12 NCAC 04I .0408 is proposed for adoption as follows:

12 NCAC 04I .0408 LIMITATION REQUIREMENTS

Research designs must preserve the anonymity of all subjects. The following requirements are applicable to all such programs of research and each criminal justice agency or researcher is responsible for their implementation:

(1) Computerized criminal history records furnished for purposes of any program of research shall not be used to the detriment of the person(s) to whom such information relates.

(2) Criminal history records furnished for purposes of any program of research shall not be used for any other purpose; nor may such information be used for any program of research other than that authorized by the North Carolina CJIS System Officer (CSO).

(3) Each researcher or anyone having access to the computerized criminal history shall, prior to having such access, sign a Disclosure Agreement with the CSO incorporating the requirements of 12 NCAC 04H .0305.

(4) The authorization for access to computerized criminal history records shall assure that the criminal justice agency and CIIS have rights to monitor the program of research to assure compliance with this Rule. Such monitoring rights include the right of CIIS staff to audit and review such monitoring activities and also to pursue their own monitoring activities.

(5) CIIS and the criminal justice agency involved may examine and verify the data generated as a result of the program, and, if a material error or omission is found to have occurred, may order the data not be released for any purpose unless corrected to the satisfaction of the agency and CIIS.

Authority G.S. 114-10; 114-10.1; 114-19.1.