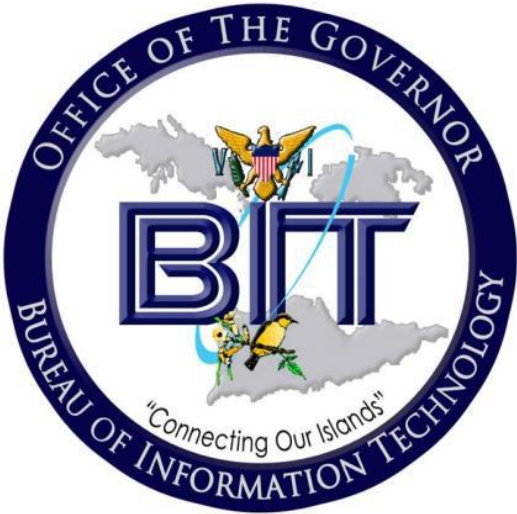


1 **The 35th Legislature of the U.S. Virgin Islands**

2 Committee on Homeland Security, Justice, and Public Safety

3 Bureau of Information Technology



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11 Presented by:
12 Jonathan Tucker
13 Deputy Director, representing Director/CIO Rupert Ross
14 Bureau of Information Technology
15 Office of the Governor

17 Good afternoon, Senator Kenneth L. Gittens, members of the Committee on Homeland
18 Security, Justice, and Public Safety, distinguished members of the 35th Legislature, other guest
19 and the viewing audience. I am Jonathan Tucker, Deputy Director of the Bureau of Information
20 Technology (BIT), appearing on behalf of BIT Director/CIO Rupert Ross. My purpose today
21 is to provide testimony regarding Bill No. 35-0086, which proposes amendments to Title 3,
22 Virgin Islands Code, Chapter 1, Section 10h. The primary objective of this bill is to mandate
23 background checks for all IT personnel and employees associated with the Bureau of
24 Information Technology, entities with data centers, and individuals entrusted with confidential
25 information.

26

27 The Bureau of Information Technology recognizes the core intent of Bill No. 35-0086 and its
28 potential ramifications for our agency and related bodies. While we acknowledge the merit of
29 this proposal, we respectfully propose that the responsibility for conducting background checks
30 should be entrusted to the Division of Personnel, which is better equipped to handle such
31 matters efficiently and comprehensively. This approach aligns with established best practices
32 observed in many organizations, ensuring a streamlined and effective implementation of
33 background checks.

34

35 Drawing inspiration from the federal government's model, which tailors background checks
36 according to job roles, can offer valuable insights into structuring our approach effectively.
37 Moreover, the proposed use of the National Crime Investigation Center (NCIC) as a data source
38 raises concerns. While the NCIC is a crucial tool for law enforcement purposes, its primary
39 focus is on criminal investigations. The Bureau of Information Technology lacks the necessary
40 resources, accessibility, and expertise to effectively manage the intricacies of this database. We
41 recommend exploring alternative, specialized databases or considering collaboration with law
42 enforcement entities to ensure the accuracy and reliability of background checks.

43

44 In our commitment to comply with the stipulations outlined in this bill, we are fully prepared
45 to embrace these new requirements if the legislation is enacted. Nevertheless, I would like to
46 draw your attention to the administrative and financial implications of implementing these
47 background checks, particularly for prospective employees. The bill currently places the

48 responsibility for the costs of background checks on employment applicants. This provision
49 should be thoughtfully administered to ensure it does not become a hindrance to individuals
50 seeking employment, especially for roles requiring access to Personally Identifiable
51 Information (PII). Furthermore, for existing employees, the funding for background checks
52 should be shouldered by the respective agencies. I recommend further clarification of the
53 process and funding sources to facilitate a smooth implementation.

54

55 Furthermore, while the bill rightfully underscores the importance of safeguarding the
56 confidentiality of criminal record information, it is imperative to establish stringent data
57 protection measures to prevent any potential misuse of this information.

58

59 In conclusion, I wish to emphasize the Bureau of Information Technology's unwavering
60 dedication to upholding the security and integrity of the Government of the Virgin Islands. We
61 wholeheartedly support the underlying principle of Bill No. 35-0086 and are eager to
62 collaborate with the Legislature and Human Resources in crafting a comprehensive and well-
63 defined methodology for conducting background checks for sensitive positions. Our expertise
64 and commitment are at your disposal to enhance the effectiveness of this vital initiative.

65

66 The Bureau extends its gratitude to the Committee on Homeland Security, Justice, and Public
67 Safety, Chairman Kenneth Gittens, the 35th Legislature, Committee and Non-Committee
68 members for affording us the opportunity to provide testimony on proposed Bill No. 35-0086.
69 I am available to address any questions and anticipate a constructive discussion ahead.