

TITLE 110

CRIMINAL JUSTICE INFORMATION SHARING BOARD

Article

110-01 General Administration

ARTICLE 110-01

GENERAL ADMINISTRATION

Chapter

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CHAPTER 110-01-01 ORGANIZATION

Section

110-01-01-01	Organization of the Criminal Justice Information Sharing Board
110-01-01-02	Criminal Justice Information Sharing Staff

110-01-01-01. Organization of the criminal justice information sharing board.

1. History and function. The 2003 Legislative Assembly created the criminal justice information sharing board, codified at North Dakota Century Code section 54-59-21. The board is required to set policy relating to the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions. The board further provides operational oversight for criminal justice information sharing activities approves and provides oversight of related budgets. The board may appoint such committees as it deems necessary.
2. Board membership. The board consists of the chief justice of the supreme court or the chief justice's designee, the attorney general or the attorney general's designee, the chief information officer of the state, the director of the department of emergency services or the director's designee, the director of the department of corrections and rehabilitation or the director's

designee, the superintendent of the state highway patrol or the superintendent's designee, the chief of the bureau of criminal investigation, the director of the department of transportation or the director's designee, a representative of a city police department, a representative of a county sheriff's office, a state's attorney from the North Dakota state's attorneys association, and one at-large member appointed by the governor.

3. Inquiries. Inquiries regarding the board may be addressed to:

Criminal Justice Information Sharing Director
North Dakota Criminal Justice Information Sharing
Information Technology Department
600 East Boulevard, Dept. 112
Bismarck, North Dakota 58505-0100

History: Effective _____
General Authority: NDCC 54-59-21
Law Implemented: NDCC 54-59-21

110-01-01-02. Criminal justice information sharing staff. The director is hired by the board and serves at the pleasure of the board and is under the direct supervision of the board. The director is authorized to hire additional staff and is responsible for the daily supervision and direction of all criminal justice information sharing staff. The Criminal justice information sharing staff, when authorized, may act on behalf of the board.

History: Effective _____
General Authority: NDCC 54-59-21
Law Implemented: NDCC 54-59-21

CHAPTER 110-01-02
ACCESS

Section

110-01-02-01	Criminal Justice Information Sharing (CJIS) Portal Access
110-01-02-02	Confidentiality

110-01-02-01. Criminal justice information sharing (CJIS) portal access.

1. Criminal justice agencies and any other person designated by the board may be authorized to access the CJIS system. Criminal justice agency means any government law enforcement agency or entity authorized by law to provide information regarding, or to exercise the powers of, arrest, detention, prosecution, correctional supervision, rehabilitation, or release of persons suspected in, charged with, or convicted of, crime. The criminal justice agency must cooperate with the Criminal Justice Information Sharing Board and is responsible for providing its own technological infrastructure. The board is responsible for establishing security standards for access, and may audit or monitor the CJIS system for abuse by users.
2. In order for users to access the CJIS system, the employing criminal justice agency must sign the CJIS Agency Agreement, agreeing to abide by the policies and procedures governing access to and use of the CJIS system.
3. Individual users must apply for access to the CJIS system by signing the application and submitting to a background check. In addition to their hiring agency agreement, individual users must agree to the policies and procedures governing use of the CJIS system. The board is responsible for reviewing all

applications and- determining approval of the application. The board may delegate this responsibility to the director.

a. The policy for approval of user access, termination or suspension of access to the CJIS system will be based on an arrest, deferred imposition, or conviction as follows:

i. Felony: access denied;

ii. Misrepresentation on user access application form: access denied;

iii. Misdemeanor A: access will be allowed five years from the date of last conviction, release from incarceration, or expiration of probation, whichever is the latest;

iv. Misdemeanor B: access will be allowed two years from the date of last conviction, release from incarceration, or expiration of probation, whichever is the latest; excluding first time offenders convicted of issuing checks without funds or account and first offense B misdemeanor criminal traffic offense violations.

b. In reviewing the applications, the board may take into account other factors in determining whether to approve an individual user's application. A decision to deny access must be in writing and must set forth the basis for the decision.

4. Access to the CJIS system may be terminated at any time for violation of the CJIS Agency Agreement or for a qualifying arrest or conviction specified under

the provisions of section 3, or for other reasons that are determined by the board necessary to ensure the security or integrity of the CJIS system.

5. Any criminal justice agency whose agency application, agency access, or individual user application or access has been denied, terminated, or suspended by may file a written appeal of the decision to the board. The decision of the board is final.

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General Authority: NDCC 54-59-21
Law Implemented: NDCC 54-59-21

110-01-02-02. Confidentiality.

1. The CJIS system has been designated as a critical infrastructure as defined in North Dakota Century Code section 44-04-24. The CJIS system's design, and standards to access the system, could be compromised if its design or standards for access were to be made public. Accordingly, all such information is deemed to be part of a security system plan under North Dakota Century Code section 44-04-24, and is exempt from the open records law under that statute.
2. Any criminal justice agency or individual authorized user who has been granted access to the CJIS system must keep the information contained in CJIS, passwords, structure, and qualifications for access, confidential. Any breach of confidentiality may result in revocation of access to the CJIS

system for both the individual found in violation of the confidentiality provisions and the individual's employing agency.

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