

EMERGENCY REGULATION CONCERNING IN-PERSON VERIFICATION OF IDENTITY
OF APPLICANTS

On April 9, 2020, the Department of Criminal Justice Information Services (DCJIS) issued an emergency regulation that allows requestors to verify an applicant's identity via teleconference in cases where the CORI request arises in response to the 2020 COVID-19 Pandemic. Additionally, if a requestor is unable to verify identity in person, by notary, or by teleconference, and if there is a need to complete the CORI request in response to the 2020 COVID-19 Pandemic, then the requestor may petition DCJIS for approval to use an alternative means to verify identity. The emergency regulations can be found at 803 CMR 2.09(8) and (9). Please note, the emergency regulations also provide that upon termination of the state of emergency, all CORI requests verified in this manner shall be verified either in person or through the submission of a notarized CORI Acknowledgement Form within 7 business days. Please see below.

2.09: Requirements for Requestors to Request CORI

(1) Prior to submitting a CORI request, an employer, volunteer organization, landlord, property management company, real estate agent, public housing authority or governmental licensing agency (referred to as "requestors") shall:

- (a) obtain a signed CORI Acknowledgement Form for each subject to be checked;
- (b) verify the identity of the subject; and
- (c) sign and date the CORI Acknowledgement Form certifying that the subject was properly identified.

(2) Model CORI Acknowledgment Forms with the required fields of information are available on the DCJIS website. Requestors shall either use the published CORI Acknowledgment Forms or incorporate the language and information provided on the forms into their applications.

(3) To complete the CORI acknowledgment Form, the subject shall provide:

- (a) all names that have been used by the subject or by which the subject has been known; and
- (b) any different name or date of birth for the subject that the subject is aware appears in the CORI database.

(4) In the course of reviewing a CORI acknowledgment form, if the requestor finds other names or dates of birth used by the subject or by which the subject has been known, the requestor may submit this information to the iCORI system. Requestors shall notify the subject of the source of the identifying information when the CORI results are returned. When the requestor is a CRA, the CRA's client shall notify the subject of the source of the identifying information.

(5) A requestor shall verify a subject's identity by examining a suitable form of government-issued identification containing a photograph of the subject. Acceptable types of government-issued identification are:

- (a) a state-issued driver's license;
- (b) a state-issued identification card with a photograph;
- (c) a passport;
- (d) a military identification card;
- (e) Native American Tribal documents; and
- (f) other forms of documentation as determined by the DCJIS.

(6) If a subject does not have an acceptable form of government-issued identification, a requestor shall verify identity by reviewing either the subject's birth certificate or social security card.

(7) If a requestor is unable to verify a subject's identity and signature in person, the subject may submit a completed CORI Acknowledgment Form acknowledged by the subject before a notary public.

(8) During the state of emergency declared by the Governor on March 10, 2020 as a result of the COVID-19 Pandemic, requestors that are unable to verify a subject's identity either in person or by acceptance of a notarization CORI Acknowledgment Form as provided in paragraph (7) and must complete a CORI request in response to the 2020 COVID-19 Pandemic shall verify the identity of the subject by inspection of a photographic form of government issued identification via teleconference. Effective upon termination of the state of emergency, all CORI requests verified in this manner shall be verified either in person or through the submission of a notarized CORI Acknowledgement Form within 7 business days.

(9) Requestors that are unable to verify a subject's identity as outlined in paragraphs (7) or (8) and have a need to submit a CORI request in response to the 2020 COVID-19 Pandemic, may petition DCJIS for an alternative means of identity verification. DCJIS may grant, deny or suggest an alternative means of identity verification sufficient to reasonably verify the subject's identity. Effective upon termination of the state of emergency, DCJIS may require CORI requests verified under such alternative means to be verified either in person or through the submission of a notarized CORI Acknowledgement Form within 7 business days.¹

(10) Nothing in 803 CMR 2.00 shall be construed to prohibit an employer or governmental licensing agency from making an adverse employment, volunteer, or licensing decision on the basis of a subject's objection to a request for CORI.

¹ Emergency regulation provisions are in **bold** font.

(11) If a subject's professional license expires or is revoked, a subject's CORI Acknowledgment Form shall become invalid.

(12) CORI Acknowledgement Forms must be retained by the requestor for a minimum of one year from the date of the subject's signature.