**Section 385.90 Records to be Maintained by the Child Care Facility**

a) The governing body or operator of a child care facility shall maintain a copy of the authorization for background checks required by Sections 385.40 and 385.50 as part of the personnel records of the facility for a period of five years from the date of termination of the employment of the employee.

b) The background check record of any conclusions or recommendations resulting from the review of the findings of that check by the governing body or operator of the child care facility shall be maintained for five years after termination of the employment in a separate, confidential file apart from other personnel records. Access to those records shall be permitted for the following:

1) the subject of an individual record;

2) the governing body or operator of the child care facility;

3) Department licensing staff;

4) Department staff authorized, in writing, by the Director to conduct background checks pursuant to this Part;

5) persons who are authorized, in writing, by the governing body or operator of the child care facility and whose duties are related to the background checks or its findings;

6) Department representatives who have the Director's written authorization specifying the statutory authority or administrative rules under which the access is granted; and

7) other persons who are lawfully entitled to the information (e.g., persons with a valid subpoena, law enforcement personnel, or the attorneys of the individual in question).

(Source: Amended at 45 Ill. Reg. 12963, effective September 28, 2021)