



NIBIN Enforcement Support System (NESS) **Rules of Behavior and User Agreement Form**

INTRODUCTION

The Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) National Integrated Ballistics Information Network (NIBIN) provides Federal, State, Tribal, and local law enforcement with NIBIN hits and leads linking ballistic evidence between crime scenes and firearms recovered by law enforcement. The NIBIN Enforcement Support System (NESS), maintained by the ATF, serves as the national repository for NIBIN information pertaining to firearms, and other ballistic evidence, used in the commission of a crime. ATF has developed NESS to leverage crime gun intelligence derived from NIBIN with Federal, State, and local law enforcement resources to produce actionable leads and assist in ongoing investigations.

PURPOSE

The purpose of the NESS Rules of Behavior and User Agreement Form is to establish an interagency agreement governing the access and use of NESS. In addition, it will describe necessary provisions regarding the creation, maintenance, and removal of user accounts and passwords. Each user must sign this agreement form before ATF will grant access to NESS.

AUTHORITY

This Rules of Behavior and User Agreement Form is pursuant to the authority of the participants to engage in activities related to the investigation and suppression of violent crimes involving firearms. ATF's authority is derived from, among other things, 28 U.S.C. § 599A, 18 U.S.C. § 3051, 27 CFR § 0.130, and, specifically, the Gun Control Act of 1968, 18 U.S.C. Chapter 44, and the National Firearms Act, 26 U.S.C. Chapter 53.

SCOPE

- The user acknowledges that it is in the public interest to enhance cooperation among Federal, State, Tribal, and local law enforcement and public safety agencies to identify the perpetrators of crimes involving firearms.
- The user acknowledges that ATF, through its Firearms Operations Division (FOD), and the NESS application will assist Federal, State, Tribal, and local law enforcement and public safety agencies combat crimes involving firearms through the collection, cataloging, automated processing, comparison, and dissemination of intelligence and information and by making available other ATF criminal and regulatory resources.

NESS APPLICATION INFORMATION RELIABILITY & DATA INTEGRITY

Reliable data is critical to the successful operation of any information system. The following ***mandatory provisions*** will ensure the reliability of incident-based information contributed to the NESS program:

- The user is responsible for and shall take those steps necessary to ensure the accuracy of information contributed to NESS during the course of an official investigation.
- The user agrees that NESS is solely to be used as an investigative tool.
- Files and other information entered into NESS are not original documents. Each contributing agency shall maintain original documents. ATF encourages users to follow their local rules of evidence governing the storage of electronic media.
- ATF cautions users not to use data extracted from NESS as admissible evidence in any proceeding without further verifying such information and coordinating with the agency that contributed it. See also *Disclosure/Dissemination*.
- Users shall prevent unauthorized alteration, damage, destruction, or tampering with the NESS application or the information contained within NESS.
- Users shall never enter unauthorized, inaccurate, or false information. If such information is inadvertently entered, it should be removed immediately and, if appropriate, documented.



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- Create only authorized records or files.
- NESS users shall only access data necessary to perform the function of their employment and shall neither browse nor access data unrelated to a specific need.
- Users shall protect NESS data by safeguarding workstations and electronic storage devices from unauthorized access.

USER RESPONSIBILITY

- The use of NESS by an authorized agency does not actively involve ATF in the investigation or the prosecution of a particular incident.

Unclassified//Law Enforcement Sensitive (U//LES)

- NESS data is classified Unclassified//Law Enforcement Sensitive (U//LES) and should not be disseminated outside Law Enforcement. It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with Department of Justice (DOJ) policy relating to U//LES information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DOJ official.

Encouraged Methods and Procedures

NESS allows local users to export records that they have contributed to the system. We encourage the following methods for the handling of such information:

- Take the same care with system output as with the system itself; that is, control access to printouts, disks, or other media storage devices that contain your NESS software application records.
- Lock up/secure storage media/hard copy containing your NESS software application records at the end of the day or when otherwise unattended.
- Do not leave computer printouts containing your NESS software application records unattended at printers.
- Mark media to distinguish your NESS software application records from other files.
- Dispose of workstation disks, including hard drive disks, containing your NESS software application records by erasing sensitive data, degaussing, shredding, or other appropriate procedures.

Disclosure/Dissemination

- The user acknowledges that information pertaining to individuals (targets, witnesses, victims, etc...) contained in NESS directly relate to an underlying investigation.
- The user acknowledges that they will disclose **no** information contained within the NESS application to a third party except as described in this agreement.
- The user agrees that the agency contributing information into NESS is the custodian/owner of that record and will abide by their own State laws, statutes, and regulations and maintain that data accordingly.
- The user agrees there will be no disclosure of information contributed by the user's agency into NESS outside of the user's agency except that disclosure which is deemed necessary by ATF or the user's agency in conjunction with an official law enforcement investigation or pursuant to a lawful court order or legal request (including discovery requests).
- The user agrees to immediately report to ATF any order arising from a legal proceeding by a court of competent jurisdiction ordering the disclosure of information contained within the NESS application contributed by an agency other than the user's agency.



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- The user agrees that disclosures made under a user's State Public and Open Records Laws or other internal agency dissemination policy ***apply only to incident reports that the user's agency has contributed into NESS***. The user shall not release any data in the NESS application contributed by a participating agency other than the user's agency. Furthermore, any such request seeking the disclosure of such third-party information shall be reported immediately to ATF. ***ATF does not process public records requests for records contributed to NESS by non-ATF agencies.***
- The user agrees that premature disclosure of information contained within the NESS could interfere with pending or prospective law enforcement operations and/or prosecution proceedings. This LES information includes but is not limited to data that may link a person or persons to an incident or incidents; criminal methodology of an incident or incidents; personally identifiable information; ORI information, or information related to patterns of criminal activity involving the illegal use of firearms. The user agrees not to disclose LES information shared or generated pursuant to this agreement to any party except as described in this agreement without the express consent of both parties to this agreement.
- Any advisories or reports (including the information contained within them) obtained from the NESS system or ATF which contain third-party data may only be further disseminated with the consent of the party with ownership over the data.

Costs

- The use of the NESS system is free of charge to participating agencies.
- The user agrees that ATF is not responsible for costs or liabilities associated with an agency's computer hardware, computer software (other than the NESS application), Internet connection(s), or other communications requirements associated with their use of the NESS application.
- ATF will maintain access to the NESS application furnished to the user and shall facilitate repairs to the NESS application in an expeditious manner, subject to availability and funding. However, ATF will not assume maintenance or repairs required as the result of improper use of the NESS application by the user or enhancements to the NESS application by the user, as well as repairs to local computer hardware, computer software, or communications problems.

System Access

- The user hereby agrees to notify ATF to terminate the NESS account of an authorized end-user ***immediately*** when they have no need for NESS access due to retirement, transfer, reassignment, termination, and/or separation.
- The user agrees to access NESS only through computers owned or leased for official Government purposes. The user agrees that ATF retain all proprietary rights to include but not limited to the NESS schema and computer code.
- The user agrees to protect access to the NESS information system via any type of wireless communication medium or appliance by authentication to ensure protection from unauthorized system access. Wireless devices shall support a minimum of AES 128-bit encryption in accordance with FIPS Publication 140-2 or later Security Requirements for Cryptographic Modules.

Password Complexity Rules

- Passwords must be at least 16 characters (network enforced).
- Passwords must contain both upper- and lower-case characters: a-z, A-Z (network enforced).
- Passwords must contain numbers and punctuation characters as well as letters: 0-9,!#\$%^&*()_+|~=\`{}[]:;'\<?.,/ @ (network enforced).
- Passwords should not be or contain a word in a dictionary.
- Passwords should not be a common usage word, such as:



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- Names of family, pets, friends, co-workers, fantasy characters, or sport teams.
- Birthdays or other personal information, such as addresses and phone numbers.

Sharing Passwords

- Never divulge your password to anyone and do not use another user's password, even with permission.
- Never provide your password over the phone to an unsolicited or unidentified caller. Hackers often try to get employees to divulge passwords by pretending to be someone from the Help Desk. The Help Desk will NEVER ask you to reveal your password.
- Never allow another user to access NESS by using your NESS login credentials. Always remember to log off when leaving a computer with an active NESS session.
- If you suspect your password is compromised, change it immediately and then notify your local ATF NESS Point of Contact.

Administrative

- ATF retains the right to remove access to NESS upon:
 - Determination that the NESS application is being neglected or misused, or is not receiving reasonable use;
 - Receipt of written notification of the termination by participating agency; or
 - Termination of the NESS application.
- The user acknowledges that the operations described in this agreement are subject to audit by ATF; DOJ; Office of Inspector General; the General Accounting Office; and other auditors designated by the U.S. Government. Such audits may include reviews of **ALL** records, documents, reports, accounts, invoices, receipts, and other evidence.
- The user acknowledges that, for accounting purposes, the principles and standards for determining costs shall be governed by the policies set forth in the Office of Management and Budget (OMB) Circular A-87, revised (available via the OMB, The Superintendent of Documents at the U.S. Government Printing Office, or via the Internet at <http://www.whitehouse.gov/WH/EOP/OMB>).

Miscellaneous Provisions

The user agrees to report immediately to ATF any incident involving:

- Unauthorized alteration, damage, or destruction of ATF-owned NESS application;
- Unauthorized use or access of the NESS application; or
- Unauthorized release of information related to the NESS application.

Duration

- Upon signature by the user, ATF shall consider the terms and conditions of this agreement accepted in their entirety. ATF may amend this agreement by the deletion, modification, or addition of provisions. Users will be notified of any substantive changes to this agreement.
- Either party may cancel its participation at any time following written notification to the other party. ATF will retain their interest in the electronically stored information contained in the database, except that ATF agrees to provide a copy of the data contributed by the agency.



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Effect of Agreement

- Nothing in this agreement will modify any Federal law, regulation, or other Federal rule.
- Nothing in this agreement grants any funding, whatsoever. All specific actions agreed to herein shall be subject to funding and administrative or legislative approvals. The user acknowledges that financial and civil liability, if any, and in accordance with applicable law, for the acts or omissions of each party's employees, remains vested with his or her employing agency.
- No third party shall benefit or otherwise claim any rights whatsoever under this agreement.
- The user hereby agrees to abide by the terms and conditions of this agreement to
 - Participate in the NESS application in the manner prescribed herein;
 - To use it in a manner prescribed herein;
 - To allow the necessary and proper administration of the program; and
 - To comply with all conditions that ATF may find necessary to institute on behalf of the NESS application.
- ATF will consider failure to comply with the above mandatory Rules of Behavior a security incident, or a security violation if the incident was willful. Depending on the number of security violations and the sensitivity of the information involved, ATF may revoke a user's access to the NESS application and/or the ability of their agency to participate in the NESS program. In addition, the aforementioned does not preclude potential civil or criminal penalties.

This is to certify that the below named individual has read, understands, and will comply with this user agreement for access and use of the NESS program.

Date: _____

User's Printed/Typed Name: _____

User's Last 4 of SSN (####): _____

User's Agency: _____

User's Signature: _____

Agency NESS Primary/Alternate Point of Contact (listed in NESS MOU) Name: _____

Agency NESS Primary/Alternate Point of Contact (listed in NESS MOU) Signature: _____

***Please return completed form to your Agency's NESS Point of Contact (listed in NESS MOU) for submission.