

**SECTION .0400 – USE AND ACCESS REQUIREMENTS FOR CRIMINAL HISTORY RECORD  
INFORMATION, NICS INFORMATION, AND N-DEX INFORMATION**

**14B NCAC 18B .0401 DISSEMINATION AND LOGGING OF CHRI AND NICS RECORDS**

- (a) Criminal history record information (CHRI) obtained from or through DCIN, NCIC, N-DEx, or Nlets shall not be disseminated to anyone outside of those agencies eligible under 14B NCAC 18A .0201(a) except as provided by Rules .0403, .0405, .0406, and .0409 of this Section. Any agency assigned a limited access ORI shall not obtain CHRI. Any agency requesting CHRI that has not received an ORI pursuant to 14B NCAC 18A .0201(a) shall be denied access and referred to the North Carolina CSO.
- (b) CHRI is available to eligible agency personnel only on a "need-to-know" basis as defined in 12 NCAC 04H .0104.
- (c) The use or dissemination of CHRI obtained through DCIN or N-DEx for unauthorized purposes is a violation of this Rule.
- (d) CIIS shall maintain an automated log of CCH/CHRI/National Instant Criminal Background Check System (NICS) inquiries for a period of not less than one year from the date of inquiry. The automated log shall contain the following information as supplied by the user on the inquiry screen and shall be made available on-line to the inquiring agency;
- (1) date of inquiry;
  - (2) name of record subject;
  - (3) state identification number (SID) or FBI number of the record subject;
  - (4) message key used to obtain information;
  - (5) purpose code;
  - (6) user's initials;
  - (7) (Attention field) name of person and agency requesting information who is the initial user of the record;
  - (8) (Attention 2 field) name of person and agency requesting information who is outside of the initial user agency. If there is not a second individual receiving the information, information indicating why the information is requested may be placed in this field; and
  - (9) if applicable, NICS Transaction Number (NTN) for NICS logs only.
- (e) Criminal justice agencies making secondary disseminations of CCH, CHRI, N-DEx, or NICS information obtained through DCIN shall maintain a log of the dissemination in a case. This log must identify the name of the recipient and their agency.
- (f) Each criminal justice agency obtaining CHRI through a DCIN device shall conduct an audit of their automated CCH log as provided by DCIN once every month for the previous month. The audit shall take place within 15 business days of the end of the month being reviewed. This audit shall include a review for unauthorized inquiries and disseminations, improper use of agency ORI's, agency names, and purpose codes. These logs must be maintained on file for one year from the date of the inquiry, and may be maintained electronically by the criminal justice agency. Any violation of CIIS rules must be reported by an agency representative to CIIS within 20 business days of the end of the month being reviewed. On those months that do not contain 20 business days, any violations of CIIS rules must be reported by an agency representative to CIIS by the first business day of the following month, at the latest. If an agency does not have a device connected to DCIN that can receive CHRI, this audit is not required.
- (g) Each criminal justice agency obtaining information from NICS or N-DEx shall conduct the same monthly audit as those for CHRI logs. The audit shall take place within 15 business days of the end of the month being reviewed. This audit shall include a review for unauthorized inquiries or disseminations and improper use of purpose codes. These logs must be maintained on file for one year from the date of inquiry, and may be maintained electronically by the criminal justice agency. Any violation of CIIS rules must be reported by an agency representative to CIIS within 20 business days of the end of the month being reviewed. On those months that do not contain 20 business days, any violations of CIIS rules must be reported by an agency representative to CIIS by the first business day of the following month, at the latest.
- (h) DCIN automated CCH logs, automated NICS logs, and any secondary dissemination logs shall be available for audit or inspection by the CSO or his designee as provided in 14B NCAC 18B .0801.
- (i) Out of state agencies requesting a statewide criminal record check shall utilize NCIC.

*History Note: Authority G.S. 114-10; 114-10.1;  
Eff. August 1, 2014;*

*Transferred and Recodified from 12 NCAC 04I .0401 Eff. November 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,  
2016.*