


<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b>			JOB NUMBER N1-065- 06-9	
To: NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001			Date received 1/23/09	
1 FROM (Agency or establishment) Department of Justice		<b>NOTIFICATION TO AGENCY</b>  In accordance with the provisions of 44 U S C 3303a, the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10		
2 MAJOR SUBDIVISION Federal Bureau of Investigation				
3 MINOR SUBDIVISION Laboratory Division				
4. NAME OF PERSON WITH WHOM TO CONFER Tammy J. Strickler	5 TELEPHONE NUMBER 540-868-4363	DATE 4-23-09	ARCHIVIST OF THE UNITED STATES <i>Adrienne C. Thomas</i>	
6 AGENCY CERTIFICATION I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached <u>4</u> page(s) are not needed now for the business for this agency or will not be needed after the retention periods specified, and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies,				
<input checked="" type="checkbox"/> is not required <input type="checkbox"/> is attached, or <input type="checkbox"/> has been requested				
DATE 1/20/2009	SIGNATURE OF AGENCY REPRESENTATIVE 		TITLE Chief, Records Management Branch Agency Records Officer	
7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)	
	The attached pages provide disposition instructions for records relating to the National DNA Indexing System (NDIS) which is a system used to facilitate the comparison of DNA profiles from participating Federal, State, and local laboratories under the guidelines of the DNA Identification Act of 1994 (DNA Act), a part of the Violent Crime Control and Law Enforcement Act of 1994, which formalized the FBI's authority to establish a national DNA Index System for law enforcement purposes (see 42 USC § 14132(a))			

## National DNA Index System

The DNA Identification Act of 1994 (DNA Identification Act), a Part of the Violent Crime Control and Law Enforcement Act of 1994, formalized the FBI's authority to establish a national DNA Index System for law enforcement purposes (see 42 USC § 14132(a)). In October 1998 - the FBI's National DNA Index System (NDIS) became operational with initially nine states participating in NDIS. Under the guidelines of the DNA Identification Act, the Director of the Federal Bureau of Investigation may establish an index of:

- 1) DNA Identification records of :
  - a) persons convicted of crimes;
  - b) persons charged in an indictment or information with a crime; and
  - c) other persons whose DNA samples are collected under applicable legal authorities, provided that DNA samples that are voluntarily submitted solely for elimination purposes shall not be included in NDIS;
- 2) analyses of DNA samples recovered from crime scenes;
- 3) analyses of DNA samples recovered from unidentified human remains, and
- 4) analyses of DNA samples voluntarily contributed from relatives of missing persons.

The DNA Identification Act also required the FBI Director to establish DNA Quality Assurance Standards for samples submitted to NDIS. FBI Standards were imposed on all Laboratories receiving Federal funds and conducting DNA analyses.

The Combined DNA Indexing System (CODIS) is an automated DNA information processing software developed by the FBI that provides a three-tiered hierarchy of DNA databases: NDIS, the State DNA Index System (SDIS), and the Local DNA Index System (LDIS).

The FBI provides CODIS software, together with installation, training, and user support, free of charge to any Federal, State, and local law enforcement laboratories in the United States performing DNA analysis, to foster the comparison of forensic DNA evidence from crime investigations. Each state sets up and maintains its own SDIS according to its laws, regulations, and policies and procedures using the CODIS software.

NDIS is the highest level in the DNA database hierarchy, and enables the participating laboratories using the CODIS software to compare DNA profiles on a national level. All of the indexing of DNA profiles originate at LDIS and SDIS and are then uploaded to NDIS. The DNA profiles that originate at LDIS must first be uploaded to SDIS before being uploaded to NDIS. SDIS allows participating laboratories within the state to compare DNA profiles. The FBI is the custodian of the DNA data that has been uploaded from SDIS databases to NDIS. The data is originated/owned by individual criminal justice agencies at the state and local levels, and retention of the data is governed

by State laws. For example, if a criminal is acquitted, and the State court so orders, the records must be expunged by the entity that uploaded the data. The FBI will only provide verification that the record has been removed. The FBI has no ability to remove records from the LDIS and SDIS databases. Any removal of data from NDIS must be performed by the Federal, State, and local criminal justice agency that uploaded the data. The NDIS system is a custodial system that will only allow upload of copies of eligible information from LDIS and SDIS meeting standardized criteria that is indexed. Federal entities that upload information into NDIS use source information maintained on systems that mirror the operations of SDIS.

All source databases (SDIS and LDIS) are using the CODIS software, thereby all data is maintained and available in the proper format for upload to NDIS when appropriate by the criminal justice agencies that originated the profile data. Profiles entered at the local level can be searched at the local level. Profiles approved for upload to a SDIS from a LDIS, can be searched at the State level and also uploaded to NDIS. A Federal, State, or local DNA analyst may upload the DNA record containing the DNA profile of the specimen into NDIS. The DNA profile consists of numbers representing the genetic allele at each of 13 CODIS core loci. No names or personally identifiable information is included in the DNA record that is uploaded to NDIS. If a potential candidate match between two or more DNA records is identified, qualified DNA analysts from the involved laboratories contact each other to confirm the match. Metadata and audit log information is captured and linked directly to each DNA profile record, not within each system separately. No criminal record data is maintained in NDIS.

Federal, State, and local laboratories can perform auto searches at their level and upload DNA profiles for searching at the National level (NDIS) for the following indexes:

- The **Convicted Offender Index** contains DNA profiles of individuals convicted of crimes. The crime scene DNA profile is also searched against the offender index. Candidate matches in the offender index provide investigators with known suspects.
- The **Arrestee Index** contains profiles of individuals arrested for certain offenses if state law permits the collection of such samples.
- The **Legal Index** contains DNA profiles from individuals that are collected under applicable legal authorities.
- The **Forensic Index** contains DNA profiles developed from crime scene evidence, such as semen stains or blood. A candidate match in the forensic index associates the case with other cases nationwide, which may (or may not) identify a suspect. The leads generated from a forensic index match allow police officers in multiple jurisdictions to coordinate their respective investigations.
- The **Missing Persons Index** contains DNA records of Missing Persons and deduced missing persons.
- The **Relatives of Missing Persons Index** consists of DNA records from the biological relatives of individuals reported missing and required a Consent Form for samples taken from relatives of Missing Persons.
- **Unidentified Human Remains Index** contains samples from recovered dead persons (including their body parts and tissues, whose identities are not known,

and DNA records from recovered living persons (e.g., children who can't and others who can't or refuse to identify themselves).

NDIS enables Federal, State, and local crime laboratories to compare DNA profiles electronically, thereby linking serial crimes to each other and to known offenders. Once new DNA profiles are uploaded to NDIS, the CODIS software notes the addition, and compares the new profiles to the existing profiles to identify candidate matches and generate a report of those matches. This automatic notice is sent to the criminal justice agencies involved. Once a candidate match report is sent by NDIS, the receiving criminal justice agencies must then contact each other to determine/confirm the match or its investigative value.

The source criminal justice agencies providing eligible copies of profiles for upload into NDIS must have a plan to remove data against a retention schedule in accordance with the laws for that agency or State. This tiered approach allows Federal, State, and local agencies to operate their databases according to their specific legislative or legal requirements. The exchange and searching of DNA data that may lead to the identification of a suspect when other investigation methods (such as fingerprints) have not succeeded is the purpose of NDIS, and the reports generated by the search are the only records produced by the NDIS system.

## **1. Master Files**

a. Copy of data uploaded to NDIS from the source criminal justice agencies. NDIS serves only as a custodial system.

Disposition: The source criminal justice agencies upload and may remove its data in accordance with approved federal disposition authorities and the laws for that State, whichever is applicable.

[Disposition for DNA Profiles maintained in each SDIS and LDIS are the responsibility of the criminal justice agencies that submitted them. The FBI has no jurisdiction or ability to manage the records in those systems.]

## **2. Outputs**

DNA candidate match reports generated by NDIS to source laboratories. Once a candidate match report is sent from NDIS, the receiving laboratories must then contact each other to determine/confirm the match or its investigative value.

Disposition: DELETE/DESTROY upon dismantlement or termination of NDIS.

[Long term maintenance is required to eliminate duplicate DNA candidate match reports generated by NDIS to source laboratories.]

### **3. System Documentation**

Data systems specifications, file specifications, codebooks, record layouts, user guides, output specifications, and final reports (regardless of medium) relating to the NDIS system.

Disposition: Delete/destroy when superseded or obsolete, or upon authorized deletion of the related master file.

### **Related Records:**

#### **4. Policy, Usage Agreements, and Memoranda of Understanding:**

Disposition: DELETE/DESTROY when superseded or obsolete or upon termination of NDIS, whichever is sooner.

#### **5. Security Audit Records:**

The security audit information event log contains entry information that shows an action was performed, the associated user account, and the date and time of the action.

Disposition: DELETE/DESTROY when 25 years old.

[Information such as the source, date, and time of upload; updates to indexes, profiles; etc. is linked as part of the metadata for each DNA profile, and remains with the profile record (which are managed under the guidelines of Item 1. Master Files)]

#### **6. Backups:**

Backups of NDIS are maintained for potential system/server restoration in the event of a system/server failure or other unintentional loss of data.

Disposition: DELETE/DESTROY/OVERWRITE incremental backup media when superseded by a full backup or when 180 days old.

Disposition: DELETE/DESTROY/OVERWRITE full backup media when one year old.