

## **Responsibilities of a Federal Firearms Licensee (FFL) Under the National Instant Criminal Background Check System**

In accordance with the Brady Handgun Violence Prevention Act (Brady Act), the National Instant Criminal Background Check System (NICS) has been established within the Criminal Justice Information Services (CJIS) Division of the FBI for the purpose of performing instant background checks on prospective firearms transferees. The following outlines certain NICS-related responsibilities of each FFL. These responsibilities also apply to an FFL's offices, employees, agents, or other representatives. In the event of a conflict between this outline and a Federal law or regulation, the provisions of the law or regulation shall control.

An FFL is responsible for understanding and complying with the Gun Control Act of 1968, as amended, Brady, 28 C.F.R. Part 25, other applicable provisions of law or regulations, and other pertinent policies, procedures, or guidance, as have been or may be established by the FBI (CJIS) or by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

### **USE OF NICS**

- ▶ Authorized use of the NICS is limited to the purpose of obtaining information on whether receipt of a firearm by a prospective transferee would violate federal or state law.
- ▶ FFLs, their officers, employees, agents, and/or other representatives are permitted to request background checks of the NICS only for the authorized purpose.
- ▶ Accessing or using the NICS, or permitting access or use of the NICS by another, for any unauthorized purpose is a violation of Federal law, sanctions for which may include criminal prosecution; a civil fine not to exceed \$10,000, and/or cancellation of NICS inquiry privileges.

### **ACCESS TO NICS**

- ▶ Calls to the NICS Section may be initiated from any telephone including pay and/or cellular phones. However, FFLs should understand the risk of call interception and monitoring when using a cellular phone.
- ▶ When enrolling in the NICS, the FFL will select a code word consisting of six to ten alphabetical and/or numeric characters.
- ▶ FFLs are not required to change their code word; conversely, a code word will remain active indefinitely if there is no request for change. However, FFLs are encouraged to change their code words if they suspect that unauthorized persons have gained knowledge of the code word, or that authorized personnel are misusing the system.
- ▶ FFLs shall limit knowledge of their code word to themselves, their officer(s), employee(s), agent(s), and/or other representative(s) whose duties include performing background checks in compliance with the Gun Control Act, as amended.
- ▶ FFLs accessing NICS through NICS E-Check via the internet will be required to obtain a digital certificate.
  - ▶ Before issuance of a NICS E-Check digital certificate FFLs agree to accept the terms and conditions contained in the NICS E-Check Subscriber Agreement listed below:
  - ▶ Acknowledge that all information and representations made by you in this certificate are accurate.
  - ▶ Accurately represent yourself in all communications with the FBI.
  - ▶ Notify NICS Customer Service immediately of any change to the information appearing in this certificate that occurs during the certificate's validity period.

- ▶ Take precautions to prevent loss, disclosure, or unauthorized use of this certificate and security-related information (e.g., secret and private cryptographic keys, authentication data such as passwords and PINs whose disclosure or modification can compromise the security of E-Check).
- ▶ Notify NICS Customer Service to revoke this certificate promptly upon any actual or suspected loss, disclosure, or other compromise of this certificate and the associated private key immediately upon suspicion that the private key associated with this certificate has been compromised or lost.
- ▶ Ensure no unauthorized person has access to this certificate and associated private key.
- ▶ Notify NICS Customer Service when this certificate is no longer in use or if this certificate becomes inoperable.
- ▶ Use this certificate exclusively for authorized and legal purposes associated with NICS and NICS E-Check policies.

A user who is found to have acted in a manner counter to these obligations may have their digital certificate revoked without notice, thus terminating all system access privileges.

### DISCLOSURE

- ▶ **FFLs may not disclose the NICS response ("PROCEED", "DELAYED", or "DENIED", and NICS Transaction Number [NTN] to persons other than (1) the prospective firearm purchaser, (2) the FBI NICS Section (or its agent or a participating State Point of Contact, (3) ATF, (4) authorized representatives of the foregoing, or (5) others as authorized by law.**

### AUDITS

- ▶ **FFLs are required to accurately record the NTN they receive in a NICS response on the appropriate ATF form for audit and inspection purposes, consistent with the 27 CFR Part 478.124 record keeping requirements.**
- ▶ **FBI Supervisory staff will periodically monitor telephone inquiries as an internal quality assurance measure as well as to ensure proper use of the system.**

### FFL DATA INTEGRITY

- ▶ **The FFL shall notify the FBI NICS Section of changes in contact information, such as telephone number or mailing address.**

### INDIVIDUAL'S REQUESTING NICS CHECKS ON THE FFL'S BEHALF

- ▶ **Individuals requesting NICS checks on the FFL's behalf (including FFL officers, employees, agents, and/or other representatives) shall understand and agree to abide by the security guidelines outlined herein. Appendix A is provided as a tool that FFLs may use to document such an individual's acknowledgment.**

A person is not required to respond to any collection of information unless it displays a currently valid OMB control number. The FBI has created the FFL Office/Employee Acknowledgment of Responsibilities so that it is easily understood and requires the least possible burden on you to provide us with information. The reporting burden for collection of information on the FFL Officer/Employee Acknowledgment of Responsibilities Form is computed as: 1) learning about the documents, three minutes; 2) completing the FFL Officer/Employee Acknowledgment of Responsibilities Form, two minutes, for an estimated average of five minutes per response. If you have comments regarding the accuracy of the estimates, or suggestions for making this form simpler, you can write the Federal Bureau of Investigation, NICS Operation Center, P.O. Box 4278, Clarksburg, West Virginia 26302-4278.

**Privacy Act Statement:** Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, we are providing the following information regarding this collection of information. The authority under which this information is being collected is the Brady Handgun Violence Prevention Act (Public Law 103-159) and title 28 CFR part 25. The principal purposes for which the information will be used are to enroll an FFL into the NICS, log a user onto the FBI NICS E-Check, and identify FFLs that submit NICS checks. The information collected may be shared with other government agencies for authorized purposes and with certain other persons and entities for other purposes as provided for in the most recently published routine uses for the NICS (Justice/FBI-018). The form requests both mandatory and optional information. If you omit mandatory information we may not be able to process your request.

**FFL Office/Employee Acknowledgment of Responsibilities  
under the  
National Instant Criminal Background Check System (NICS)  
(10/07/02)**

Being an officer or employee of the following named Federal Firearms Licensee (FFL):

Name of FFL	FFL Number	
Business/Trade Name (if different from FFL name)		
FFL Address		
City	State	Zip

I, the undersigned, hereby acknowledge that I have read and understand my obligations and responsibilities under the NICS as an FFL officer or employee, as detailed in the FBI outline: Responsibilities of a Federal Firearms Licensee (FFL) under the National Instant Criminal Background Check System (NICS)(10/07/02). In consideration of being permitted access to NICS-related information as part of my employment, I accept and agree to comply with these obligations and responsibilities. I further acknowledge my legal obligation to the NICS, my employing FFL, and affected firearms transferees to safeguard all NICS-related information to which I may be exposed and to protect it from unauthorized use or disclosure. I also acknowledge that all communications with the NICS, including telephone or electronic dial-up, are subject to monitoring and recording by the FBI or its representatives, and that my participation in any communications with the NICS constitutes my consent to such monitoring and recording.

Officer/employee signature \_\_\_\_\_

Officer/employee name \_\_\_\_\_

Date signed \_\_\_\_\_

Witnessed on behalf of the FFL by:

Witness signature \_\_\_\_\_

Witness name \_\_\_\_\_

Witness title/position in FFL \_\_\_\_\_

**COMPLETED COPIES OF APPENDIX A TO BE RETAINED BY FFL  
DUPLICATE LOCALLY AS REQUIRED**