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Robert R. Corbin

August 5, 1986

The Honorable John Mawhinney
Arizona State Senator
State Capitol - Senate Wing
Phoenix, Arizona 85007

Re: I86-087 (R86-065)

Dear Senator Mawhinney:

You have asked for an opinion regarding the propriety of using the Arizona Criminal Justice Information System ("ACJIS") to transmit information regarding legislative activity. We conclude that such use of ACJIS is improper and subject to sanction unless the improper use is eliminated.

ACJIS was established for the purpose of managing and sharing criminal history record information among criminal justice agencies. See A.R.S. § 41-2201 to -2206. The ACJIS Network operates by way of a telecommunications message switching system known as ALETS, the Arizona Law Enforcement Telecommunications System. Every agency, in order to gain access to ACJIS through ALETS, must enter into a User Agreement with ACJIS. The User Agreement provides that the User agency shall keep in strict compliance with all rules, procedures and policies adopted by certain advisory boards. Each User agency is given an extensive briefing by ACJIS personnel concerning the use of the system and the rules, regulations and policies by which the user must abide. Among the written materials provided to each user is a copy of the National Law Enforcement Telecommunications System ("NLETS") Guidelines.

NLETS is a private company which provides a message switching system similar to ALETS, only on a national level. All criminal justice information accessible through ACJIS that did not originate in Arizona came through NLETS. The NLETS Corporation publishes a Users' Guide which informs subscribers of the guidelines and policy they must follow in order to be permitted to continue using the system.

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The NLETS and ALETS Guidelines specifically place the following restriction on transmission of lobbying messages:

No Messages supportive or in opposition to political issues, labor management issues, legislative bills, or announcements of meetings relative to such issues.

NLETS User Guide, pp. 3-9, 5/1/85; ALETS/NLETS Guidelines, p. 1, 1/85.

Transmission of information regarding legislative activity is clearly improper under the ALETS/NLETS Guidelines. The User Agreement provides for sanctions as follows:

Suspension of Service. In addition to the penalties provided by law, DPS reserves the right to immediately suspend furnishing information covered by the terms of this agreement to USER when any terms of this agreement are violated. DPS shall resume furnishing such information upon receipt of satisfactory assurance that such violations did not occur or that such violations have been fully corrected or eliminated. In the case that USER challenges the ruling of DPS regarding violations(s) or audit results, the Arizona Comprehensive Data Systems Policy Board shall adjudicate the matter.

Standard ACJIS User Agreement, paragraph E(2).

In conclusion, transmission of legislative activity information is contrary to the manifest intent of the legislature in creating ACJIS, see A.R.S. § 41-2201 to -2206, and the contractually binding NLETS and ALETS Guidelines. A User agency which violates this prohibition does so at the risk of losing access to the ACJIS Network.

Sincerely,

Bob Corbin

BOB CORBIN
Attorney General

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