsibilities (define what, when, why, and how information will be shared. Receiving agency's responsibilities (define how information will be accessed, protected, stored, and destroyed).

How does an information exchange agreement impact dissemination of LEADS information under Criminal Rule 16?

Prosecutors can turn over CJI/CHRI in a criminal matter pursuant to a valid Criminal Rule 16 discovery request. Please see OAC 4501:2-10-06 on dissemination: <http://codes.ohio.gov/oac/4501:2-10-06v1>

Specifically sub-section C:

(C) Messages and/or throughput of any kind accessed through LEADS shall be restricted to the use of duly authorized law enforcement and/or criminal justice agencies for the administration of criminal justice. Access to and dissemination of LEADS throughput is governed by the LEADS security policy (11/1/2016), LEADS manual (10/1/2016) and NCIC operating manual (8/11/2015) available at <http://leads.ohio.gov/Manuals>.

What happens if an agency refuses to sign an information exchange agreement?

Sharing CJI/CHRI in absence of an information exchange agreement that covers the handling, processing, storing, and communication of CJI/CHRI violates section 5.1.1 - Information Exchange of the FBI CJIS and LEADS Security Policies. Agencies found to be sharing CJI/CHRI without an agreement during LEADS or FBI audits will be considered out of compliance and will be required to remediate the finding.