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[Laws in effect as of January 3, 2006]

[CITE: 42USC3789g]

TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 46--JUSTICE SYSTEM IMPROVEMENT

SUBCHAPTER VIII--ADMINISTRATIVE PROVISIONS

Sec. 3789g. Confidentiality of information

(a) Research or statistical information; immunity from process;

prohibition against admission as evidence or use in any

proceedings

No officer or employee of the Federal Government, and no recipient

of assistance under the provisions of this chapter shall use or reveal

any research or statistical information furnished under this chapter by

any person and identifiable to any specific private person for any

purpose other than the purpose for which it was obtained in accordance

with this chapter. Such information and copies thereof shall be immune

from legal process, and shall not, without the consent of the person

furnishing such information, be admitted as evidence or used for any

purpose in any action, suit, or other judicial, legislative, or

administrative proceedings.

(b) Criminal history information; disposition and arrest data;

procedures for collection, storage, dissemination, and current

status; security and privacy; availability for law enforcement,

criminal justice, and other lawful purposes; automated systems:

review, challenge, and correction of information

All criminal history information collected, stored, or disseminated

through support under this chapter shall contain, to the maximum extent

feasible, disposition as well as arrest data where arrest data is

included therein. The collection, storage, and dissemination of such

information shall take place under procedures reasonably designed to

insure that all such information is kept current therein; the Office of

Justice Programs shall assure that the security and privacy of all

information is adequately provided for and that information shall only

be used for law enforcement and criminal justice and other lawful

purposes. In addition, an individual who believes that criminal history

information concerning him contained in an automated system is

inaccurate, incomplete, or maintained in violation of this chapter,

shall, upon satisfactory verification of his identity, be entitled to

review such information and to obtain a copy of it for the purpose of

challenge or correction.

(c) Criminal intelligence systems and information; prohibition against

violation of privacy and constitutional rights of individuals

All criminal intelligence systems operating through support under

this chapter shall collect, maintain, and disseminate criminal

intelligence information in conformance with policy standards which are

prescribed by the Office of Justice Programs and which are written to

assure that the funding and operation of these systems furthers the

purpose of this chapter and to assure that such systems are not utilized

in violation of the privacy and constitutional rights of individuals.

(d) Violations; fine as additional penalty

Any person violating the provisions of this section, or of any rule,

regulation, or order issued thereunder, shall be fined not to exceed

$10,000, in addition to any other penalty imposed by law.

(Pub. L. 90-351, title I, Sec. 812, formerly Sec. 818, as added Pub. L.

96-157, Sec. 2, Dec. 27, 1979, 93 Stat. 1213; renumbered Sec. 812 and

amended Pub. L. 98-473, title II, Sec. 609B(f), (k), Oct. 12, 1984, 98

Stat. 2093, 2096; Pub. L. 109-162, title XI, Sec. 1115(c), Jan. 5, 2006,

119 Stat. 3104.)

Prior Provisions

A prior section 812 of Pub. L. 90-351 was classified to section

3789a of this title prior to repeal by section 609B(e) of Pub. L. 98-

473.

Amendments

2006--Subsec. (a). Pub. L. 109-162 substituted ``No'' for ``Except

as provided by Federal law other than this chapter, no''.

1984--Subsecs. (b), (c). Pub. L. 98-473, 609B(k), substituted

``Office of Justice Programs'' for ``Office of Justice Assistance,

Research, and Statistics''.

Effective Date of 1984 Amendment

Amendment by section 609B(k) of Pub. L. 98-473 effective Oct. 12,

1984, see section 609AA(a) of Pub. L. 98-473, set out as an Effective

Date note under section 3711 of this title.