

Criminal Offender Record Information - What the New Regulations Mean for Employers

Earlier this year, new regulations concerning access to and use of criminal offender record information (CORI), issued by the Massachusetts Criminal History Systems Board (CHSB), went into effect. These new regulations apply to all certified agencies that request CORI data from CHSB.

The regulations impose new obligations on organizations requesting information about prospective and even current employees and/or volunteers. The most significant is the obligation to afford an individual the “opportunity to challenge the accuracy or relevance of the CORI” data before making any adverse decision based on that information. See 803 CMR 6.11. In connection with this requirement, the regulations require organizations to adopt a written CORI policy which, among other things:

1. notifies applicants of the possibility that an adverse decision may be based on the CORI data;
2. provides that applicants will be given a copy of their accessed CORI data as well as a copy of the organization’s CORI policy;
3. provides that applicants will be given a copy of CHSB’s Information Concerning the Process in Correcting a Criminal Record;
4. provides that applicants will be told specifically which part of their criminal record is objectionable; and
5. provides applicants with an opportunity to challenge the accuracy and relevancy of the CORI data.

In addition to the above, to assist in ensuring that CORI data is attributed to the correct individual, the new regulations also require, among other things, that

- organizations use the revised CORI request form when seeking CORI data on any particular individual; and
- organizations verify the identity of applicants for whom CORI data is requested with at least one government issued photo identification.

Finally, the new regulations require those who are designated by their organization to request, receive and review CORI data complete the revised “Agreement of Non-Disclosure and Statement of CORI Certification Compliance.”

