

CHAPTER 10-13-04

EXCHANGING CRIMINAL HISTORY RECORD INFORMATION

Section

10-13-04-01	Limitation on Use of Exchanged Information
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10-13-04-01. Limitation on use of exchanged information.

Criminal history record information exchanged between criminal justice agencies for criminal justice purposes may not be used or disseminated for purposes other than those for which it was originally obtained.

History: Effective November 1, 1987.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.3

10-13-04-02. Exchange log.

Criminal justice agencies shall maintain a transaction log of requests received for criminal history record information and their response to those requests for a minimum of three years. The log must include:

1. Name of record subject.
2. Requesting agency.
3. Officer name or unit number.
4. Date of request.
5. Type of response and indicating record exchange or no record.

History: Effective November 1, 1987; amended effective January 1, 2016.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.3, 12-60-16.5

10-13-04-03. Disclosure for national security purposes.

Criminal justice agencies shall release criminal history record information to the department of defense, department of state, department of transportation, office of personnel management, central intelligence agency, and federal bureau of investigation as required under federal law if the following requirements are met:

1. The requesting federal agency provides its legal authorization to the bureau or criminal justice agency.
2. The request relates to an individual under investigation by the department of defense, department of state, department of transportation, office of personnel management, central intelligence agency, or the federal bureau of investigation for the purpose of determining eligibility for a security clearance, access to classified information, assignment to or retention in sensitive national security duties, acceptance or retention in the armed forces, appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the federal government or performing a federal government contract.

3. The requesting federal agency has received a written consent from the individual under investigation to authorize disclosure of criminal history record information for the purposes specified in this rule.
4. The request for record check is written and contains the biometric data of the record subject, or if the request is made without the submission of biometric data, the request must also include the name of the record subject and at least two items of information used to retrieve criminal history records, including:
 - a. The state identification number assigned to the record subject by the bureau.
 - b. The social security number of the record subject.
 - c. The date of birth of the record subject.
 - d. A specific reportable event identified by date and by either a criminal justice agency or a court.
5. The information has not been purged or sealed.
6. The identifying information in support of a request for a criminal history record does not match the record of more than one individual.
7. The information to be disclosed is information relative to a reportable event initiated within that criminal justice agency in accordance with section 10-13-04-01.

History: Effective November 1, 1987; amended effective January 1, 2016.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.3, 12-60-16.5, 12-60-16.6