

 <b>Interstate Commission for Juveniles</b>	<b>Policy Number:</b> 02-2021	<b>Page Number:</b> 1
<b>ICJ Administrative Policy</b>  UNITY Privacy Policy	<b>Dated:</b> February 18, 2021  <b>Revised:</b> May 23, 2024	

**I. Authorization**

Article III (F) of the Interstate Compact for Juveniles (ICJ), in relevant part, provides: “The executive committee shall oversee the day-to-day activities of the administration of the compact managed by an executive director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its by-laws and rules, and performs such other duties as directed by the Interstate Commission or set forth in the by-laws.”

ICJ Rule 3-101 provides: “States shall use the electronic information system approved by the Commission to facilitate the supervision, travel notices, and return of juveniles pursuant the Interstate Compact for Juveniles.”

**II. Policy**

The Interstate Commission for Juveniles (“Interstate Commission”) developed the Uniform Nationwide Interstate Tracking for Youth (UNITY) system to track interstate juvenile movement. The UNITY system was developed in accordance with the FBI’s Criminal Justice Information System (CJIS) guidelines for protecting the privacy and integrity of personal identifying information. This UNITY Privacy Policy (“Privacy Policy”) provides information about how and why information is collected, used, and disclosed. The UNITY system will store information in a manner such that it cannot be added to, modified, accessed, destroyed, or purged except by personnel authorized to take such actions. All participating agencies and authorized users will protect the privacy of juveniles by complying with the provisions of this policy. The bulk release of information to either the public, private, or non-profit agencies is permitted only if they are authorized by law and approved in advance by the Interstate Commission.

**III. Responsibility**

A. The Interstate Commission will establish and enforce procedures, practices, system protocols and use software, information technology tools, and physical security measures that protect information from unauthorized access, modification, theft, or sabotage, whether internal or external, and whether due to natural or human-caused disasters or intrusions. The methods and techniques used will be consistent with CJIS standards.

- B. The Interstate Commission will adopt and follow procedures and practices by which it can ensure and evaluate the compliance of users and the system itself with the provisions of this policy, industry standards and applicable law.
- C. The Interstate Commission will require all individuals authorized to use the system to agree in writing to comply with the provisions of this policy.
- D. The Interstate Commission will periodically conduct audits and inspections of the information contained in the UNITY system. The audits will be conducted by the Interstate Commission's National Office staff or by a designated independent party. The audit will be conducted in such a manner so as to protect the confidentiality, sensitivity, and privacy of the juvenile information.
- E. The Interstate Commission will periodically review and update the provisions protecting privacy, civil rights, and civil liberties in its policies and make appropriate changes in response to changes in applicable law and public expectations.
- F. If unencrypted personal information was or is reasonably believed to have been obtained by an unauthorized person and access to such information may threaten physical or financial harm to the person, the Interstate Commission will notify the juvenile(s). The notice will be made promptly and without unreasonable delay following discovery or notification of the access to the information, consistent with the legitimate needs of law enforcement to investigate the release or any measures necessary to determine the scope of the release of information and to reasonably restore the integrity of the UNITY system.
- G. The primary responsibility for the operation of the UNITY system, including operations; coordination of personnel; receiving, seeking, retaining, and evaluating information quality; the analysis, destruction, sharing, and disclosure of information; and the enforcement of this policy are assigned to the Commission's Executive Director.
- H. The Compact Commissioner in each state is responsible for receiving and responding to inquiries and complaints about privacy, civil rights, and civil liberties protections in the UNITY system.

#### **IV. Accountability**

- A. The Interstate Commission and participating agencies will adopt provisions to ensure accountability for compliance with the Interstate Compact for Juveniles ("ICJ") and related rules and policies, in the collection, use, analysis, retention, destruction, sharing, and disclosure of information.

- B. The UNITY Privacy Policy is available to the public on request and on the Interstate Commission's website.

**V. Access of Information Based on User Role and Disclosure**

- A. Access to the information in the UNITY system is based upon a user's state and assigned role.
- B. The state and user role will be used to control:
  - 1. What information users may access;
  - 2. What information users can add, change, delete, disseminate, or print; and
  - 3. To whom the information can be disclosed and under what circumstances.
- C. Participating agencies will ensure that only authorized users add or change information in the system.

**VI. Compliance with Laws Regarding Privacy, Civil Rights, and Civil Liberties**

- A. The Interstate Commission and all participating agencies, employees, and users will comply with all applicable laws protecting privacy, civil rights, and civil liberties in the collection, use, analysis, retention, destruction, sharing, and disclosure of information.
- B. The Interstate Commission maintains internal operating policies requiring compliance with the ICJ and related rules and policies, in the collection, use, analysis, retention, destruction, sharing, and disclosure of information in the system.

**VII. Information Sought and Retained**

- A. Participating agencies will seek or retain only information that is:
  - 1. Relevant to the transfer of supervision and the return of runaways, escapees, absconders and delinquent juveniles;
  - 2. Relevant to the investigation and prosecution of suspected juvenile delinquency; the resulting justice system response; the enforcement of sanctions, orders, or sentences; the prevention of juvenile delinquency; the analysis of juvenile delinquency; or the administration of the juvenile justice system; and/or,
  - 3. Collected by participating agencies regarding specific juveniles, consisting of official identifiable descriptions and notations of arrests, detentions, warrants, complaints, indictments, information, or other formal charges, and any

disposition relating to these charges, including acquittal, sentencing, pre- or post-conviction supervision, correctional supervision, and release.

- B. Participating agencies will ensure that information sought or retained is:
  - 1. Derived from dependable and trustworthy sources of information;
  - 2. Accurate;
  - 3. Current;
  - 4. Complete, including the relevant context in which it was sought or received and other related information; and
  - 5. Merged with other information about the same juvenile only when the applicable standard has been met as set forth in Section X *Merging of Information from Different Sources*.
  
- C. Participating agencies may not seek or retain information about the political, religious, or social views; participation in a particular organization or event; or activities of any juvenile or the race, ethnicity, citizenship, place of origin, age, disability, gender, or sexual orientation of such juvenile, unless such information is needed by the participating agency:
  - 1. To identify a juvenile;
  - 2. In order for the agency to operate effectively; or
  - 3. To provide services to the juvenile.
  
- D. The participating agency will keep a record of the source of all information retained by the participating agency.

## **VIII. Requirements for Information Gathering and Sharing**

- A. Access to information retained by the UNITY system will be provided only to participating agencies or other governmental agencies that are authorized to have access and only for legitimate law enforcement, public protection, public prosecution, public health, or justice purposes, and only for the performance of official duties in accordance with the law and procedures applicable to participating agencies for whom the person is working. The person who received, reviewed, or added information to the system may be authorized to view the information he or she provided regardless of the type of access associated with the information or the contributor's access authority.
  
- B. Participating agencies will adopt, maintain, and comply with internal policies and procedures requiring each participating agency, personnel, contractors, and users to:
  - 1. Seek or retain only information that is legally permissible for the participating agency to seek or retain under laws applicable to the participating agency;

2. Use only lawful means to seek information;
  3. Seek and retain only information that is reliably accurate, current, and complete;
  4. Take appropriate steps when merging information about a juvenile from two or more sources, to ensure that the information is about the same juvenile;
  5. Investigate in a timely manner any alleged errors and correct information found to be erroneous;
  6. Retain information sought or received only so long as it is relevant and timely, and delete or correct information that is inaccurate, outdated, or otherwise no longer related to the administration of the ICJ;
  7. Maintain information and systems containing information in a physically and electronically secure environment and protected from natural or man-made disasters or intrusions;
  8. Collect and analyze information in a manner that conforms to generally accepted practices;
  9. Establish procedures that comply with the policies and procedures of the Interstate Commission for accessing information through the participating agency;
  10. Allow only authorized users to access and/or disseminate the information in the UNITY system and only for purposes related to the performance of their official duties;
  11. Ensure each authorized user has a unique account and will not authorize others to use the account to access the system;
  12. Ensure authorized users do not leave UNITY unattended in areas where it might be accessed by unauthorized individuals;
  13. Ensure authorized users do not access UNITY on public computers;
  14. Ensure authorized users do not use UNITY on unsecured wired or wireless access points or connections;
  15. Ensure authorized users do not disrupt, interfere, alter or tamper with any information or materials associated with UNITY use;
  16. Ensure authorized users do not change UNITY software, or in any way decompile, disassemble or imitate any part of UNITY software;
  17. Share information from the UNITY system with other justice system partners in accordance with Section IX of this policy; and
  18. Comply with information retention and destruction schedules.
- C. A participating agency will not disclose information originating from another participating agency, except as provided for in the ICJ Rules or Compact.
- D. When there is a question or inquiry about information in the UNITY system, a participating agency will make information available in response to a query either by:

1. Providing the requested information directly, if the query was made by a person authorized to access the information pursuant to this policy and/or relevant law;
  2. Responding with the contact information of a person in the agency that initially provided the information whom the individual making the query can contact;
  3. Requesting that a person in the agency that initially provided the information contact the individual making the query; or
  4. Indicating that no information is available.
  5. An audit trail will be kept of access by or dissemination of information to such persons.
- E. Access to information retained in the UNITY system will not be provided to participating agencies or other governmental agencies seeking to assess or audit a state ICJ Office for compliance with the Commission's rules or policies. Access to the system will not be granted for the sole purpose of conducting an assessment or audit. The Interstate Commission conducts periodic performance measurement assessments to measure compliance with the ICJ and related rules and policies, in the collection, use, analysis, retention, destruction, sharing, and disclosure of information in the system.

#### **IX. Enforcement of Provisions of Privacy Policy**

- A. Participating agencies will adopt, maintain, and comply with internal policies and procedures requiring the agency, its personnel, contractors, and users to:
1. Have and enforce policies for discovering and responding to violations of agency policies and this policy;
  2. Provide training about the agency's requirements and policies regarding information collection, use, and disclosure to personnel authorized to use the UNITY system;
  3. Make available to the public the agency's privacy policies and procedures;
  4. Cooperate with periodic performance measurement assessments conducted by the Interstate Commission; and
  5. Establish whether reports of alleged errors in the information that originated from the participating agency should be directed to the Commissioner or another individual designated to receive such reports.
- B. If a participating agency fails to comply with the provisions of this Privacy Policy or fails to enforce provisions in its local policies and procedures regarding proper collection, use, retention, destruction, sharing, disclosure, or classification of information, the Interstate Commission may:
1. Suspend or discontinue access to the UNITY system by a user who has not complied with the Privacy Policy or local policies and procedures;

2. Suspend or discontinue the agency's access to the UNITY system; or
  3. Provide an independent review, evaluation, and/or technical assistance to the participating agency to establish compliance with the operational policies of the UNITY system and ICJ Rules.
- C. Participating agencies will ensure that information will be updated or deleted from the system when the agency learns that the:
1. Information is erroneous, misleading, obsolete, or otherwise unreliable;
  2. Source of the information did not have authority to gather the information or to provide the information to the participating agency; or
  3. Source of the information used prohibited means to gather the information.
- D. If a user is suspected of or found to be in non-compliance with the provisions of this policy regarding the collection, use, retention, destruction, sharing, classification, or disclosure of information, the Interstate Commission will:
1. Suspend or discontinue access to information by the user;
  2. Apply other sanctions or administrative actions as provided in the ICJ, ICJ Rules, and/or the Commission's compliance policies;
  3. Inform the participating agency, organization, contractor, or service provider employing the user of the non-compliance; and/or
  4. Refer the matter to appropriate authorities for criminal prosecution, as necessary, to effectuate the purposes of the policy.

**X. Merging of Information from Different Sources**

- A. Information about a juvenile from two or more sources will not be merged into a juvenile master file unless there is sufficient identifying information to reasonably conclude that the information is about the same juvenile.
- B. The set of identifying information sufficient to allow merging will consist of at least four of the fields, including: first name, last name, date of birth, sex, race, UNITY identifier and/or sending state identifier.

**XI. Sharing Information with Public Protection, Safety, or Public Health Agencies or the Public**

- A. Information retained by the UNITY system may be disseminated to individuals in public or private entities only for public protection, safety, or public health purposes and only in the performance of official duties in accordance with applicable laws regulations and procedures. Nothing in this policy limits the dissemination, including unsolicited, of an assessment of juvenile delinquency intelligence information to a

government official or to any other individual, when necessary, to avoid imminent danger or certain danger to life or property.

- B. Information gathered and retained by the UNITY system may be disseminated for specific purposes upon request by persons authorized by law to have such access and only for those uses or purposes specified in the law.
- C. Information gathered and retained by the UNITY system may be disclosed to a member of the public only if the information is defined by law to be a public record and is not exempt from disclosure by law, and it may only be disclosed in accordance with the law and procedures applicable to participating agencies for this type of information.
- D. Information sought or received by participating agencies or from other sources may be collated and analyzed to further prevention of juvenile delinquency, law enforcement, or prosecution objectives, and priorities established by participating agencies.
- E. The Interstate Commission will not confirm the existence or nonexistence of information to any person or agency that would not be eligible to receive the information itself.
- F. An audit trail will be kept of the access by or dissemination of information to such persons.

## **XII. Disclosing Information to the Juvenile about Whom Information Has Been Gathered**

- A. Upon satisfactory verification of their identity and subject to the conditions specified in (B), a juvenile is entitled to know the existence of and to review the information about their self that has been gathered and retained by the UNITY system. The juvenile may obtain a copy of the information for the purpose of challenging the accuracy or completeness of the information. A participating agency's response to the request for information will be made within a reasonable time and in a form that is readily intelligible to the juvenile.
- B. The existence, content, and source of the information will not be made available to a juvenile when:
  - 1. Disclosure would interfere with, compromise, or delay an ongoing investigation or prosecution;
  - 2. Disclosure would endanger the health or safety of an individual, organization, or community;
  - 3. The information is considered criminal intelligence; or
  - 4. The information is considered to be victim sensitive.

- C. If a juvenile has objections to the accuracy or completeness of the information retained about such person, the Interstate Commission will inform the juvenile that a request to review objections must be submitted as a written request to the Executive Director, submitted either via email or USPS. The juvenile will be given reasons if a request for correction is denied. If the juvenile seeks to appeal the denial of a request for correction, the appeals process of the state where the information originated will be utilized.
- D. A record will be kept of all requests and of the information that is disclosed to a juvenile.

### **XIII. Destruction of Information**

- A. Information in the UNITY system will not be purged, destroyed, deleted, or returned without the written permission of the agency that submitted the information.
- B. Notification of proposed destruction or return of records will be provided to the member state that submitted the information.
- C. A record that information has been purged or returned will be maintained by the Interstate Commission.

### **XIV. Definitions**

- A. "Authorized User" means employee of a participating agency who has been granted access to the UNITY system by the Compact Commissioner or their designee and is authorized to receive information retained in the UNITY system to provide services, supervision or in performance of other official duties in accordance with applicable laws, regulations, and procedures.
- B. "ICJ" means Interstate Compact for Juveniles.
- C. "Interstate Commission" means the Interstate Commission for Juveniles.
- D. "Information" means any data about people, organizations, events, incidents, or objects, regardless of the medium in which it exists.
- E. "Law" means any local, state, tribal, territorial, or federal statute, ordinance, regulation, executive order, policy, or court rule, decision, or order, as construed by appropriate local, state, tribal, territorial, or federal agencies, officials, and courts.
- F. "Member State" means those states, as defined in the ICJ, including their political subdivisions, that are members of the Interstate Commission and the primary users of the UNITY system.

- G. "Participating Agency" means either a member state or other justice system partner who is authorized to receive information retained in the UNITY system to provide services, supervision or in performance of other official duties in accordance with applicable laws, regulations, and procedures.
- H. "Public" means:
1. Any person;
  2. Any for-profit or nonprofit entity, organization, or association;
  3. Any governmental entity for which there is no existing specific law authorizing access to the participating agency's information;
  4. Media organizations; and
  5. Any other entity that is not affiliated with a member state or participating agency.
- I. "Public" does not include:
1. Employees of the participating agency;
  2. People or entities, private or governmental, who assist a participating agency in the operation of the UNITY system; and
  3. Public agencies whose authority to access information gathered and retained by a participating agency is specified in law.
- J. "UNITY" means the Uniform Nationwide Interstate Tracking for Youth electronic information system.