MISSOURI DATA EXCHANGE SYSTEM

SYSTEM USE AGREEMENT BETWEEN THE DEPARTMENT OF PUBLIC SAFETY AND

AGENCY NAME

MISSION STATEMENT:

The State of Missouri, through the Department of Public Safety, is sponsoring a statewide initiative that will enable the sharing of criminal justice information between participating criminal justice agencies.

The goal of the MoDEx (Missouri Data Exchange) project is to enhance the effectiveness of criminal justice agencies by increasing information sharing related to criminal activities.

This initiative will provide the mechanism for criminal justice agencies to share selected data statewide. MoDEx is interfaced to the National Data Exchange (N-DEx) System administered by the FBI.

This document defines the agreements for managing, accessing, and utilizing Missouri's Criminal Justice Data Exchange (MoDEx) System. The goal of the MoDEx initiative is to facilitate the sharing of criminal justice data across jurisdictional boundaries for improved crime solving ability.

FUNDING:

POST Statute establishing MoDEx RSMo 488.5320

(1)There is hereby created in the state treasury the "MoDEx Fund", which shall consist of money collected under subsection 1 of this section. The fund shall be administered by the peace officers standards and training commission established in section 590.120. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the operational support and expansion of the MoDEx system.

The MoDEx Program Manager will obtain funding approval from the Peace officers Standards Training Commission. MoDEx funds will be utilized to fund one interface from the Local department to the MoDEx system. If, in the event, an agency chooses to obtain a different vendor, the agency is

responsible for ensuring their contract will include any new interface costs to the MoDEx system for continued data submission. Department of Public Safety should be notified of vendor changes.

OPERATIONAL FRAMEWORK:

Information housed within the MoDEx System contains criminal justice information and shall only be accessed by criminal justice agencies as defined in Title 28(20.3) and 43.500 RSMo. Criminal justice agencies accessing MoDEx data shall only use the information obtained from MoDEx for the administration of criminal justice as defined in Title 28. All information within MoDEx shall be protected in accordance with CJIS Security Policy and Chapter 610 RSMo.

> In accordance with the CJIS Security Policy and consistent with Title 28, C.F.R., Part 20, Subpart A, MoDEx system access is restricted to "criminal justice agencies" and agencies performing the "administration of criminal justice."

AGENCY PARTICIPATION:

The MoDEx System is a cooperative venture of criminal justice agencies in Missouri. Agencies can apply to participate by submitting their requests to the Director of Public Safety with their intent to participate in the program. The agency will cooperate with the Governing Board, the other participating agencies, and any contractors working to implement and manage the MoDEx System and will require the cooperation of its own system vendors and or maintenance contractors to facilitate:

Network access and connectivity

Timely data extracts for engineering and testing purposes

Production extracts

Regular data updates as agreed to during the design process

Timely review and approval of design documents and test results

AGENCY WITHDRAWAL:

An agency may discontinue submitting data to MoDEx at any time by providing thirty days written notice to the Director of Public Safety. In the event that the agency wishes its data withdrawn from the MoDEx System as part of the termination of their participation, the withdrawing agency is responsible for the cost associated with the removal of its data from the MoDEx System.

AUTHORIZED RELEASE OF INFORMATION:

DATA SHARED: Parties to this agreement understand that the data from the MoDEx System may be accessed by Criminal Justice agencies as identified in Appendix A.   Data will only be modified by the originating agency. The data-sharing agency maintains ownership of its information and is ultimately responsible for determining what data is shared. Access will be given to all agencies agreeing to share data when technically and logically possible.

a. **Confidential Records:** An agency that does not want data made available from its records management system to any MoDEx user is responsible for ensuring that the data is not included in a data transfer to the MoDEx System. An agency that only wants data from its records management system to be made available to a select group of MoDEx users needs to place the appropriate restriction indicator on the underlying data in the agency's internal records management system or database.

b. **Removal or Expungement of Records:** As part of the design of an agency's data updates, the period at which a record deletion, removal expungement or other edit is transferred to the MoDEx System from the source system will be defined. If an agency requires a record edited, removed, or otherwise changed in a more timely manner, they are responsible for arranging for such a change to be manually processed to their data.

   REQUEST FOR INFORMATION:
      The MoDEx System is not in any manner intended to be an official repository of original records or to be used as a substitute for one, nor is the information in the system to be accorded any independent record status. A MoDEx System user who receives a request from a non-authorized requestor for information in the MoDEx System shall not release that information, but may refer the requester to the agency that is the source. A MoDEx System user who receives a court order to release information from the MoDEx System shall notify the original owner/source agency and his/her own Agency System Administrator of the court order. Information shall not be released or made available to any unauthorized requestor without the approval of the Department of Public Safety as well as the agency having ownership of the original source data.

INFORMATION OWNERSHIP:

Ownership: Individual agencies retain control of all the information they provide through the MoDEx System at all times. Each agency is responsible for creating, updating, and deleting records in its own records management system or database, according to its own policies. The originating agency is responsible for the completeness and accuracy of its source data.

Confidentiality: Users understand that information accessed through the MoDEx System contains criminal justice data and is considered confidential. This data may be used and accessed for only authorized purposes, and may not be utilized for any other purpose. Access and dissemination of the

data will comply with the Federal Bureau of Investigation Criminal Justice Information Services (FBI CJIS) Security Policy. Misuse of any data may result in civil or criminal action and shall be reported to the Director of Public Safety for recommended action and subject to 576.050 RSMo.

UNDERSTANDING ACCURACY OF INFORMATION:

Accuracy of Information: It is the responsibility of the agency requesting or using the data to confirm the accuracy of the information with the originating agency before taking any enforcement-related action, or creating any enforcement-related official documents. Any corrections to MoDEx data should be referred back to the originating agency to make the correction in its records management system, which will be reflected in the MoDEx data after the next refresh. It is the responsibility of the agency requesting the data to confirm the timeliness and relevance of the information with the owning agency.

SYSTEM ACCESS:

Network Access: Access to the MoDEx System will be through a secure data network in compliance with the CJIS Security Policy. The participating agency agrees to pay network costs to connect to the MoDEx System.

USER APPLICATION PROCESS

User Access: Each user will complete an Information Sharing Request form Appendix B and return to the Department of Public Safety or the Missouri State Highway Patrol. The form will be signed by the Agency head or the Information Sharing Coordinator to ensure user is a current employee and authorized to review criminal history data for legitimate purposes. Once received and processed, each user will be issued a userid and password electronically. The assigned userid and password shall only be utilized by the person it was assigned to.

User Training: Users will be made aware of upcoming training opportunities. All users must complete Security Awareness training within 6 months of access.

Audit Trail: The DPS or designee shall conduct compliance audits of the agencies using the MoDEx system.

       a   Audits shall consist of the following:
            i   Administrative interview with the Information Sharing Coordinator.
           ii   A review of MoDEx transactions.
          iii   A review of user access.

Termination of Logins: Participating agencies will be responsible to delete inactive users by updating the Information Sharing User Request Form.

SANCTIONS FOR NON-COMPLIANCE:

SANCTIONS:

Any agency that violates MoDEx policy with regard to accessing, sharing, or using information, may be disconnected from the MoDEx System as directed by the Department of Public Safety. The offending agency will be provided a thirty-day written notice of the violation and the opportunity to correct it.

TERMINATION:

This signed agreement shall remain in effect until the participating agency or Director of Public Safety provides thirty-day written notice to the other parties to this agreement of the intent to terminate.

LIABILITY:

Each party shall be responsible for damages that result from their own employees', agents' and representatives' acts or omissions during the performance of duties agreed to herein. By so agreeing, no party waives any of the protection afforded it as a public body of the State of Missouri. The parties agree by signing this agreement, an agency acknowledges their data will be shared for purposes authorized by and in accordance with N-DEx policies.

AGENCY NAME

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AGENCY HEAD PRINTED NAME

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AGENCY HEAD SIGNATURE   DATE

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