



Outsourcing Standard Guide

Use this guide to determine whether situations with third-party Contractors constitute “outsourcing,” and, if they do, when and how to obtain approval of the contract with the Contractor from the FBI Compact Officer. For purposes of the standard, a “Contractor” is defined as:

a government agency, a private business, non-profit organization or individual, that is not itself an Authorized Recipient with respect to the particular noncriminal justice purpose, who has entered into an outsourcing agreement with an Authorized Recipient to perform noncriminal justice administrative functions requiring access to CHRI. The term Contractor also includes a subcontractor(s) that has contracted with a Contractor and supports the outsourced noncriminal justice administrative functions being performed by the Contractor on behalf of the Authorized Recipient.¹

The NIGC and the TGRA are Authorized Recipients.

A tribe is exempt from the Outsourcing Standard for Non-Channeling, if one of the following situations exist:

- The TGRA controls the Contractor’s physical access to CHRI by authenticating Contractor staff (e.g., verify the Contractor possesses current employment and government issued identification, etc.) before authorizing escorted access to the CHRI or the physically secure location where CHRI is stored or processed. Additionally, the TGRA must escort—meaning physically accompany—Contractor staff at all times while within a physically secure location² to ensure the protection and integrity of the physically secure location and any Criminal Justice Information (CJI) therein and monitor the Contractor’s activity. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort.³
- The TGRA permits the Contractor remote access for privileged functions only for compelling operational needs but documents the technical and administrative process for enabling remote access for privileged functions in the security plan for the information system. The TGRA must virtually escort Contractor staff performing remote access for privileged functions. “Virtual escorting” means the TGRA actively monitors a remote maintenance session on CJI processing systems and can end the session at any time deemed necessary to ensure the protection and integrity of CJI.⁴ Virtual escorting of privileged functions is permitted only when all conditions in CJISSECPOL, Maintenance (MA) control MA-4 Nonlocal Maintenance are met. Those conditions are:
 - a. Approve and monitor nonlocal maintenance and diagnostic activities;
 - b. Allow the use of nonlocal maintenance and diagnostic tools only as consistent with organizational policy and documented in the security plan for the system;
 - c. Employ strong authentication in the establishment of nonlocal maintenance and diagnostic sessions;
 - d. Maintain records for nonlocal maintenance and diagnostic activities, and;
 - e. Terminate session and network connections when nonlocal maintenance is completed.

¹ See National Crime Prevention and Privacy Compact Council, *Security and Management Control Outsourcing Standard for Non-Channeling*, § 1, 1.13 (Nov. 7, 2024) (hereinafter Outsourcing Standard).

² Outsourcing Standard, § 1, 1.21 (a facility or an area, room, or a group of rooms, within a facility with both the physical and personnel security controls sufficient to protect CHRI and associated information systems).

³ See U.S. Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services Division, *Criminal Justice Information (CJIS) Security Policy*, Version 6.0 (Dec. 27, 2024), Appendix A (hereinafter CJISSECPOL).

⁴ See CJISSECPOL, Appendix A.

If not exempt, the TGRA needs to obtain written permission for outsourcing from the FBI Compact Officer, prior to executing a contract with a Contractor and providing its staff access to CHRI.⁵ The TGRA is responsible for knowing and understanding how CHRI is processed, transmitted, and stored by a Contractor who has access to FBI CHRI from the NIGC, because of its outsourcing relationship with the TGRA.⁶ To obtain written approval for outsourcing by a Contractor, the TGRA must the following steps:

1. Obtain and review the proposed contract between the Contractor and the TGRA for Noncriminal Justice Administrative Functions, which are routine noncriminal justice administrative functions relating to the processing of CHRI, to include but not limited to the following: 1. Making fitness determinations/recommendations; 2. Obtaining missing dispositions; and 3. Disseminating CHRI as authorized by Federal statute, Federal Executive Order, or State statute approved by the US Attorney General.⁷ Noncriminal Justice Administrative Functions include other authorized activities relating to the general use, handling, and storage of CHRI.⁸ In doing these functions, the Contractor is accessing CHRI⁹, meaning viewing it or making use of it. For instance, if a TGRA would like to engage a Contractor to develop or maintain a computer system for the TGRA or the Tribe that contains CHRI from the NIGC, the TGRA shall receive written permission from the FBI Compact Officer before executing the contract.¹⁰
2. If pursuant to the contract, the Contractor will access, view, or make use of CHRI, specifically describe in the request letter each and every Contractor function allowing such:

Example 1:

Tribal IT will maintain and manage the TGRA owned computer systems that store CHRI from the NIGC. The Contractor access to CHRI is incidental, but necessary, as it relates to general handling and storage of CHRI on the computer system. Tribal IT will administer user accounts and privileges for the network, servers, and computers where the TGRA makes use of and stores CHRI.

Example 2:

Casino IT staff will maintain and manage a computer system for the TGRA. The TGRA computer system receives and stores CHRI from the NIGC. The access to CHRI is incidental, but necessary, as it relates to general handling and storage of CHRI on the computer system. The TGRA owns the computer system and Casino IT staff administer user accounts and privileges for the system.

3. List the Contractor functions that involve access to CHRI identified in step 2 and if applicable, attest to the functions verified from step 2 in the request letter to the FBI Compact Officer. The written request must include the TGRA's specific statutory authority under IGRA for access to CHRI. A template letter and a sample contract are located at [CJIS Resource Materials](#).
4. Review the request letter and the proposed contract. Ensure all Contractor functions involving access to CHRI in the contract are listed in the request letter, as described in step 2.

If NIGC assistance is needed, email the draft request letter and proposed contract to iso@nigc.gov for NIGC staff review. As a courtesy, NIGC staff will evaluate the request letter for clarity and consistency with the proposed contract before the TGRA sends the request letter to the FBI Compact Officer.

⁵ See Outsourcing Standard, § 2, 2.01.

⁶ *Id.* 2.06.

⁷ *Id.* § 1, 1.16.

⁸ *Id.*

⁹ *Id.* § 1, 1.01. Specifically, access to CHRI means to view or make use of CHRI obtained from the III System but excludes direct access to the III System.

¹⁰ *Id.* § 2, 2.02(b).