

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

MEMORANDUM OF UNDERSTANDING BETWEEN THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION AND CENTERRA-SAVANNAH RIVER SITE LAW ENFORCEMENT DIVISION PERTAINING TO THE USE OF NCIC FILES FOR VISITOR SCREENING

1. PURPOSE

The purpose of this Memorandum of Understanding (MOU) between the South Carolina Law Enforcement Division (SLED) and the Centerra-Savannah River Site (SRS) Law Enforcement Division, hereinafter referred to as the "parties", is to memorialize the parties' understanding regarding the use of National Crime Information Center (NCIC) restricted and non-restricted files for screening visitors to the Savannah River Site facilities.

2. BACKGROUND

The Federal Bureau of Investigation's (FBI) Criminal Justice Information Services (CJIS) houses and maintains the NCIC system of records containing multiple files, including both restricted and non-restricted files. In 2008, the CJIS Division's Joint Advisory Policy Board and National Crime Prevention and Privacy Compact Site Security Task Force determined that accessing NCIC files (restricted and non-restricted) for screening visitors to Critical Infrastructure Facilities (CIFs) by law enforcement agencies is an authorized use of the information. It is important to note that the NCIC restricted files do not include criminal history record information.

The Critical Infrastructures Protection Act of 2001, codified at 42 U.S.C. § 5195c(e), defines "critical infrastructure" as systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on the security, national economic security, national public health or safety, or any combination of



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those matters. Executive Order 13228 specifically added nuclear facilities to the list of sectors covered by the Critical Infrastructures Protection Act.

3. AUTHORITY

SLED enters into this MOU under the authority of the South Carolina Code of Laws, Section 23-3-15(a)(4).

4. TERMS DEFINED

As used in this MOU, the term "visitor" means any individual who is not a permanent SRS employee and is seeking access to a SRS facility. This definition includes, but is not limited to, contractors, subcontractors and temporary employees.

5. RESPONSIBILITIES

SLED shall:

- a. Provide Centerra-SRS Law Enforcement Division with access to NCIC restricted and non-restricted files for the specific purpose of screening visitors to SRS facilities. This does not include access to the FBI's Interstate Identification Index (III) system, which houses criminal history record information.
- b. Conduct periodic audits to ensure compliance with all applicable state and federal laws, regulations, policies and bylaws regarding access, use and dissemination of NCIC information.

Centerra-SRS Law Enforcement Division shall:

- a. Access NCIC restricted and non-restricted files for the specific purpose of screening visitors to SRS facilities. This authorization does not include access to the FBI's III system, which houses criminal history record information.
- b. Ensure compliance with all applicable state and federal laws, regulations, policies and bylaws regarding access, use and dissemination of NCIC information.
- c. Agree to abide by the all other MOUs and User Agreements entered into by SLED and Centerra-SRS Law Enforcement Division.
- d. Implement redress procedures which shall be made available to individuals who are subjected to NCIC checks resulting in denied access to the SRS facility.

6. POINTS OF CONTACT

Centerra-SRS Law Enforcement Division shall designate an individual as the agency's Point of Contact (POC) to this MOU who will be responsible for the adherence to this MOU on behalf of the agency and serve as the authorizing official for user access requested by the agency. Centerra-SRS Law Enforcement Division may change POC at any time upon providing written notification to the SLED Criminal Justice Information Services (CJIS) Systems Officer (CSO).

7. EFFECTIVE DATES AND TERMINATION

This MOU will commence immediately upon signature by both parties. This MOU will remain in effect for the duration of the time that Centerra-SRS Law Enforcement Division is authorized to conduct visitor checks using NCIC restricted and non-restricted files, or until a subsequent MOU pertaining to this specific use is entered into by the parties.

8. COSTS/REIMBURSEMENTS/COMPENSATIONS/FUNDING

Centerra-SRS Law Enforcement Division will be responsible for all costs associated with establishing and maintaining communications to SLED systems for the purpose of accessing NCIC.

9. AMENDMENTS

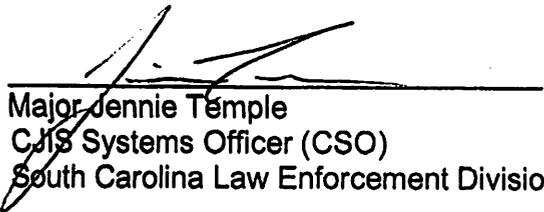
This MOU may not be modified or amended except by an instrument or instruments in writing signed by the party against whom enforcement of any such modification or amendment is sought.

10. SEVERABILITY

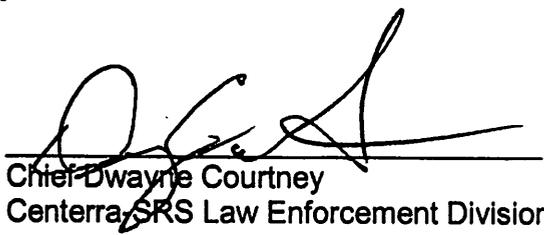
The provisions of this Agreement are severable, and if any provision of this Agreement shall be invalid or unenforceable to any extent or in any application, then the remainder of such provision and this Agreement, except to such extent or in such application, shall not be affected thereby, and each and every provision of this Agreement shall be valid and enforceable to the fullest extent and in the broadest application permitted by law.

11. ENTIRE AGREEMENT

This MOU contains the entire agreement between SLED and Centerra-SRS Law Enforcement Division pertaining to the subject matter hereof (use of NCIC for visitor screening). This agreement does not supersede any other agreements and is designed to complement existing agreements between the parties.


Major Jennie Temple
CJS Systems Officer (CSO)
South Carolina Law Enforcement Division

9-2-16
DATE


Chief Dwayne Courtney
Centerra SRS Law Enforcement Division

8/31/16
DATE