

Tooele Applied Technology College

Employment/Volunteer Background Checks

Working with children and vulnerable adults

Utah Code Annotated [53-10-108](#) allows qualifying entities to request Utah criminal history information. This includes care, custody and control of children, fiduciary trusts, national security interests and the care of vulnerable adults.

[Public law 105-251](#), the Volunteers for Children Act which amended the National Child Protection Act of 1993, was enacted October 9, 1998 to allow the qualifying entities who care for children and vulnerable adults to request fingerprint-based national criminal history record checks of their volunteers and employees.

Public Law 92-544

Federal law allows officials of state and local governments authorized by state statutes to use FBI identifications records for the purpose of employment and licensing. The statute must exist as a result of legislative enactment. It must require fingerprinting of the applicants. It must expressly or by implication authorize the use of FBI records. It must identify the specific category of applicants. It may not authorize receipt of FBI criminal information by a private entity.

Privacy Statements and Signed Waiver

All applicants must be notified that a criminal history background check will be conducted according to the guidelines set in UCA [53-10-108\(4\)](#) and they will have an opportunity to review and challenge the results of the background check.

UCA [53-10-108\(4\)\(c\)\(i\)](#) does not allow a copy of any background check information, including information for FBI databases, to be given to the applicant. Applicants have the opportunity to obtain a copy using the procedures outlined in the previous section, Other Employees.

In addition to the signed waiver, any qualifying entity who receives FBI criminal history must also provide the applicant with the [FBI Privacy Act Statement](#) and the [FBI Noncriminal Justice Applicant's Privacy Rights](#)

Name _____ Signature _____ Date _____