

AMENDED IN ASSEMBLY APRIL 29, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2404

Introduced by Assembly Member Eggman

February 21, 2014

An act to amend Section 11105 of the Penal Code, relating to criminal history information.

LEGISLATIVE COUNSEL'S DIGEST

AB 2404, as amended, Eggman. Criminal history information.

Existing law requires the Attorney General to furnish state summary criminal history information to specified persons or entities, including courts and probation officers, if needed in the course of their duties and authorizes the Attorney General to furnish state or federal summary criminal history information upon a showing of a compelling need to other persons or entities, including an illegal dumping enforcement officer or a peace officer of another country. Existing law requires the Department of Justice to disseminate specified information, including every conviction rendered against an applicant, whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization and the information is to be used for certain purposes, including for peace officer employment or certification purposes.

This bill would additionally require the Department of Justice to disseminate the sex offender registration status of an applicant *when state summary criminal history is furnished for specified purposes*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11105 of the Penal Code is amended to
2 read:

3 11105. (a) (1) The Department of Justice shall maintain state
4 summary criminal history information.

5 (2) As used in this section:

6 (A) “State summary criminal history information” means the
7 master record of information compiled by the Attorney General
8 pertaining to the identification and criminal history of any person,
9 such as name, date of birth, physical description, fingerprints,
10 photographs, dates of arrests, arresting agencies and booking
11 numbers, charges, dispositions, and similar data about the person.

12 (B) “State summary criminal history information” does not refer
13 to records and data compiled by criminal justice agencies other
14 than the Attorney General, nor does it refer to records of complaints
15 to or investigations conducted by, or records of intelligence
16 information or security procedures of, the office of the Attorney
17 General and the Department of Justice.

18 (b) The Attorney General shall furnish state summary criminal
19 history information to any of the following, if needed in the course
20 of their duties, provided that when information is furnished to
21 assist an agency, officer, or official of state or local government,
22 a public utility, or any other entity, in fulfilling employment,
23 certification, or licensing duties, Chapter 1321 of the Statutes of
24 1974 and Section 432.7 of the Labor Code shall apply:

25 (1) The courts of the state.

26 (2) Peace officers of the state, as defined in Section 830.1,
27 subdivisions (a) and (e) of Section 830.2, subdivision (a) of Section
28 830.3, subdivision (a) of Section 830.31, and subdivisions (a) and
29 (b) of Section 830.5.

30 (3) District attorneys of the state.

31 (4) Prosecuting city attorneys of any city within the state.

32 (5) City attorneys pursuing civil gang injunctions pursuant to
33 Section 186.22a, or drug abatement actions pursuant to Section
34 3479 or 3480 of the Civil Code, or Section 11571 of the Health
35 and Safety Code.

1 (6) Probation officers of the state.

2 (7) Parole officers of the state.

3 (8) A public defender or attorney of record when representing
4 a person in proceedings upon a petition for a certificate of
5 rehabilitation and pardon pursuant to Section 4852.08.

6 (9) A public defender or attorney of record when representing
7 a person in a criminal case, or a parole, mandatory supervision
8 pursuant to paragraph (5) of subdivision (h) of Section 1170, or
9 postrelease community supervision revocation or revocation
10 extension proceeding, and if authorized access by statutory or
11 decisional law.

12 (10) Any agency, officer, or official of the state if the criminal
13 history information is required to implement a statute or regulation
14 that expressly refers to specific criminal conduct applicable to the
15 subject person of the state summary criminal history information,
16 and contains requirements or exclusions, or both, expressly based
17 upon that specified criminal conduct. The agency, officer, or
18 official of the state authorized by this paragraph to receive state
19 summary criminal history information may also transmit fingerprint
20 images and related information to the Department of Justice to be
21 transmitted to the Federal Bureau of Investigation.

22 (11) Any city or county, city and county, district, or any officer
23 or official thereof if access is needed in order to assist that agency,
24 officer, or official in fulfilling employment, certification, or
25 licensing duties, and if the access is specifically authorized by the
26 city council, board of supervisors, or governing board of the city,
27 county, or district if the criminal history information is required
28 to implement a statute, ordinance, or regulation that expressly
29 refers to specific criminal conduct applicable to the subject person
30 of the state summary criminal history information, and contains
31 requirements or exclusions, or both, expressly based upon that
32 specified criminal conduct. The city or county, city and county,
33 district, or the officer or official thereof authorized by this
34 paragraph may also transmit fingerprint images and related
35 information to the Department of Justice to be transmitted to the
36 Federal Bureau of Investigation.

37 (12) The subject of the state summary criminal history
38 information under procedures established under Article 5
39 (commencing with Section 11120).

1 (13) Any person or entity when access is expressly authorized
2 by statute if the criminal history information is required to
3 implement a statute or regulation that expressly refers to specific
4 criminal conduct applicable to the subject person of the state
5 summary criminal history information, and contains requirements
6 or exclusions, or both, expressly based upon that specified criminal
7 conduct.

8 (14) Health officers of a city, county, city and county, or district
9 when in the performance of their official duties enforcing Section
10 120175 of the Health and Safety Code.

11 (15) Any managing or supervising correctional officer of a
12 county jail or other county correctional facility.

13 (16) Any humane society, or society for the prevention of cruelty
14 to animals, for the specific purpose of complying with Section
15 14502 of the Corporations Code for the appointment of humane
16 officers.

17 (17) Local child support agencies established by Section 17304
18 of the Family Code. When a local child support agency closes a
19 support enforcement case containing summary criminal history
20 information, the agency shall delete or purge from the file and
21 destroy any documents or information concerning or arising from
22 offenses for or of which the parent has been arrested, charged, or
23 convicted, other than for offenses related to the parent's having
24 failed to provide support for minor children, consistent with the
25 requirements of Section 17531 of the Family Code.

26 (18) County child welfare agency personnel who have been
27 delegated the authority of county probation officers to access state
28 summary criminal history information pursuant to Section 272 of
29 the Welfare and Institutions Code for the purposes specified in
30 Section 16504.5 of the Welfare and Institutions Code. Information
31 from criminal history records provided pursuant to this subdivision
32 shall not be used for any purposes other than those specified in
33 this section and Section 16504.5 of the Welfare and Institutions
34 Code. When an agency obtains records obtained both on the basis
35 of name checks and fingerprint checks, final placement decisions
36 shall be based only on the records obtained pursuant to the
37 fingerprint check.

38 (19) The court of a tribe, or court of a consortium of tribes, that
39 has entered into an agreement with the state pursuant to Section
40 10553.1 of the Welfare and Institutions Code. This information

1 may be used only for the purposes specified in Section 16504.5
2 of the Welfare and Institutions Code and for tribal approval or
3 tribal licensing of foster care or adoptive homes. Article 6
4 (commencing with Section 11140) shall apply to officers, members,
5 and employees of a tribal court receiving criminal record offender
6 information pursuant to this section.

7 (20) Child welfare agency personnel of a tribe or consortium
8 of tribes that has entered into an agreement with the state pursuant
9 to Section 10553.1 of the Welfare and Institutions Code and to
10 whom the state has delegated duties under paragraph (2) of
11 subdivision (a) of Section 272 of the Welfare and Institutions Code.
12 The purposes for use of the information shall be for the purposes
13 specified in Section 16504.5 of the Welfare and Institutions Code
14 and for tribal approval or tribal licensing of foster care or adoptive
15 homes. When an agency obtains records on the basis of name
16 checks and fingerprint checks, final placement decisions shall be
17 based only on the records obtained pursuant to the fingerprint
18 check. Article 6 (commencing with Section 11140) shall apply to
19 child welfare agency personnel receiving criminal record offender
20 information pursuant to this section.

21 (21) An officer providing conservatorship investigations
22 pursuant to Sections 5351, 5354, and 5356 of the Welfare and
23 Institutions Code.

24 (22) A court investigator providing investigations or reviews
25 in conservatorships pursuant to Section 1826, 1850, 1851, or
26 2250.6 of the Probate Code.

27 (23) A person authorized to conduct a guardianship investigation
28 pursuant to Section 1513 of the Probate Code.

29 (24) A humane officer pursuant to Section 14502 of the
30 Corporations Code for the purposes of performing his or her duties.

31 (25) A public agency described in subdivision (b) of Section
32 15975 of the Government Code, for the purpose of oversight and
33 enforcement policies with respect to its contracted providers.

34 (c) The Attorney General may furnish state summary criminal
35 history information and, when specifically authorized by this
36 subdivision, federal level criminal history information upon a
37 showing of a compelling need to any of the following, provided
38 that when information is furnished to assist an agency, officer, or
39 official of state or local government, a public utility, or any other
40 entity in fulfilling employment, certification, or licensing duties,

1 Chapter 1321 of the Statutes of 1974 and Section 432.7 of the
2 Labor Code shall apply:

3 (1) Any public utility, as defined in Section 216 of the Public
4 Utilities Code, that operates a nuclear energy facility when access
5 is needed in order to assist in employing persons to work at the
6 facility, provided that, if the Attorney General supplies the data,
7 he or she shall furnish a copy of the data to the person to whom
8 the data relates.

9 (2) To a peace officer of the state other than those included in
10 subdivision (b).

11 (3) To an illegal dumping enforcement officer as defined in
12 subdivision (j) of Section 830.7.

13 (4) To a peace officer of another country.

14 (5) To public officers, other than peace officers, of the United
15 States, other states, or possessions or territories of the United
16 States, provided that access to records similar to state summary
17 criminal history information is expressly authorized by a statute
18 of the United States, other states, or possessions or territories of
19 the United States if the information is needed for the performance
20 of their official duties.

21 (6) To any person when disclosure is requested by a probation,
22 parole, or peace officer with the consent of the subject of the state
23 summary criminal history information and for purposes of
24 furthering the rehabilitation of the subject.

25 (7) The courts of the United States, other states, or territories
26 or possessions of the United States.

27 (8) Peace officers of the United States, other states, or territories
28 or possessions of the United States.

29 (9) To any individual who is the subject of the record requested
30 if needed in conjunction with an application to enter the United
31 States or any foreign nation.

32 (10) (A) (i) Any public utility, as defined in Section 216 of the
33 Public Utilities Code, or any cable corporation as defined in
34 subparagraph (B), if receipt of criminal history information is
35 needed in order to assist in employing current or prospective
36 employees, contract employees, or subcontract employees who,
37 in the course of their employment may be seeking entrance to
38 private residences or adjacent grounds. The information provided
39 shall be limited to the record of convictions and any arrest for

1 which the person is released on bail or on his or her own
2 recognizance pending trial.

3 (ii) If the Attorney General supplies the data pursuant to this
4 paragraph, the Attorney General shall furnish a copy of the data
5 to the current or prospective employee to whom the data relates.

6 (iii) Any information obtained from the state summary criminal
7 history is confidential and the receiving public utility or cable
8 corporation shall not disclose its contents, other than for the
9 purpose for which it was acquired. The state summary criminal
10 history information in the possession of the public utility or cable
11 corporation and all copies made from it shall be destroyed not
12 more than 30 days after employment or promotion or transfer is
13 denied or granted, except for those cases where a current or
14 prospective employee is out on bail or on his or her own
15 recognizance pending trial, in which case the state summary
16 criminal history information and all copies shall be destroyed not
17 more than 30 days after the case is resolved.

18 (iv) A violation of this paragraph is a misdemeanor, and shall
19 give the current or prospective employee who is injured by the
20 violation a cause of action against the public utility or cable
21 corporation to recover damages proximately caused by the
22 violations. Any public utility's or cable corporation's request for
23 state summary criminal history information for purposes of
24 employing current or prospective employees who may be seeking
25 entrance to private residences or adjacent grounds in the course
26 of their employment shall be deemed a "compelling need" as
27 required to be shown in this subdivision.

28 (v) This section shall not be construed as imposing any duty
29 upon public utilities or cable corporations to request state summary
30 criminal history information on any current or prospective
31 employees.

32 (B) For purposes of this paragraph, "cable corporation" means
33 any corporation or firm that transmits or provides television,
34 computer, or telephone services by cable, digital, fiber optic,
35 satellite, or comparable technology to subscribers for a fee.

36 (C) Requests for federal level criminal history information
37 received by the Department of Justice from entities authorized
38 pursuant to subparagraph (A) shall be forwarded to the Federal
39 Bureau of Investigation by the Department of Justice. Federal level
40 criminal history information received or compiled by the

1 Department of Justice may then be disseminated to the entities
2 referenced in subparagraph (A), as authorized by law.

3 (D) (i) Authority for a cable corporation to request state or
4 federal level criminal history information under this paragraph
5 shall commence July 1, 2005.

6 (ii) Authority for a public utility to request federal level criminal
7 history information under this paragraph shall commence July 1,
8 2005.

9 (11) To any campus of the California State University or the
10 University of California, or any four year college or university
11 accredited by a regional accreditation organization approved by
12 the United States Department of Education, if needed in
13 conjunction with an application for admission by a convicted felon
14 to any special education program for convicted felons, including,
15 but not limited to, university alternatives and halfway houses. Only
16 conviction information shall be furnished. The college or university
17 may require the convicted felon to be fingerprinted, and any inquiry
18 to the department under this section shall include the convicted
19 felon's fingerprints and any other information specified by the
20 department.

21 (12) To any foreign government, if requested by the individual
22 who is the subject of the record requested, if needed in conjunction
23 with the individual's application to adopt a minor child who is a
24 citizen of that foreign nation. Requests for information pursuant
25 to this paragraph shall be in accordance with the process described
26 in Sections 11122 to 11124, inclusive. The response shall be
27 provided to the foreign government or its designee and to the
28 individual who requested the information.

29 (d) Whenever an authorized request for state summary criminal
30 history information pertains to a person whose fingerprints are on
31 file with the Department of Justice and the department has no
32 criminal history of that person, and the information is to be used
33 for employment, licensing, or certification purposes, the fingerprint
34 card accompanying the request for information, if any, may be
35 stamped "no criminal record" and returned to the person or entity
36 making the request.

37 (e) Whenever state summary criminal history information is
38 furnished as the result of an application and is to be used for
39 employment, licensing, or certification purposes, the Department
40 of Justice may charge the person or entity making the request a

1 fee that it determines to be sufficient to reimburse the department
2 for the cost of furnishing the information. In addition, the
3 Department of Justice may add a surcharge to the fee to fund
4 maintenance and improvements to the systems from which the
5 information is obtained. Notwithstanding any other law, any person
6 or entity required to pay a fee to the department for information
7 received under this section may charge the applicant a fee sufficient
8 to reimburse the person or entity for this expense. All moneys
9 received by the department pursuant to this section, Sections
10 11105.3 and 26190, and former Section 13588 of the Education
11 Code shall be deposited in a special account in the General Fund
12 to be available for expenditure by the department to offset costs
13 incurred pursuant to those sections and for maintenance and
14 improvements to the systems from which the information is
15 obtained upon appropriation by the Legislature.

16 (f) Whenever there is a conflict, the processing of criminal
17 fingerprints and fingerprints of applicants for security guard or
18 alarm agent registrations or firearms qualification permits
19 submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4
20 of the Business and Professions Code shall take priority over the
21 processing of other applicant fingerprints.

22 (g) It is not a violation of this section to disseminate statistical
23 or research information obtained from a record, provided that the
24 identity of the subject of the record is not disclosed.

25 (h) It is not a violation of this section to include information
26 obtained from a record in (1) a transcript or record of a judicial or
27 administrative proceeding or (2) any other public record if the
28 inclusion of the information in the public record is authorized by
29 a court, statute, or decisional law.

30 (i) Notwithstanding any other law, the Department of Justice
31 or any state or local law enforcement agency may require the
32 submission of fingerprints for the purpose of conducting summary
33 criminal history information checks that are authorized by law.

34 (j) The state summary criminal history information shall include
35 any finding of mental incompetence pursuant to Chapter 6
36 (commencing with Section 1367) of Title 10 of Part 2 arising out
37 of a complaint charging a felony offense specified in Section 290.

38 (k) (1) This subdivision shall apply whenever state or federal
39 summary criminal history information is furnished by the
40 Department of Justice as the result of an application by an

1 authorized agency or organization and the information is to be
2 used for peace officer employment or certification purposes. As
3 used in this subdivision, a peace officer is defined in Chapter 4.5
4 (commencing with Section 830) of Title 3 of Part 2.

5 (2) Notwithstanding any other law, whenever state summary
6 criminal history information is initially furnished pursuant to
7 paragraph (1), the Department of Justice shall disseminate the
8 following information:

9 (A) Every conviction rendered against the applicant.

10 (B) Every arrest for an offense for which the applicant is
11 presently awaiting trial, whether the applicant is incarcerated or
12 has been released on bail or on his or her own recognizance
13 pending trial.

14 (C) Every arrest or detention, except for an arrest or detention
15 resulting in an exoneration, provided, however, that where the
16 records of the Department of Justice do not contain a disposition
17 for the arrest, the Department of Justice first makes a genuine effort
18 to determine the disposition of the arrest.

19 (D) Every successful diversion.

20 (E) Every date and agency name associated with all retained
21 peace officer or nonsworn law enforcement agency employee
22 preemployment criminal offender record information search
23 requests.

24 (F) Sex offender registration status of the applicant.

25 (l) (1) This subdivision shall apply whenever state or federal
26 summary criminal history information is furnished by the
27 Department of Justice as the result of an application by a criminal
28 justice agency or organization as defined in Section 13101, and
29 the information is to be used for criminal justice employment,
30 licensing, or certification purposes.

31 (2) Notwithstanding any other law, whenever state summary
32 criminal history information is initially furnished pursuant to
33 paragraph (1), the Department of Justice shall disseminate the
34 following information:

35 (A) Every conviction rendered against the applicant.

36 (B) Every arrest for an offense for which the applicant is
37 presently awaiting trial, whether the applicant is incarcerated or
38 has been released on bail or on his or her own recognizance
39 pending trial.

1 (C) Every arrest for an offense for which the records of the
2 Department of Justice do not contain a disposition or did not result
3 in a conviction, provided that the Department of Justice first makes
4 a genuine effort to determine the disposition of the arrest. However,
5 information concerning an arrest shall not be disclosed if the
6 records of the Department of Justice indicate or if the genuine
7 effort reveals that the subject was exonerated, successfully
8 completed a diversion or deferred entry of judgment program, or
9 the arrest was deemed a detention.

10 (D) Every date and agency name associated with all retained
11 peace officer or nonsworn law enforcement agency employee
12 preemployment criminal offender record information search
13 requests.

14 (E) Sex offender registration status of the applicant.

15 (m) (1) This subdivision shall apply whenever state or federal
16 summary criminal history information is furnished by the
17 Department of Justice as the result of an application by an
18 authorized agency or organization pursuant to Section 1522,
19 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or
20 any statute that incorporates the criteria of any of those sections
21 or this subdivision by reference, and the information is to be used
22 for employment, licensing, or certification purposes.

23 (2) Notwithstanding any other law, whenever state summary
24 criminal history information is initially furnished pursuant to
25 paragraph (1), the Department of Justice shall disseminate the
26 following information:

27 (A) Every conviction of an offense rendered against the
28 applicant.

29 (B) Every arrest for an offense for which the applicant is
30 presently awaiting trial, whether the applicant is incarcerated or
31 has been released on bail or on his or her own recognizance
32 pending trial.

33 (C) Every arrest for an offense for which the State Department
34 of Social Services is required by paragraph (1) of subdivision (a)
35 of Section 1522 of the Health and Safety Code to determine if an
36 applicant has been arrested. However, if the records of the
37 Department of Justice do not contain a disposition for an arrest,
38 the Department of Justice shall first make a genuine effort to
39 determine the disposition of the arrest.

40 (D) Sex offender registration status of the applicant.

1 (3) Notwithstanding the requirements of the sections referenced
2 in paragraph (1) of this subdivision, the Department of Justice
3 shall not disseminate information about an arrest subsequently
4 deemed a detention or an arrest that resulted in either the successful
5 completion of a diversion program or exoneration.

6 (n) (1) This subdivision shall apply whenever state or federal
7 summary criminal history information, to be used for employment,
8 licensing, or certification purposes, is furnished by the Department
9 of Justice as the result of an application by an authorized agency,
10 organization, or individual pursuant to any of the following:

11 (A) Paragraph (10) of subdivision (c), when the information is
12 to be used by a cable corporation.

13 (B) Section 11105.3 or 11105.4.

14 (C) Section 15660 of the Welfare and Institutions Code.

15 (D) Any statute that incorporates the criteria of any of the
16 statutory provisions listed in subparagraph (A), (B), or (C), or of
17 this subdivision, by reference.

18 (2) With the exception of applications submitted by
19 transportation companies authorized pursuant to Section 11105.3,
20 and notwithstanding any other law, whenever state summary
21 criminal history information is initially furnished pursuant to
22 paragraph (1), the Department of Justice shall disseminate the
23 following information:

24 (A) Every conviction rendered against the applicant for a
25 violation or attempted violation of any offense specified in
26 subdivision (a) of Section 15660 of the Welfare and Institutions
27 Code. However, with the exception of those offenses for which
28 registration is required pursuant to Section 290, the Department
29 of Justice shall not disseminate information pursuant to this
30 subdivision unless the conviction occurred within 10 years of the
31 date of the agency's request for information or the conviction is
32 over 10 years old but the subject of the request was incarcerated
33 within 10 years of the agency's request for information.

34 (B) Every arrest for a violation or attempted violation of an
35 offense specified in subdivision (a) of Section 15660 of the Welfare
36 and Institutions Code for which the applicant is presently awaiting
37 trial, whether the applicant is incarcerated or has been released on
38 bail or on his or her own recognizance pending trial.

39 (C) Sex offender registration status of the applicant.

1 (o) (1) This subdivision shall apply whenever state or federal
2 summary criminal history information is furnished by the
3 Department of Justice as the result of an application by an
4 authorized agency or organization pursuant to Section 379 or 550
5 of the Financial Code, or any statute that incorporates the criteria
6 of either of those sections or this subdivision by reference, and the
7 information is to be used for employment, licensing, or certification
8 purposes.

9 (2) Notwithstanding any other law, whenever state summary
10 criminal history information is initially furnished pursuant to
11 paragraph (1), the Department of Justice shall disseminate the
12 following information:

13 (A) Every conviction rendered against the applicant for a
14 violation or attempted violation of any offense specified in Section
15 550 of the Financial Code.

16 (B) Every arrest for a violation or attempted violation of an
17 offense specified in Section 550 of the Financial Code for which
18 the applicant is presently awaiting trial, whether the applicant is
19 incarcerated or has been released on bail or on his or her own
20 recognizance pending trial.

21 ~~(C) Sex offender registration status of the applicant.~~

22 (p) (1) This subdivision shall apply whenever state or federal
23 criminal history information is furnished by the Department of
24 Justice as the result of an application by an agency, organization,
25 or individual not defined in subdivision (k), (l), (m), (n), or (o), or
26 by a transportation company authorized pursuant to Section
27 11105.3, or any statute that incorporates the criteria of that section
28 or this subdivision by reference, and the information is to be used
29 for employment, licensing, or certification purposes.

30 (2) Notwithstanding any other law, whenever state summary
31 criminal history information is initially furnished pursuant to
32 paragraph (1), the Department of Justice shall disseminate the
33 following information:

34 (A) Every conviction rendered against the applicant.

35 (B) Every arrest for an offense for which the applicant is
36 presently awaiting trial, whether the applicant is incarcerated or
37 has been released on bail or on his or her own recognizance
38 pending trial.

39 (C) Sex offender registration status of the applicant.

1 (q) All agencies, organizations, or individuals defined in
2 subdivisions (k), (l), (m), (n), (o), and (p) may contract with the
3 Department of Justice for subsequent notification pursuant to
4 Section 11105.2. This subdivision shall not supersede sections that
5 mandate an agency, organization, or individual to contract with
6 the Department of Justice for subsequent notification pursuant to
7 Section 11105.2.

8 (r) This section does not require the Department of Justice to
9 cease compliance with any other statutory notification
10 requirements.

11 (s) The provisions of Section 50.12 of Title 28 of the Code of
12 Federal Regulations are to be followed in processing federal
13 criminal history information.

14 (t) Whenever state or federal summary criminal history
15 information is furnished by the Department of Justice as the result
16 of an application by an authorized agency, organization, or
17 individual defined in subdivisions (k) to (p), inclusive, and the
18 information is to be used for employment, licensing, or certification
19 purposes, the authorized agency, organization, or individual shall
20 expeditiously furnish a copy of the information to the person to
21 whom the information relates if the information is a basis for an
22 adverse employment, licensing, or certification decision. When
23 furnished other than in person, the copy shall be delivered to the
24 last contact information provided by the applicant.