

## EMERGENCY REGULATION CONCERNING IN PERSON VERIFICATION OF IDENTITY OF APPLICANTS

On April 9, 2020<sup>1</sup>, the Department of Criminal Justice Information Services (DCJIS) issued an emergency regulation that allows requestors, including attorneys and advocates, 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).

### 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;

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<sup>1</sup> The emergency regulation was re-filed on June 29, 2020, and extended for an additional 90 days.

- (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 Acknowledgement 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 notarized 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.**

**An advocate or attorney may use this paragraph to submit a personal CORI request for and on behalf of that advocate/attorney's client; effective upon termination of the state of emergency, all such CORI requests submitted by an advocate or attorney pursuant to this paragraph shall be verified either in person or through the submission of a notarized CORI Acknowledgement Form within 30 calendar 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. An advocate or attorney may use this paragraph to submit such a petition for a personal CORI request for and on behalf of that advocate/attorney's client. 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.**

(10) A requestor shall submit the subject's name, date of birth, and, if available, the

last six digits of the subject's social security number.

(11) For employers, volunteer organizations, and governmental licensing agencies, CORI Acknowledgment Forms shall be valid for one year from the subject's having signed the form or until the conclusion of a subject's employment or licensing period, whichever comes first.

An employer, volunteer organization and government licensing agency may submit a new request for CORI within one year of the subject's having signed the original CORI Acknowledgment Form as long as the requestor notifies the subject on its CORI Acknowledgment Form that a CORI may be requested at any time within that one year.

(12) 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.

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

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