**Section 1240.535 Recordkeeping Requirements**

a) Each employer licensed under the Act shall maintain a file on each employee pursuant to Section 35-30 of the Act. The employee file shall be maintained by the agency for 5 years after termination of the employee, shall be accessible to duly authorized representatives of the Division with 24 hours prior notice (72 hours' notice for files more than 2 years old), and shall contain the following information:

1) A photograph of the employee taken within 10 days after the date the employee commences employment. The photo shall be replaced every 3 calendar years;

2) The employee's statement required in Section 35-30(b) of the Act;

3) All correspondence or documents related to the character and integrity of the employee received by the employer from an official source or law enforcement;

4) The employee identification card of a terminated employee pursuant to Section 35-30(h);

5) A copy of the weapons discharge report, if applicable, during the course of the employee's duties or activities;

6) Application for employment;

7) Certification of Completion of Basic, Additional, Refresher, and Annual Training courses as provided in Section 1240.505 and 1240.506;

8) Certificate of Firearm Training, if applicable (or copy) as provided in Section 1240.510 verified by the licensee in charge;

9) Copy of employee's permanent employee registration card, firearm control card or retired police card, and active Firearm Owner's Identification Card (FOID), if applicable;

10) Certification or copy of completion of firearm refresher training (Section 1240.510);

11) Copy of employee's certification of completion of canine handler training, canine handler authorization card and canine trainer authorization card, if applicable;

12) Copy of the verification of fingerprint processing from ISP or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division;

13) A copy of the employer portal found on the Division's webpage (www.idfpr.com) showing that an applicant has no criminal conviction pursuant to the ISP criminal history check for individuals employed prior to issuance of the permanent employee registration card; and

14) For active peace officers, the agency employee file shall include a copy of the current police identification card and, within 14 days after employment a signed and dated letter from the peace officer's chief of police or designee (or Division verification of employment form) indicating current status as a peace officer, as well as items set forth in subsections (a)(1), (4), (5) and (6). The agency shall annually re-verify by obtaining another signed and dated letter from the peace officer's chief of police or designee indicating current status as a peace officer and maintain proof of the employee's qualifications for the peace officer exemption.

b) Private alarm contractors who provide monitoring services shall maintain a separate roster of the names of all licensed agencies and individuals, including license number, from whom they accept monitoring contracts or assignments. The roster shall be made available to the Division upon 24 hours' notice. It shall be considered unprofessional conduct, subject to discipline by the Division under section 40-10(a)(3) of the Act, for a licensed alarm contractor or agency to accept monitoring contracts or assignments from an unlicensed entity.

c) Fingerprint Vendors Records

1) A fingerprint vendor or fingerprint vendor agency shall document in the form of a work order the date, time and location where each and every fingerprint service is provided;

2) In order to be fingerprinted by the fingerprint vendor, the vendor shall require each individual seeking to be fingerprinted to present a primary identification, secondary identification, or requesting agency authorized identification as established by this subsection (c)(2). The work order shall describe the form of identification presented by the individual seeking to be fingerprinted.

A) Primary Identification − The work order shall include the name, address, date of birth, aliases, telephone number and driver's license number or Secretary of State issued State identification number from a valid driver's license or Secretary of State issued State identification card of the person requesting to be fingerprinted, the signature of that person, and the Transaction Control Number (TCN) for that fingerprint request.

B) Secondary Identification – The work order shall include all of the information set forth in subsection (c)(2)(A). However, in the absence of a driver's license or State identification number, the work order shall contain verification that the individual seeking to be fingerprinted provided at least 2 forms of identity verification described within the Identity Verification Program Guide (2014) developed and available from the National Crime Prevention and Privacy Compact Council at the Federal Bureau of Investigation's website (http://www.fbi.gov/services/cjis/compact-council/identity-verification-program-guide-booklet), no later amendments or editions apply. A copy of the documentation used to establish identity verification shall be attached as part of the work order.

C) Requesting Agency Authorized Identification – The work order shall include all of the information set forth in subsection (c)(2)(A). If the individual is unable to provide a driver's license, Secretary of State issued State identification or any identity verification set forth in subsection (c)(2)(B), the agency requesting the individual to be fingerprinted must authorize an alternative form of identification to be used to verify the identity of the individual seeking to be fingerprinted. The work order must contain documentation confirming that the requesting agency authorized the use of an alternative form of identification in the absence of a Primary or Secondary form of identity verification. A copy of the requesting agency authorized identity verification documentation shall be attached as part of the work order;

3) All work orders shall contain the name and license number of the licensed fingerprint vendor who performed the services;

4) If a licensee is employed by more than one fingerprint vendor agency, the employer that the licensed employee is providing fingerprint services for must be identified on the work order by the agency license number;

5) All work orders, including applicant fee submissions, shall be maintained for a minimum of 2 years from the date of printing. The records may be maintained in an electronic format so long as the records cannot be altered. Corrections may be made but must be noted in the record;

6) Each applicant fee submission shall contain the originating identifier (ORI) number of the agency requesting the fingerprints;

7) Beginning January 1, 2014, all work orders, including applicant fee submissions, must contain a photograph of the individual who was fingerprinted. The photos shall be maintained in an electronic format and shall be forwarded to ISP along with any request for criminal history record information or other information;

8) A licensed fingerprint vendor must develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying identifiers and other biometric information when the initial purpose for collecting or obtaining the identifiers or information has been satisfied or after 3 years from the individual's last interaction with the licensed fingerprint vendor, whichever occurs first. Absent a valid warrant or subpoena issued by a court of competent jurisdiction, a private entity in possession of biometric identifiers or biometric information must comply with its established retention schedule and destruction guidelines;

9) Work order forms, including applicant fee submissions, required to be kept under this Section shall be available for inspection by the Division or by ISP at the discretion of the Division or ISP, respectively. The Division shall have the right to audit records of a licensed fingerprint vendor to ensure compliance with the Act and this Part;

10) A licensed fingerprint vendor shall provide and obtain a signed consent form from the applicant prior to the fingerprinting of any individual fingerprinted for all civil submissions (e.g., passport, adoption and employment related criminal background checks). The privacy statement within the consent form must be pre-approved by ISP;

11) A licensed fingerprint vendor shall provide to a fingerprinted individual a transmission control receipt that includes the transaction control number and the name and license number of the licensed fingerprint vendor taking the fingerprints.

(Source: Amended at 46 Ill. Reg. 16228, effective September 6, 2022)