



**City of Rancho Santa Margarita**  
Planning Division  
22112 El Paseo  
Rancho Santa Margarita, CA 92688  
949-635-1800  
[www.cityofrsm.org](http://www.cityofrsm.org)

## **SIDEWALK VENDING PERMIT - FILING INSTRUCTIONS**

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### **WHAT TO FILE**

The following is a list of the submittal items necessary to file an application for a Sidewalk Vending Permit. These filing instructions are intended to assist you in assembling a complete application packet. Please review each section and make sure to complete all necessary forms that apply to your sidewalk vending operation. Applications can be submitted at the Planning Division public counter Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. (closed 12-1pm) and Friday from 8:00 a.m. to 12:00 p.m. Please note that an incomplete submittal will not be accepted.

Should you have any questions regarding these application submittal requirements, please contact us at 949-635-1800 ext. 6705.

### **SUBMITTAL ITEMS CHECKLIST**

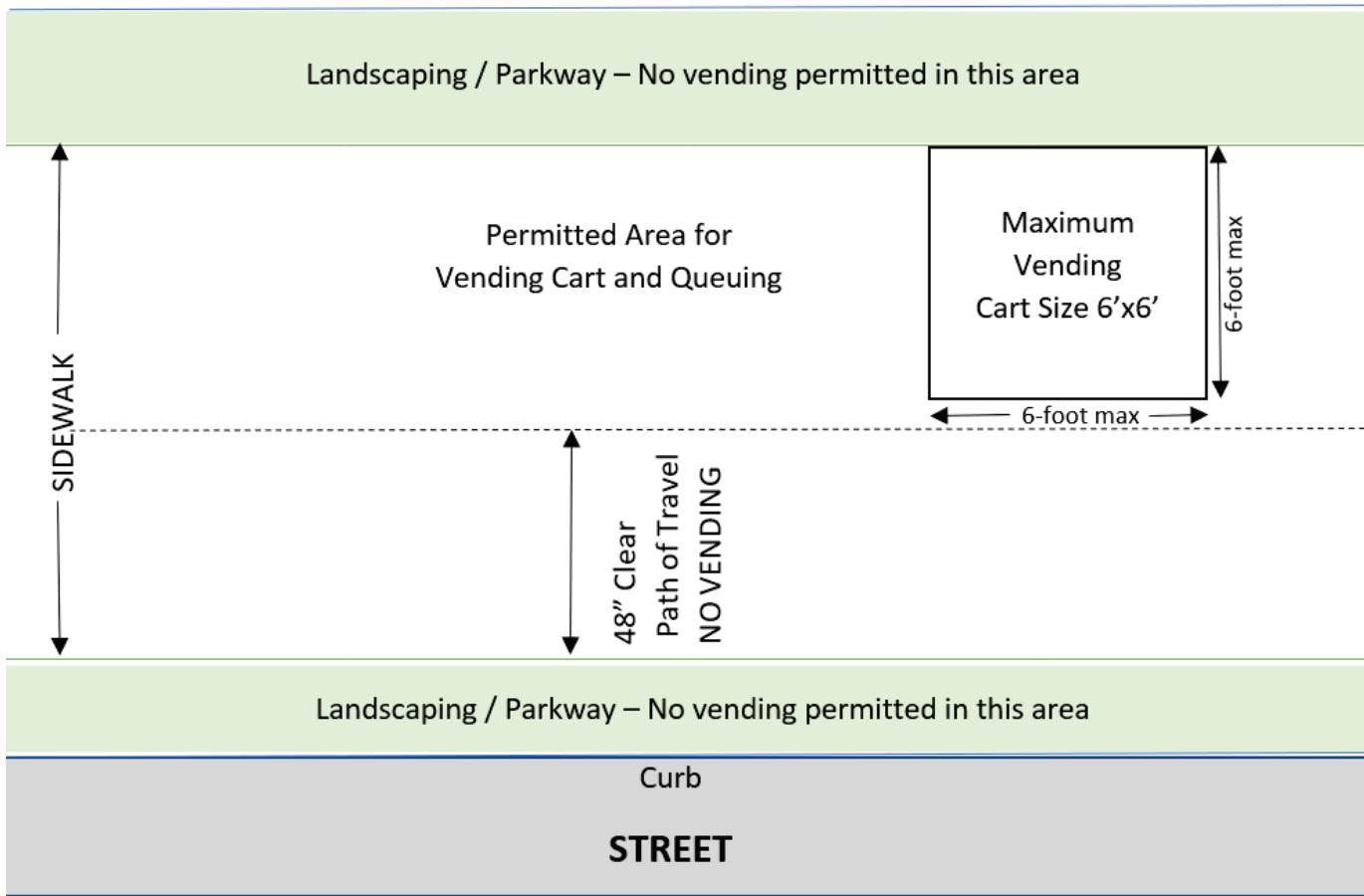
- Sidewalk Vending Application.** Completed and signed Application, including acknowledgments.
- California Seller's Permit.** A copy of the California Seller's Permit, with the sales tax number issued by the California Department of Tax and Fee Administration to the vendor, which shall be maintained for the duration of the Sidewalk Vending Permit.
- Vendor Identification.** Provide one of the following forms of identification: A copy of the vendor's California Driver's License or identification Card; or a copy of the vendor's individual taxpayer identification number.
- Orange County Health Care Agency Certification.** If vending food or food products, certification of completion of a food handler course and proof of all required approvals from the Orange County Health Care Agency.
- General Liability Insurance Policy.** A copy of a general liability policy naming the City of Rancho Santa Margarita as additional insured in the amount of \$1,000,000.00, which shall be maintained for the duration of the Sidewalk Vending Permit.
- Sidewalk Vending Permit Fee.** Provide payment in the amount of \$367.00 for a new Permit, or \$264.00 for a renewal Permit, made payable to "City of RSM". Fee is non-refundable.
- Request for Live Scan Service Application (provided with this packet).** Complete the application utilized by the City. Take the Live Scan form to any authorized Live Scan location. The results from the Live Scan must be received by the City prior to permit issuance, and results must be dated within six (6) months of the Permit application date.



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- Vending Cart Details.** A written description and photograph of any and all vending carts to be used in the operation of the business. A vending cart means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for vending, that is not a vehicle as defined in the California Vehicle Code.
- Vending Permit List.** A list of all other cities or other jurisdictions where vendor has operated a sidewalk vending business or similar operation within the past 12 months. The list must include whether a permit was required to operate at each location(s) and if the permit was rescinded at any time in the past 12 months.
- Site Plan.** For stationary vendors, a site plan of each proposed location where sidewalk vending would occur (see example below). Each site plan must demonstrate compliance with the requirements of Section 4.04.090 (*Operational Standards*) of the City's Municipal Code. The requirements of Section 4.04.090 are provided with this application packet.

#### **Example Site Plan**





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## FREQUENTLY ASKED QUESTIONS

Please see the following answers to frequently asked questions regarding sidewalk vending within the City of Rancho Santa Margarita. All sidewalk vending activities are regulated by Chapter 4.04 (Sidewalk Vending) of the Rancho Santa Margarita Municipal Code. For additional information, please contact the Planning Division at (949) 635-1800 ext. 6705.

### **Does a sidewalk vendor need a permit or license to operate in the City of Rancho Santa Margarita?**

Yes, a sidewalk vendor must obtain a Sidewalk Vending Permit prior to operating. If a vendor is selling food, an Orange County Health Care Agency Permit is required. Approved permits and licenses must be displayed at all times at a location visible to the public.

### **When does a sidewalk vending permit expire?**

The Sidewalk Vending Permit is valid for a one (1) year period. A person may apply for a permit renewal prior to the expiration of his or her active Sidewalk Vending Permit.

### **Where may a sidewalk vendor operate?**

Sidewalk vendors may operate on public sidewalks, pedestrian paths, and other public right-of-way available to pedestrians, subject to the operating requirements and restrictions of Chapter 4.04 of the City's Municipal Code.

### **Is a merchandise table considered a sidewalk vending cart?**

Yes. A vending cart means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for vending, that is not a vehicle as defined in the California Vehicle Code.

### **How big can a sidewalk vending cart be?**

Sidewalk vendors and all aspects of their operations, including but not limited to, vending cart(s), associated equipment, and space occupied by the vendor or their employees, shall not occupy a space exceeding horizontal dimensions of a square measuring six feet by six feet (6' x 6'). No vending cart, or associated equipment shall exceed a height of four feet (4'-0"), excluding umbrellas and sneeze guards.



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#### **Is a sidewalk vendor allowed to use an easy up or canopy?**

No. Except for a table, chair, and umbrella for a stationary vendor, no other tables, chairs, fences, shade structures, easy ups, tents, canopies, other site furniture, or any freestanding signs shall be permitted in conjunction with any sidewalk vending activities.

#### **How long does it take to obtain a Sidewalk Vending Permit and can an application request be denied?**

Within thirty (30) calendar days of receiving a complete application, the City must act on the permit pursuant to the requirements of RSMMC Section 4.04.050.

#### **Can a sidewalk vendor transfer his/her permit?**

No, a Sidewalk Vending Permit cannot be transferred to another applicant, employee, or business owner.

#### **How do I apply for a permit?**

The Sidewalk Vending Permit application may be downloaded from the City's website at [www.cityofrsm.org](http://www.cityofrsm.org). Applications must be submitted in-person at the Planning Division public counter Monday through Thursday between the hours of 8:00 a.m. and 4:00 p.m. and on Friday between 8:00 a.m. and 12:00 p.m. Online submittals are not accepted at this time.



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STAFF USE ONLY
PLANNING PROJECT CASE NO.:
PROCESSING FEE:
APPLICATION DATE:

## SIDEWALK VENDING PERMIT - APPLICATION

<b>APPLICANT AND PRINCIPAL INFORMATION</b>			
APPLICANT LEGAL NAME:	DRIVER'S LICENSE OR CALIFORNIA ID NO.:		
MAILING ADDRESS:	CITY:	STATE:	ZIP:
EMAIL:	PHONE:		
BUSINESS NAME (Applicable if Applicant is agent of an individual, company, partnership, corporation, or other entity):			
BUSINESS MAILING ADDRESS:	CITY:	STATE:	ZIP:
EMAIL:	PHONE:		
<b>VENDOR EMPLOYEES (attach additional sheets if necessary)</b>			
EMPLOYEE #1 NAME:	PHONE:		
EMPLOYEE ADDRESS:	CITY:	STATE:	ZIP:
EMPLOYEE #2 NAME:	PHONE:		
EMPLOYEE ADDRESS:	CITY:	STATE:	ZIP:
EMPLOYEE #3 NAME:	PHONE:		
EMPLOYEE ADDRESS:	CITY:	STATE:	ZIP:
<b>VENDING INFORMATION</b>			
NUMBER OF VENDING OPERATIONS PROPOSED TO BE OPERATED WITHIN THE CITY:	DAYS AND HOURS OF OPERATION:		
SIZE OF PROPOSED VENDING AREA (DIMENSIONS), INCLUDING ALL ASPECTS OF OPERATION:	NO. OF TRASH RECEPTACLES:		
DESCRIPTION OF FOOD OR MERCHANDISE FOR SALE:	CALIFORNIA SELLER'S PERMIT NO.:		
INDICATE TYPE OF VENDING (Please check one):	OC HEALTH CARE AGENCY FOOD PERMIT TYPE & ID NO.:		
<input type="checkbox"/> Stationary Vendor (Attach site plan) <input type="checkbox"/> Roaming Vendor (Describe intended path of travel below)			
Describe location or intended route/area of travel below:			

## **Applicant Acknowledgments and Indemnity Agreement**

I certify, as the applicant, that I shall comply with all generally applicable local, State, and federal laws; and the vending operations in the application are and will be consistent with the standards, conditions, and requirements of the Sidewalk Vending Ordinance of the City of Rancho Santa Margarita, including operating requirements (Rancho Santa Margarita Municipal Code Chapter 4.04). I also certify that the information contained in this application and the application materials are correct and true.

I hereby agree to defend, indemnify, release and hold harmless the City of Rancho Santa Margarita ("City"), its officers, officials, employees, agents, and volunteers from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to any City sidewalk vending permit issued to me or any sidewalk vending activities conducted by me or my employees (as defined by Rancho Santa Margarita Municipal Code Chapter 4.04). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred in connection with such claim, action, or proceeding whether incurred by the permittee, City, and/or the parties initiating or bringing such proceeding.

I acknowledge that I shall maintain a Commercial General Liability Policy with limits of liability not less than \$1,000,000.00 per occurrence, and the policy shall be endorsed to name the City of Rancho Santa Margarita and its employees, representatives, officers, and agents as additional insured. This insurance is primary and non-contributing with any other valid and collectible insurance or self-insurance available to the City.

I certify that to my knowledge and belief, signed under penalty of perjury under the laws of the State of California, the information contained in the application is true and correct and that use of public property is at my own risk, and the City does not take any steps to ensure public property is safe or conducive to sidewalk vending activities.

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Applicant's Signature

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Date

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Applicant's Name (Print)

## **Municipal Code Chapter 4.04 (Sidewalk Vending) - Operational and Locational Standards**

### **Sec. 4.04.090. – Operational Standards.**

Sidewalk vendors shall comply with the following operational standards:

- (a) Sidewalk vendors shall be duly permitted and shall meet all requirements of Sections 4.04.030 and 4.04.040.
- (b) Sidewalk vendors shall not vend in a manner that blocks or obstructs the free movement of pedestrians or vehicles. Sidewalk vendors must at all times provide a minimum clear width of not less than forty-eight (48) inches of accessible route area for pedestrians when considering the vendor equipment and anticipated customer queue, or such other minimum clear width for pedestrian travel as required by in compliance with the Americans with Disabilities Act or any other provision of federal or state law with regard to disability access.
- (c) Sidewalk vendors shall maintain the sidewalk vending area in a clean, orderly, and sanitary condition at all times.
- (d) Sidewalk vendors that sell any food or beverages shall maintain a trash container in or on their vending cart and shall not empty their trash into public trash cans. The size of the sidewalk vendor's trash container counts as part of the size limit of the vending cart.
- (e) Sidewalk vendors shall not use any audible device, including, but not limited to, a horn, siren, megaphone, loudspeaker, amplified music, whistle, or bull horn to attract attention to the presence of the sidewalk vendor and sidewalk vending activities.
- (f) Prior to leaving the sidewalk vending area, sidewalk vendors shall collect all trash, litter and debris that was generated or created by the sidewalk vending activities, including by the vendor and/or any customers and remove it from the premises. Disposal in public trash cans is not permitted.
- (g) Sidewalk vendors shall not dispose of cooking material or waste, including, but not limited to, used oil, into the City's trash receptacles, streets, curbs, or gutters, storm drains, parkways, plant material, or foliage. Sidewalk vendors shall immediately clean up any food, grease, or other fluid or item related to the sidewalk vending activities that falls onto public or private property.
- (h) Sidewalk vendors shall not block or obstruct entrances to any private or public buildings, private or public driveways, parking spaces or building windows.
- (i) In addition to the restrictions included in Sections 4.04.120 and 4.04.130, sidewalk vendors shall not vend in the following locations:
  - (1) Within five hundred (500) feet from any freeway on-ramp or off-ramp as prohibited by California Vehicle Code Section 22520.2.

- (2) Within two hundred (200) feet of City Hall or any fire station. The distance shall be measured from the property line of the parcel on which City Hall or the fire station is located.
- (3) Within one hundred (100) feet from any intersection. The distance shall be measured as the minimum horizontal distance from the back of curb.
- (4) Within fifty (50) feet of a:
  - a. Driveway, alley, or entrance to a parking lot or parking garage, the distance shall be measured as the minimum horizontal distance from the drive apron or back of curb, whichever applies; or
  - b. Another sidewalk vendor, the distance shall be measured as the minimum horizontal distance from the nearest edge of the vending cart.
- (5) Within twenty-five (25) feet of the following facilities, the distance shall be measured as the minimum horizontal distance from the facility, or in the case of the curb zones, measured from curb face:
  - a. Fire hydrant, or fire call box;
  - b. Bus stop or bus shelter;
  - c. Curb which has been designated as white, yellow, green, blue, or red zone;
  - d. Automated teller machine;
  - e. Trash receptacle, bike rack, bench, public restroom, or catch basin; or
  - f. Entrance to or exit from any building, structure, or facility.

(j) Sidewalk vendors and all aspects of their activities and operations, including but not limited to, any vending cart, any associated equipment, and any space occupied by the vendor or their employees, shall not occupy a space exceeding horizontal dimensions of a square measuring six (6) feet by (6) six feet. Except as otherwise provided below, vending carts and attachments thereto shall not exceed a total height of four (4) feet, a total width of four (4) feet, and a total length of four (4) feet. However, a transparent sneeze guard measuring up to five (5) feet, measured from ground level, may be attached to a vending cart. Additionally, an umbrella may be used as an attachment to the vending cart and is allowed to exceed the total height of four (4) feet. The umbrella shall not exceed a total maximum height of eight (8) feet, nor a total maximum diameter of nine (9) feet. The umbrella must also provide a minimum of seven (7) feet of vertical clearance.

- (k) Except for a table, chair, and umbrella for a stationary vendor, no other tables, chairs, fences, shade structures, easy ups, tents, canopies, other site furniture, or any freestanding signs shall be permitted in conjunction with any sidewalk vending activities.
- (l) Sidewalk vendors shall not attach to or utilize any public utilities, such as water lines, electrical lines, or gas lines when engaging in any sidewalk vending activities.
- (m) Sidewalk vendors shall not place any cable or wires across any sidewalk, parkway or right-of-way when engaging in any sidewalk vending activities.
- (n) Sidewalk vendors shall not use an electrical outlet or power source that is owned by the City or another person other than the sidewalk vendor.
- (o) Signage and advertising related to sidewalk vending must be located on or affixed to the vending cart, and sidewalk vendors shall not place any signage on public property. The overall space taken up by the vending cart inclusive of any such signage or advertising shall not exceed the size requirements provided in this section. The use of any freestanding signs in conjunction with sidewalk vending activities is prohibited.
- (p) Signage and advertising related to sidewalk vending shall not be illuminated, electrical, flashing, wind powered, or animated.
- (q) Sidewalk vendors shall not use any flashing lights or animated devices, such as laser lights, strobe lights, and LED lights.
- (r) Vending carts and associated equipment, food and merchandise shall not be left unattended at any time or stored, left, or maintained in public spaces or in any portion of the public right-of-way beyond the allowed hours of operation. Any vending cart, or associated equipment, food or merchandise left overnight in public spaces or in any portion of the public right-of-way will be considered abandoned and discarded and may be seized or disposed of by the City immediately.
- (s) Sidewalk vendors shall not use an open flame on or within any vending cart, except as otherwise permitted under federal, State, or local law.
- (t) Sidewalk vendors shall not sell alcohol, marijuana (including, but not limited to any product infused with marijuana such as CBD oil), adult-oriented material, tobacco products, products that contain nicotine, vaping products, or any product used to smoke/vape nicotine and/or marijuana.
- (u) In accordance with Section 11.09.030 (Pedestrians Prohibited on City Street Medians)) of this Code, no sidewalk vending activities shall occur on or within any City street medians.

- (v) Sidewalk vending is prohibited in and on all streets, highways, roadways, parkways, bridges, bus shelters, and bikeways.
- (w) Vending carts, and any associated equipment, shall not touch, lean against or be affixed at any time to any building or structure including, but not limited to lampposts, parking meters, mailboxes, traffic signals, sign poles, monument signs, fire hydrants, benches, bus shelters, newsstands, trashcans, or traffic control devices or barriers.
- (x) Vending carts shall not become a permanent fixture on the vending site or be considered an improvement to real property.
- (y) Sidewalk vendors shall not engage in aggressive sales, which shall include touching a person being offered food or merchandise without that person's consent, continuing to offer food or merchandise for sale to a person after he or she has declined to purchase food or merchandise, or deliberately blocking or impeding the path of the person being offered food or merchandise.
- (z) Sidewalk vendors shall not vend to or otherwise conduct transactions with persons in moving vehicles or illegally parked or stopped vehicles.
  - (aa) Sidewalk vendors shall remit all required and applicable taxes to the applicable taxing agencies.
  - (bb) Sidewalk vendors shall ensure that all required insurance is in effect prior to conducting any sidewalk vending activities and maintained for the duration of the permit. No permit holder shall operate during any period of time in which the insurance coverage required by this Chapter is not in full force and effect.
  - (cc) Sidewalk vendors shall comply with all applicable State and local laws, including without limitation all applicable food preparation, handling, and labeling regulations and requirements; fire codes and regulations; and noise standards.

**Sec. 4.04.100. – Sidewalk Vending in Parks.**

- (a) Stationary sidewalk vendors shall not vend in a park if the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.
- (b) Sidewalk vendors shall not vend in a park when the park has been designated for a special event permit issued by the City, including nearby parking lots used to accommodate the event. A prohibition of sidewalk vendors pursuant to this Section shall only be effective for the limited duration of the Special Event Permit.
- (c) Sidewalk vendors may only vend within the posted hours of the park.

**Sec. 4.04.110. – Sidewalk Vending in Residential and Nonresidential Zones, Hours of Operation.**

- (a) Stationary sidewalk vendors shall not vend in areas zoned exclusively residential.
- (b) Roaming sidewalk vendors may vend in areas zoned exclusively residential from 8:00 a.m. to 9:00 p.m.
- (c) Sidewalk vending is permitted in nonresidential areas from 8:00 a.m. to 10:00 p.m., or the hours of operation imposed on other businesses or uses on the same street, whichever is less restrictive.

**Sec. 4.04.120. – Sidewalk Vending Near Schools.**

Sidewalk vendors shall not vend within five hundred (500) feet of any school property from 7:00 a.m. to 4:00 p.m. when school is in session.

**Sec. 4.04.130. – Prohibition of Sidewalk Vending During Farmers' Markets, Swap Meets, and Special Events.**

- (a) Sidewalk vendors shall not vend within five hundred (500) feet of a permitted certified farmers' market or a permitted swap meet, including nearby parking lots used to accommodate the event, during the limited operating hours of that certified farmers' market or swap meet.
- (b) Sidewalk vendors shall not vend in areas located within five hundred (500) feet of an area designated for a temporary Special Event Permit issued by the City, including nearby parking lots used to accommodate the event, during the limited duration of the temporary Special Event Permit.



## REQUEST FOR LIVE SCAN SERVICE

### Applicant Submission

AC206

ORI (Code assigned by DOJ)

Permit

Authorized Applicant Type

Sidewalk Vending Permit

Type of License/Certification/Permit OR Working Title (Maximum 30 characters - if assigned by DOJ, use exact title assigned)

### Contributing Agency Information:

City of Rancho Santa Margarita

Agency Authorized to Receive Criminal Record Information

13312

Mail Code (five-digit code assigned by DOJ)

22112 El Paseo

Street Address or P.O. Box

Cheryl Kuta

Contact Name (mandatory for all school submissions)

Rancho Santa Margarita

CA

92688

City

State

ZIP Code

(949) 635-1800

Contact Telephone Number

### Applicant Information:

Last Name

First Name

Middle Initial

Suffix

Other Name: (AKA or Alias)

Last Name

First Name

Suffix

Sex  Male  Female

Date of Birth

Driver's License Number

Height

Weight

Eye Color

Hair Color

Billing Number 149791

(Agency Billing Number)

Place of Birth (State or Country)

Social Security Number

Misc. Number

(Other Identification Number)

Home Address Street Address or P.O. Box

City State ZIP Code

I have received and read the included Privacy Notice, Privacy Act Statement, and Applicant's Privacy Rights.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

Your Number:

OCA Number (Agency Identifying Number)

Level of Service:  DOJ  FBI

(If the Level of Service indicates FBI, the fingerprints will be used to check the criminal history record information of the FBI.)

If re-submission, list original ATI number:

(Must provide proof of rejection)

Original ATI Number

Employer (Additional response for agencies specified by statute):

Employer Name

Street Address or P.O. Box

Telephone Number (optional)

City

State

ZIP Code

Mail Code (five digit code assigned by DOJ)

Live Scan Transaction Completed By:

Name of Operator

\_\_\_\_\_  
Date

Transmitting Agency

LSID

ATI Number

Amount Collected/Billed



## REQUEST FOR LIVE SCAN SERVICE

### Privacy Notice

As Required by Civil Code § 1798.17

**Collection and Use of Personal Information.** The California Justice Information Services (CJIS) Division in the Department of Justice (DOJ) collects the information requested on this form as authorized by Business and Professions Code sections 4600-4621, 7574-7574.16, 26050-26059, 11340-11346, and 22440-22449; Penal Code sections 11100-11112, and 11077.1; Health and Safety Code sections 1522, 1416.20-1416.50, 1569.10-1569.24, 1596.80-1596.879, 1725-1742, and 18050-18055; Family Code sections 8700-87200, 8800-8823, and 8900-8925; Financial Code sections 1300-1301, 22100-22112, 17200-17215, and 28122-28124; Education Code sections 44330-44355; Welfare and Institutions Code sections 9710-9719.5, 14043-14045, 4684-4689.8, and 16500-16523.1; and other various state statutes and regulations. The CJIS Division uses this information to process requests of authorized entities that want to obtain information as to the existence and content of a record of state or federal convictions to help determine suitability for employment, or volunteer work with children, elderly, or disabled; or for adoption or purposes of a license, certification, or permit. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The DOJ's general privacy policy is available at <http://oag.ca.gov/privacy-policy>.

**Providing Personal Information.** All the personal information requested in the form must be provided. Failure to provide all the necessary information will result in delays and/or the rejection of your request.

**Access to Your Information.** You may review the records maintained by the CJIS Division in the DOJ that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

**Possible Disclosure of Personal Information.** In order to process applications pertaining to Live Scan service to help determine the suitability of a person applying for a license, employment, or a volunteer position working with children, the elderly, or the disabled, we may need to share the information you give us with authorized applicant agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes.
- To another government agency as required by state or federal law.

**Contact Information.** For questions about this notice or access to your records, you may contact the Associate Governmental Program Analyst at the DOJ's Keeper of Records at (916) 210-3310, by email at [keeperofrecords@doj.ca.gov](mailto:keeperofrecords@doj.ca.gov), or by mail at:

Department of Justice  
Bureau of Criminal Information & Analysis  
Keeper of Records  
P.O. Box 903417  
Sacramento, CA 94203-4170



## REQUEST FOR LIVE SCAN SERVICE

### Privacy Act Statement

**Authority.** The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

**Principal Purpose.** Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

**Routine Uses.** During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental, or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.



## REQUEST FOR LIVE SCAN SERVICE

### Noncriminal Justice Applicant's Privacy Rights

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification<sup>1</sup> that your fingerprints will be used to check the criminal history records of the FBI.
- You must be provided, and acknowledge receipt of, an adequate Privacy Act Statement when you submit your fingerprints and associated personal information. This Privacy Act Statement should explain the authority for collecting your information and how your information will be used, retained, and shared.<sup>2</sup>
- If you have a criminal history record, the officials making a determination of your suitability for the employment, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or update of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the criminal history record.<sup>3</sup>

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.<sup>4</sup>

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.) *You can find additional information on the FBI website at <https://www.fbi.gov/about-us/cjis/background-checks>.*

<sup>1</sup> Written notification includes electronic notification, but excludes oral notification

<sup>2</sup> <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>

<sup>3</sup> See 28 CFR 50.12(b)

<sup>4</sup> See U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article IV(c)