CHAPTER 110-01-02
ACCESS

Section

110-01-02-01. Criminal justice information sharing portal access.

1. Criminal justice agencies and any other person designated by the board may be authorized to access the criminal justice information sharing (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 CJIS 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 or termination or suspension of user access to the CJIS system will be based on an arrest, deferred imposition, or conviction as follows:

        (1) Felony: access denied;

        (2) Misrepresentation on user access application form: access denied;

        (3) Misdemeanor class A: access will be allowed five years from the date of last conviction, release from incarceration, or expiration of probation, whichever is the latest; and

        (4) Misdemeanor class 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 class 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 subsection 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 may file a written appeal of the decision to the board. The decision of the board is final.

History: Effective July 1, 2010.
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.

History: Effective July 1, 2010.
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