



**FELICIA PITRE
DALLAS COUNTY DISTRICT CLERK**

NINA MOUNTIQUE
CHIEF DEPUTY

BULK DATA HISTORY USE & MAINTENANCE ACKNOWLEDGEMENT

Private entities authorized to receive bulk criminal history data may be subject to criminal and civil liability for the use and maintenance of that data in contravention of Texas statute or court order. Specifically, it is unlawful for a private entity to disseminate or disclose data subject to a court's order of Expunction or Non-disclosure either willfully or inadvertently.

Prior to fulfillment of your criminal data history extract request, the district clerk's office must have on file the following declaration:

I _____ am requesting a Dallas County criminal history data extract that may contain either or both Felony and Misdemeanor information on behalf of _____ and I affirm that I am authorized to make this affirmation on its behalf.

I affirm that I have reviewed the relevant chapters and sections of Texas state and Federal statute that govern the use, preservation and dissemination of criminal history data. I affirm that _____ will comply with all statutory requirements up to and including the obliteration of any data maintained by _____ immediately when notified that a court of this state has ordered the Expunction or Non-disclosure of that data either by the clerk's office, the Texas Department of Public Safety, or the individual or his/her attorney or next-of-kin whose data is subject to an order of Expunction or Non-disclosure. I further understand that failure to comply with statute or court order may result in legal action.

This acknowledgement does not create or impose any duty or obligation beyond that provided by law.

Print Name

Signature

Company Name

Date Received

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Texas Code of Criminal Procedure
Article 55.04
Violation of Expunction Order

- (2) A person who knowingly fails to return or to obliterate identifying portions of a record or file ordered expunged under this chapter commits an offense.
- (3) An offense under this article is a Class B misdemeanor.

Texas Government Code
Section 411.0851

Duty of Private Entity to Update Criminal History Record Information; Civil Liability

- (a) A private entity that compiles and disseminates for compensation criminal history record information shall destroy and may not disseminate any information in the possession of the entity with respect to which the entity has received notice that:
 - (1) an order of expunction has been issued under Article 55.02, Code of Criminal Procedure; or
 - (2) an order of nondisclosure has been issued under Section 411.081(d).
- (b) Unless the entity is regulated by the federal Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.) or the Gramm-Leach-Bliley Act (15 U.S.C. Sections 6801 to 6809), a private entity described by Subsection (a) that purchases criminal history record information from the department or from another governmental agency or entity in this state:
 - (1) may disseminate that information only if, within the 90-day period preceding the date of dissemination, the entity:
 - (A) originally obtains that information; or
 - (B) receives that information as updated record information to its database; and
 - (2) shall notify the department if the entity sells any compilation of the information to another similar entity.
- (c) A private entity that disseminates information in violation of this section is liable for any damages that are sustained as a result of the violation by the person who is the subject of that information. A person who prevails in an action brought under this section is also entitled to recover court costs and reasonable attorney's fees.