

# Oregon State Archives

## Records Retention Schedule

**Edition: August 2024**

**Schedule Number: 2024-0006**

**Agency:** Oregon Department of Human Services (ODHS) / Oregon Health Authority (OHA)  
**Division:** Shared Services  
**Program:** Background Check Unit (BCU)

### Program Description

The Background Check Unit is responsible for conducting criminal records checks and abuse checks pursuant to ORS 181A.195, 181A.200, 181A.215 443.004 and 443.006; and abuse checks pursuant to ORS 409.025, 409.027, 413.036, 443.004, 443.007 and 443.008. The BCU's administrative authority is promulgated in OAR 407 Division 7, and OAR 943 Division 007. ODHS created the Unit in 2001 as the Criminal Records Unit (CRU) to provide consistent, centralized criminal records checks using technical expertise and the latest resources. The Unit continued providing services to OHA when it split from ODHS in 2004. With the addition of statutory abuse check responsibilities in 2007, the Unit changed its name to the Background Check Unit (BCU); the change became effective April 1, 2009. Beginning January 2016, the Oregon State Police authorized BCU to conduct criminal records checks for the "Clearinghouse" under ORS 181A.190, 181A.215, and 181A.235 for businesses not regulated by any state agency.

Individuals subject to a criminal records check, abuse check, or both, include ODHS employees, volunteers, and contractors; OHA employees, volunteers, and contractors; employees, volunteers, and contractors of ODHS or OHA-regulated agencies providing services to vulnerable individuals such as children, individuals with disabilities (including developmental disabilities, physical disabilities, and mental health disorders), and elderly individuals. Subject individuals (SIs) also include adult and child foster providers, adoptive parents, adult household members in homes where care is provided, and individuals who provide in-home care or other types of support services for vulnerable individuals. The BCU reviews criminal offender and abuse investigation information to make fitness determinations. The BCU also reviews compliance with state and federal criminal records check and abuse check requirements.

Due to the federal Adam Walsh Act of 2006 and subsequent federal requirements for certain individuals, BCU receives requests for an Oregon child protective services check from qualified agencies in other U.S.A. states. A response to such a request is "yes" or "no" regarding the existence of Oregon records with no other access (such access is through a different ODHS office). BCU offers similar child protective services checks for Oregon programs under the Prison Rape Reduction Act and for Oregon Court Appointed Special Advocate (CASA) programs.

Under the Clearinghouse, BCU offers criminal records checks to businesses and organizations not regulated by any state agencies which serve vulnerable individuals.

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These businesses and organizations may request a fingerprint-based Oregon and national criminal records check for employees and volunteers. The BCU reviews the results of the state and national fingerprint-based check to make fitness determinations. Fitness determinations for non-regulatory criminal records check do not include access of abuse information.

BCU conducts criminal records checks and gathers information upon request from a variety of sources, including but not limited to the Law Enforcement Data System (LEDS), the Oregon Judicial Case Information Network's online court system (eCourts), the Oregon Youth Authority's Juvenile Justice Information System (JJIS), the Oregon Department of Transportation Driver and Motor Vehicle Services Division (DMV), and local courts. In addition, the BCU uses the resources of the Oregon State Police and the Federal Bureau of Investigation to conduct state and notional fingerprint-based criminal records checks.

Abuse checks are conducted using investigation reports available from other DHS and OHA sources. When required by federal directive, such as the Adam Walsh Act, BCU requests child protective services information on subject individuals from state agencies outside Oregon.

BCU conducts a weighing test to make a fitness determination upon discovery of any potentially disqualifying criminal or abuse information involving a subject individual. If the subject individual has potentially disqualifying convictions or conditions, several factors are considered, including but not limited to the nature of the crime or abuse and date committed; accuracy of the findings; current status of the applicant; and legal and policy guidelines regarding their authorization to hold the position, provide services, or be employed, licensed, certified or registered. Subject individuals receiving fitness determination outcomes of "denied" or "restricted approval" may appeal the decision.

### Program Records

#### 001 Provider Records

Retain 5 years after case closure, destroy

#### 002 Subject Individual Records

- (a) Retain contested Subject Individual Records 6 years after last action or employee separation, whichever is longer, destroy
- (b) Retain uncontested Subject Individual Records 3 years after last action or employee separation, whichever is longer, destroy
- (c) Retain fingerprint cards until final report/finding issued or upon return by the Oregon State Police or Federal Bureau of Investigation, destroy

### State Agency General Records Retention Schedule Records

*Includes but is not limited to:*

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Administrative Records (OAR 166-300-0015)  
Administrative Rule Preparation Records  
Calendar and Scheduling Records  
Communication Logs  
Conference, Seminar, and Training Program Records  
Correspondence  
Key Assignment Records  
Legislative Tracking Records  
Policy and Procedure Guidelines and Manuals  
Publication Preparation Records  
Visitor Logs  
Financial Records (OAR 166-300-0025)  
Budget Preparation Records  
Internal Audit Reports  
Personnel Records (OAR 166-300-0040)  
Employee Personnel Records

### **Systems of Record**

CJIS Certification  
CRIMS—Legacy data only as of 10/2023  
ORCHARDS (Includes ORCHARDS Production; ORCHARDS CW; and two testing platforms, ORCHARDS UAT and ORCHARDS CW UAT)