OMB NO. 1110-0026

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

In accordance with the Brady Handgun Violence Prevention Act of 1993 (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 officers, employees, agents, and 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, the Brady Act, Title 28, *Code of Federal Regulations* (C.F.R.), Part 25; other applicable provisions of law or regulation; and other pertinent policies, procedures, or guidelines as have been or may be established by the FBI CJIS Division or by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

USE OF THE 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.

- 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, for which sanctions may include criminal prosecution; a civil fine not to exceed $10,000; and subject to cancellation of NICS inquiry privileges.

ACCESS TO THE NICS

- Calls to the FBI CJIS Division's 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 alphanumeric 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 the NICS E-Check via the Internet will be required to follow current authentication policies as described on the NICS E-Check Web site at <www.nicsezcheckfbi.gov>.

DISCLOSURE

- FFLs may not disclose the NICS response ("PROCEED," "DELAYED," or "DENIED") or NICS Transaction Number (NTN) to persons other than (1) the prospective firearm purchaser, (2) the FBI CJIS Division's NICS Section (or its) agent or a participating State Point of Contact, (3) the 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 C.F.R. Part 478.124 record-keeping requirements.

- The NICS Section 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 NICS Section of changes in contact information, such as contact hours, telephone number, e-mail address, or mailing address.

INDIVIDUALS 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 Officer/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; and (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, CJIS Division, NICS Section, P.O. Box 4278, Clarksburg, West Virginia 26302-4278.

Privacy Act Statement: Pursuant to the Privacy Act of 1974, 5 United States Code 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 28 C.F.R. 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 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.

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Federal Firearms Licensee (FFL) Officer/Employee
Acknowledgment of Responsibilities
under the
National Instant Criminal Background Check System (NICS)

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 an FFL under the NICS. 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 Section, including telephone or electronic, are subject to monitoring and/or recording by the FBI or its representatives, and that my participation in any communications with the NICS Section 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