# Vocational Rehabilitation Services Manual A-200: Customer Rights and Legal Issues

Revised March 2, 2020

## A-208: Release of Customer Records and Information

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### A-208-2: Release of Customer Criminal History Records

Occupations requiring a license permit or other credential may include a computerized customer criminal history (CCH) search as part of the credentialing process.

If a customer wants to work in an occupation or participate in a training program requiring a license, permit, or other type of credentialing, the VR counselor should explain to the customer why the CCH search is necessary and document in a case note the reasons for obtaining the CCH, along with a summary of the discussion with the customer.

Requests for the CCH search can be submitted only on cases determined eligible or that are in active status. Criminal history cannot be considered part of the eligibility determination process, only as part of the employment planning occurring during the comprehensive assessment and plan development process or when in active status.

To request a CCH search on a customer, the VR counselor completes [VR1510, Request for Computerized Criminal History (CCH) Search](http://intra.twc.state.tx.us/intranet/gl/html/vocational_rehab_forms.html), and sends it by email to the regional point of contact. The CCH requested by VR covers offenses that occurred in Texas and is typically obtained using the name and date of birth (DOB) method, also known as a name-based search. For more information on when to conduct a fingerprint search, refer to B-405-3: When Fingerprinting is Needed.

The CCH report is critical to the decision-making process. Refer to VRSM B-405-1: Obtaining and Maintaining Computerized Criminal History Check Results for policy and procedure on when to request a CCH.

Refer to [VRSM B-405-4: Evaluating and Documenting Computerized Criminal History Results](https://twc.texas.gov/vr-services-manual/vrsm-b-400#b405-4) for policy and procedure on documenting and storing a CCH.

VR receives customer criminal history records from the Texas Department of Public Safety (DPS) on the assurance that the records will:

* be used for rehabilitation purposes only; and
* not be further released by VR to another organization or individual, including the customer or customer's representative, unless there is a valid release or written request from the customer or a valid court order.

Name-based information is not an exact search and only fingerprint record searches represent true identification to criminal history record information (CHRI); therefore VR is not allowed to release any CHRI obtained using the name and DOB method.

Except for requests contained in valid subpoenas after the release is approved by OGC, or other court orders or for a written request from a customer, the VR counselor does not honor any requests for such records and does not release the documents obtained from DPS outside of VR.

Based on Texas Government Code §411.085(a)(2).

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