



TOWN OF PALISADE
175 E 3RD STREET / PO BOX 128 PALISADE, CO 81526
PHONE 970-464-5602 FAX 970-464-5609

Fingerprinting for Liquor Licenses

Privacy Statement – Notice to Applicants

The Town of Palisade (the “Town”) is authorized to collect criminal history record information (“CHRI”) to investigate the qualifications of liquor license applicants and liquor licensees under Colorado Revised Statute (C.R.S.) Section 44-3-307. The Town will use, retain, and share CHRI in accordance with the Town of Palisade Policy Regarding Criminal History Record Information for Noncriminal Justice Purposes Related to Liquor Licensing (the “Town’s CHRI Policy”).

The Town is required to notify you that your fingerprints will be used to check the criminal history records of the FBI. In addition, you must be provided with, and acknowledge receipt of, a Privacy Act Statement when you submit your fingerprints and associated personal information.

If you have a CHRI record, the Town may not deny your liquor license application based on your record until you have been afforded a reasonable time to correct or complete your record, or until you have declined to do so. Consistent with the foregoing, if your fingerprint background check reveals a CHRI record, you may seek a change, correction, or update of your record in accordance with the Town’s CHRI Policy, the Colorado Bureau of Investigation Notice to Applicants, and the procedures set forth in at Title 28, Code of Federal Regulations (CFR), Section 16.34.

For more information, please read the following documents:

1. **Privacy Act Statement**, attached hereto and also available at:
<https://www.colorado.gov/pacific/sites/default/files/2018%20PRIVACY%20ACT%20STATEMENT.pdf>
2. **Privacy Act Applicant Rights**, attached hereto and also available at:
<https://www.colorado.gov/pacific/sites/default/files/2018%20PRIVACY%20ACT%20APPLICANTS%20RIGHTS%20012418.pdf>
3. **Colorado Bureau of Investigation Notice to Applicants**, attached hereto.
4. **Town’s CHRI Policy**, attached hereto.

Obtaining fingerprints for background checks

In Fall 2018 the State implemented a new fingerprinting system called CABS (Colorado Applicant Background Services). This means that the Town of Palisade Police Department is not able to offer fingerprinting services.



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There is one company in the valley currently authorized by the State to do fingerprints for background checks:
Colorado Fingerprinting

- www.coloradofingerprinting.com
 - The Town’s Unique ID is 6581LLQH
TOWN OF PALISADE: Liquor Licensure – Local
 - Contact 833-224-2227 or email info@coloradofingerprinting.com with any questions or if you need assistance.

The information above can be found at <https://www.colorado.gov/pacific/cbi/employment-background-checks>.

Here are the steps you will take:

- Online registration Colorado Fingerprinting
- Schedule location and time
- Payment – total of \$48.50 payable by business check, money order, or credit card in the name of the person being fingerprinted. Checks or money orders must be mailed before your fingerprints can be processed.
 - \$10 for the fingerprinting service
 - \$38.50 for the CBI background check
- Fingerprinting at the location – **Fingerprints are electronically sent to the State. You should not receive any paper fingerprint cards.**
- Background check results will be sent to the Town of Palisade (the “requesting agency”)

Additional Fees:

- Additional fees may be due to the Town and State related to your liquor license application. Please contact the Town Clerk for information at 970-464-5602.

Acknowledgement of Applicant

By signing below, the applicant acknowledges its receipt of this document and the Privacy Act Statement, the Privacy Act Applicant Rights statement, the CBI Notice to Applicants, and the Town’s CHRI Policy.

Signature

Date

Printed Name

Privacy Act Statement

This privacy act statement is located on the back of the [FD-258 fingerprint card](#).

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.

As of 03/30/2018

See Page 2 for Spanish translation.

Declaración de la Ley de Privacidad

Esta declaración de la ley de privacidad se encuentra al dorso del [FD-258 tarjeta de huellas digitales](#).

Autoridad: La adquisición, preservación, e intercambio de huellas digitales e información relevante por el FBI es autorizada en general bajo la 28 U.S.C. 534. Dependiendo de la naturaleza de su solicitud, la autoridad incluye estatutos federales, estatutos estatales de acuerdo con la Pub. L. 92-544, Órdenes Ejecutivas Presidenciales, y reglamentos federales. El proveer sus huellas digitales e información relevante es voluntario; sin embargo, la falta de hacerlo podría afectar la terminación o aprobación de su solicitud.

Propósito Principal: Ciertas determinaciones, tal como empleo, licencias, y autorizaciones de seguridad, podrían depender de las investigaciones de antecedentes basados en huellas digitales. Se les podría proveer sus huellas digitales e información relevante/ biométrica a la agencia empleadora, investigadora, o responsable de alguna manera, y/o al FBI con el propósito de comparar sus huellas digitales con otras huellas digitales encontradas en el sistema Next Generation Identification (NGI) del FBI, o su sistema sucesor (incluyendo los depósitos de huellas digitales latentes, criminales, y civiles) u otros registros disponibles de la agencia empleadora, investigadora, o responsable de alguna manera. El FBI podría retener sus huellas digitales e información relevante/biométrica en el NGI después de terminar esta solicitud y, mientras las mantengan, sus huellas digitales podrían continuar siendo comparadas con otras huellas digitales presentadas a o mantenidas por el NGI.

Usos Rutinarios: Durante el procesamiento de esta solicitud y mientras que sus huellas digitales e información relevante/biométrica permanezcan en el NGI, se podría divulgar su información de acuerdo a su consentimiento, y se podría divulgar sin su consentimiento de acuerdo a lo permitido por la Ley de Privacidad de 1974 y todos los Usos Rutinarios aplicables según puedan ser publicados en el Registro Federal, incluyendo los Usos Rutinarios para el sistema NGI y los Usos Rutinarios Generales del FBI. Los usos rutinarios incluyen, pero no se limitan a divulgación a: agencias empleadoras gubernamentales y no gubernamentales autorizadas responsables por emplear, contratar, licenciar, autorizaciones de seguridad, y otras determinaciones de aptitud; agencias de la ley locales, estatales, tribales, o federales; agencias de justicia penal; y agencias responsables por la seguridad nacional o seguridad pública.

A partir de 30/03/2018

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. All notices must be provided to you in writing.¹ These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, and Title 28 Code of Federal Regulations (CFR), 50.12, among other authorities.

- You must be provided an adequate written FBI Privacy Act Statement (dated 2013 or later) when you submit your fingerprints and associated personal information. This Privacy Act Statement must explain the authority for collecting your fingerprints and associated information and whether your fingerprints and associated information will be searched, shared, or retained.²
- You must be advised in writing of the procedures for obtaining a change, correction, or update of your FBI criminal history record as set forth at 28 CFR 16.34.
- You must be provided the opportunity to complete or challenge the accuracy of the information in your FBI criminal history record (if you have such a record).
- 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 FBI criminal history record.
- 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> and <https://www.edo.cjis.gov>.
- 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 by submitting a request via <https://www.edo.cjis.gov>. 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 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.³

¹ Written notification includes electronic notification, but excludes oral notification.

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

³ See 5 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); 28 CFR 20.21(c), 20.33(d) and 906.2(d).

DERECHOS DE PRIVACIDAD DE SOLICITANTES - JUSTICIA, NO CRIMINAL

Como solicitante sujeto a una indagación nacional de antecedentes criminales basado en huellas dactilares, para un propósito no criminal (tal como una solicitud para empleo o una licencia, un propósito de inmigración o naturalización, autorización de seguridad, o adopción), usted tiene ciertos derechos que se entablan a continuación. Toda notificación se le debe proveer por escrito.¹ Estas obligaciones son de acuerdo al Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, y Title 28 Code of Federal Regulations (CFR), 50.12, entre otras autorizaciones.

- Se le debe proveer una Declaración de la Ley de Privacidad del FBI (con fecha de 2013 o más reciente) por escrito cuando presente sus huellas digitales e información personal relacionada. La Declaración de la Ley de Privacidad debe explicar la autorización para tomar sus huellas digitales e información relacionada y si se investigarán, compartirán, o retendrán sus huellas digitales e información relacionada.²
- Se le debe notificar por escrito el proceso para obtener un cambio, corrección, o actualización de su historial criminal del FBI según delineado en el 28 CFR 16.34.
- Se le tiene que proveer una oportunidad de completar o disputar la exactitud de la información contenida en su historial criminal del FBI (si tiene dicho historial).
- Si tiene un historial criminal, se le debe dar un tiempo razonable para corregir o completar el historial (o para rechazar hacerlo) antes de que los funcionarios le nieguen el empleo, licencia, u otro beneficio basado en la información contenida en su historial criminal del FBI.
- Si lo permite la política de la agencia, el funcionario le podría otorgar una copia de su historial criminal del FBI para repasarlo y posiblemente cuestionarlo. Si la política de la agencia no permite que se le provea una copia del historial, usted puede obtener una copia del historial presentando sus huellas digitales y una tarifa al FBI. Puede obtener información referente a este proceso en <https://www.fbi.gov/services/cjis/identity-history-summary-checks> y <https://www.edo.cjis.gov>.
- Si decide cuestionar la veracidad o totalidad de su historial criminal del FBI, deberá presentar sus preguntas a la agencia que contribuyó la información cuestionada al FBI. Alternativamente, puede enviar sus preguntas directamente al FBI presentando un petición por medio de <https://www.edo.cjis.gov>. El FBI luego enviará su petición a la agencia que contribuyó la información cuestionada, y solicitará que la agencia verifique o corrija la información cuestionada. Al recibir un comunicado oficial de esa agencia, el FBI hará cualquier cambio/corrección necesaria a su historial de acuerdo con la información proveída por la agencia. (Vea 28 CFR 16.30 al 16.34.)
- Usted tiene el derecho de esperar que los funcionarios que reciban los resultados de la investigación de su historial criminal lo usarán para los propósitos autorizados y que no los retendrán o diseminarán en violación a los estatutos, normas u órdenes ejecutivos federales, o reglas, procedimientos o normas establecidas por el National Crime Prevention and Privacy Compact Council.³

¹ La notificación por escrito incluye la notificación electrónica, pero excluye la notificación verbal.

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

³ Vea 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (anteriormente citada como 42 U.S.C. § 14616), Article IV(c); 28 CFR 20.21(c), 20.33(d) y 906.2(d).



COLORADO
Bureau of Investigation
Department of Public Safety

Biometric Identification and Records Unit
690 Kipling Street, Suite 4000
Denver, CO 80215
303-239-4208

NOTICE TO APPLICANTS

As an applicant for a position requiring fingerprints to be submitted to the Colorado Bureau of Investigation and the Federal Bureau of Investigation, YOUR FINGERPRINTS WILL BE SUBMITTED TO AND RETAINED BY THESE AGENCIES TO CHECK STATE AND FBI RECORDS.

Discrepancies on your Colorado record can be challenged and corrected by contacting the Colorado Bureau of Investigation at 690 Kipling St., Suite 4000, Denver, CO 80215, or by calling the Identification Unit at (303) 239-4208. Additional information is available from the CBI'S Website at <https://www.colorado.gov/pacific/cbi/identity-theft-and-mis-identification>

Disposition information is available from the website <https://www.courts.state.co.us>
For Denver cases, <https://www.denvercountycourt.org/>

Sealing information is available from the website
<https://www.courts.state.co.us/Forms//SubCategory.cfm?Category=Seal>
or <https://www.colorado.gov/pacific/cbi/disposition-update-and-sealing-arrest-record>, CBI's website.

Discrepancies on records from the FBI or relating to another state can be challenged through the FBI Information, and can be found at their website at:
www.fbi.gov/services/cjis/identity-history-summary-checks

The [U.S. Department of Justice Order 556-73](#) establishes rules and regulations for the subject of an FBI Identification Record to obtain a copy of his or her own record for review. The FBI's Criminal Justice Information Services (CJIS) Division processes these requests.

Who may request a copy of a record (or proof that a record does not exist)?
Only you can request a copy of your own Identification Record.

How to request a copy of your record.

The FBI offers two methods for requesting your FBI Identification Record or proof that a record does not exist.

Option 1: [Submit your request directly to the FBI.](#) See above FBI website for information)

Option 2: Submit to an [FBI-approved Channeler](#), which is a private business that has contracted with the FBI to receive the fingerprint submission and relevant data, collect the associated fee(s), electronically forward the fingerprint submission with the necessary information to the FBICJIS Division for a national criminal history record check, and receive the electronic record check result for dissemination to the individual. Contact each Channeler for processing times.

AGENCY INSTRUCTIONS: To comply with federal law, provide a copy of this document to each applicant fingerprinted.





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Criminal History Record Information (CHRI) Policy for Noncriminal Justice Purposes Related to Liquor Licensing

I. Purpose

The Town is authorized to access Criminal History Record Information (“CHRI”) to investigate the qualifications of liquor license applicants and liquor licensees under Colorado Revised Statute (C.R.S.) Section 44-3-307. The purpose of this Policy is to address the use, maintenance, dissemination, confidentiality, and security of CHRI for this noncriminal justice purpose by the Town of Palisade (the “Town”).

II. Scope

This Policy shall apply to systems, processes, or workflows that involve the request, access, storage, sharing, and/or destruction of CHRI obtained from the CBI-CJIS (Colorado Bureau of Investigations-Criminal Justice Information Services) Systems in response to a fingerprint-based background check for investigating the qualifications of liquor license applicants or liquor licensees (“Liquor Licensing Purposes”). The Town accesses CHRI for Liquor Licensing Purposes through the CBI-provided solution referred to as the Secure Document Delivery System (“SDDS”).

This Policy sets forth the following policies required by the CBI for access to the CBI-CJIS Systems: Acceptable Use Policy, Media Protection Policy, Physical Protection Policy, Retention Policy, and Incident Response Policy.

III. Policies

A. Authorized Personnel

1. CHRI for Liquor Licensing Purposes shall be accessed by and provided to authorized personnel only.
2. Authorized personnel shall be reviewed and updated by the Terminal Agency Coordinator (TAC) as needed.
3. Authorized personnel shall receive security awareness training within six (6) months of hiring/handling of CHRI and every two years thereafter. Security awareness training will cover areas specified in the CJIS Security Policy at a minimum.
4. Authorized personnel for CHRI for Liquor Licensing Purposes are:
 - i. All Police Department personnel authorized for CHRI for criminal justice purposes are also authorized for CHRI for noncriminal justice purposes



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ii. Town Clerk

(a) The Town Clerk shall serve as the Terminal Agency Coordinator, the Local Agency Security Officer (LASO), the SDDS Administrator, and the Billing Contact, if applicable, for CHRI for Liquor Licensing Purposes.

(b) Deputy Clerk/ Court Clerk; in the absence of the Town Clerk.

(c) IT Manager and/or IT Systems Analyst

B. Acceptable Use

1. Applicants are referred to the Colorado Applicant Background Services (CABS) program site for submission of background check fingerprints.
2. As part of the fingerprint process, the Town must provide applicants with a Privacy Statement outlining the Town's authority for collecting the applicant's information, that the applicant's fingerprints will be used to check the national criminal history records of the FBI, and how the information will be used, retained, and shared. The Town must obtain a signed acknowledgement from each applicant documenting the applicant's receipt of the foregoing documents (the "Applicant's Acknowledgement").
3. CHRI may only be used for Liquor Licensing Purposes as set forth in C.R.S. Section 44-3-307.
4. CHRI may not be disseminated to non-Town organizations or agencies (such as the state liquor licensing authority) for Liquor Licensing Purposes without an Information Exchange Agreement.
5. CHRI may not be forwarded to other organizations/agencies for use in separate, unrelated applications.
6. If an applicant's fingerprint background check reveals a CHRI record, authorized personnel will promptly notify the applicant in writing to the applicant's mailing address or email address provided in the liquor license application that a record exists ("Notice"). The applicant may be given a copy of his or her CHRI only after the identity of the applicant has been verified. The applicant will be given thirty (30) days from the date of the Notice to obtain a change, correction, or update of his or her CHRI or to decline to do so. The applicant's liquor license application may not be denied based on the CHRI until the expiration of said 30-day period.
7. Existence of CHRI shall not be confirmed or denied to anyone and CHRI shall not be made available except in accordance with applicable law, including applicable



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provisions of the Colorado Criminal Justice Records Act (“CCJRA”) and the Colorado Open Records Act (“CORA”).

C. Media and Physical Protection

1. Authorized personnel with access to the SDDS shall have unique credentials.
2. SDDS results shall be reviewed at least weekly when a Liquor License Application has been received until the CHRI records have been received.
3. CHRI received from the SDDS erroneously shall not be opened. Authorized personnel shall immediately contact CBI to report any erroneously delivered CHRI.
4. CHRI shall only be accessed on Town-owned computers secured from the public.
5. The Town Clerk shall be primarily responsible for obtaining CHRI for Liquor Licensing Purposes from the SDDS. However, in the Town Clerk’s absence, other authorized personnel with the appropriate level of security awareness training may obtain CHRI for Liquor Licensing Purposes from the SDDS.
6. Upon receipt of an email from the SDDS website indicating that a CHRI record is available, authorized personnel shall: (i) download CHRI from the SDDS to his or her desktop; (ii) upon downloading, immediately print CHRI to a printer secured from the public and not in use by other personnel at the time of printing; and (iii) immediately after printing, permanently delete the CHRI from the desktop. The printed CHRI shall be placed in a sealed envelope marked “Confidential” and shall be reviewed by authorized personnel within the Town. The authorized personnel within the Town shall review the CHRI and utilize its findings as part of the subject liquor license application process. The Town Clerk shall not make any copies of the CHRI but shall return the CHRI to the sealed envelope marked “Confidential.”
7. CHRI shall not be stored electronically. CHRI shall be kept in physical (printed) form only. The printed CHRI shall be stored in a locked cabinet with access limited to authorized personnel only.
8. CHRI shall be viewed only by authorized personnel. CHRI shall not be left on computer screens, on printers, or on desks where unauthorized personnel or other persons might view it.
9. The Town-owned computer assigned to the Town Clerk shall be programmed to auto-delete the desktop recycle bin every five (5) minutes to ensure CHRI records downloaded to the desktop are permanently deleted.
10. Computers that have been used to download and print CHRI shall not be released from the Town’s control until the equipment has been sanitized and all stored information has been cleared.



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11. The following activities are prohibited:

- i. Unauthorized access, copying, or dissemination of CHRI from SDDS.
- ii. Revealing of SDDS account passwords by authorized personnel to others.
- iii. Allowing an unauthorized person to use an authorized person's SDDS account.
- iv. Disclosure of data in a way that violates applicable policy, procedures, or relevant regulations or law, including C.R.S. 44-3-307, CCJRA, and CORA.

D. Retention

1. CHRI and the Applicant's Acknowledgement shall be retained and destroyed in accordance with the Colorado Municipal Records Retention Manual.

E. Disposal of Physical Media

1. Once physical CHRI media (paper/hard copies) is determined to be no longer needed by the agency, it shall be destroyed and disposed of appropriately. Physical CHRI media shall be destroyed by shredding, cross-cut shredding, or incineration. The Town of Palisade will ensure such destruction is witnessed or carried out by authorized personnel:
 - i. The LASO shall witness or conduct disposal.
 - ii. Cross-cut shredding will be the method of destruction will be used by the agency.
 - iii. This will occur in December.

F. Incident Response

1. Incidents involving misuse or allegations of misuse of CHRI shall be immediately communicated to the CBI.
2. Authorized personnel must report any media or physical security incidents to the TAC.
3. Any violation of a policy set forth herein may result in network removal, access revocation, corrective or disciplinary action, civil or criminal prosecution, and termination of employment.

G. Incident and Disciplinary Response

1. The security of information and systems in general, and of CHRI in particular, is a top priority for The Town of Palisade. Therefore, we have established appropriate



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operational incident handling procedures for instances of an information security breach. It is each individual's responsibility to adhere to established security guidelines and policies and to be attentive to situations and incidents which pose risks to security. Furthermore, it is each individual's responsibility to immediately report potential or actual security incidents to minimize any breach of security or loss of information. The following security incident handling procedures must be followed by each individual:

2. Incidents will be reported directly to the LASO.
3. Incidents involving misuse or allegations of misuse of CHRI shall be communicated to the CBI within 24 hours.
4. If any records were stolen, the incident will also be reported to appropriate authorities.
5. Any violation of a policy set forth herein may result in network removal, access revocation, corrective or disciplinary action, civil or criminal prosecution, and termination of employment.