12 NCAC 04H .0303 is proposed for adoption as follows:

12 NCAC 04H .0303 CONTROL AGREEMENTS

(a) A non-criminal justice agency designated to perform criminal justice functions for a criminal justice agency is eligible for access to DCIN.

(b) A written management control agreement shall be entered into between a law enforcement agency and a 911 communications center when management control of the 911communications center will be under an entity other than the law enforcement agency. The agreement shall state that requirements of Rule.0202 of this Subchapter are in effect, and shall stipulate the management control of the criminal justice function remains solely with the law enforcement agency.

(c) A written management control agreement shall be entered into between a law enforcement agency and their governmental information technology (IT) division when the information technology role will be under an entity other than the law enforcement agency. The agreement shall state that the requirements pursuant to 12 NCAC 04H .0202 are in effect, and shall stipulate that the management control of the criminal justice function remains solely with the law enforcement agency.

(d) A written agreement shall be entered into between a law enforcement agency and a private contractor when the private contractor configures or supports any device or computer network that stores, processes, or transmits criminal justice information. The written agreement must incorporate the most current version of the CJIS Security Addendum. The CJIS Security Addendum may be found in the current CJIS Security Policy.

Authority G.S. 114-10; 114-10.1.