

## **E. Privacy Act/ OJP Confidentiality Legislation 42 U.S.C. 3789(g)**

### **TITLE 42 - THE PUBLIC HEALTH AND WELFARE CHAPTER 46 - JUSTICE SYSTEM IMPROVEMENT SUBCHAPTER VIII - ADMINISTRATIVE PROVISIONS**

*42 U.S.C. 3789g*      **Confidentiality of information**

**(a)                      Research or statistical information; immunity from process; prohibition against admission as evidence or use in any proceedings**

Except as provided by Federal law other than this chapter, 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.)

**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**

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.