

Overview of CORI Requirements for Massachusetts Municipalities and Public Entities

The Department of Criminal Justice Information Services has promulgated Criminal Offender Record Information (“CORI”) regulations, 803 CMR 2.00, *et seq.* (the “CORI Regulations”). The updated CORI Regulations (<http://www.mass.gov/eopss/docs/chsb/803-cmr-2-00-criminal-offender-record-information-cori.pdf>), impact several aspects of CORI practices for municipalities and public entities. While the CORI Regulations include many specific requirements that must be met, the most critical require: use of the “iCORI” web database to perform CORI checks; notification to individuals prior to conducting a CORI check; notification to individuals of information contained in their CORI; and secure and confidential maintenance, and destruction, of CORI.

To fully comply with the CORI Regulations, municipalities and public entities must take the following key steps:

- Review existing CORI policies, and, as necessary, adopt a new CORI policy, to ensure compliance with current requirements; note that while every Massachusetts entity performing five or more criminal background checks annually must adopt a CORI policy, we recommend adoption of a CORI policy regardless of the number of criminal background checks conducted annually.
- Ensure that all documents that contain CORI, including electronic records, are confidentially and securely maintained and destroyed (i.e., after the appropriate records retention period and with permission from the Supervisor of Public Records) in accordance with the CORI Regulations’ requirements.
- Schedule staff training on updated CORI requirements for all officials and employees who conduct CORI background checks or handle CORI.
- Complete a written CORI Acknowledgement Form for each individual that will be CORI checked, and verify the person’s identity with a government issued identification card such as a passport or driver’s license.
- Confirm that prior to any adverse decision based on CORI, there has been compliance with the CORI Regulations’ detailed notification requirements to the individual. This includes: (1) notifying the applicant of the potential adverse decision; (2) providing the applicant with a copy of CORI policy; (3) providing the applicant with an opportunity to dispute the accuracy of the information contained in the CORI; and (4) sending a copy of the Department of Criminal Justice Information System’s handout on the procedure to correct CORI

(<http://www.mass.gov/eopss/docs/chsb/cori-process-correcting-criminal-record-2012.pdf>) to the applicant. In the event a license is denied based on CORI findings (after the above notification criteria are met), the applicant must also be provided with information on how to appeal the denial of the license at issue.

- You must also document all steps taken to comply with these notification requirements.

Since the state, through the Criminal Record Review Board, is authorized to review citizen complaints for CORI violations, impose fines and refer complaints to appropriate criminal justice agencies, it is essential that Massachusetts municipalities and public entities remain diligent in the proper use and disclosure of CORI while making necessary employment, licensing or housing decisions.

If you have questions about CORI, feel free to contact Attorneys Michele E. Randazzo (mrandazzo@k-plaw.com) or Janelle M. Austin (jaustin@k-plaw.com) at 617.556.0007. For employment-specific CORI questions, you may also contact any of our labor and employment attorneys, at 617.556.0007.