

11 NCAC 19 .0107 ORIGINAL AND DUPLICATE RECORDS

(a) All records that are required to be maintained by this Chapter shall be either original or duplicate records, as defined in this Rule.

(b) For the purpose of this Chapter, an "original record" is the writing or recording itself or any counterpart intended to have the same effect by a person executing or issuing it. An "original" of a photograph includes the negative or any print therefrom. If data are, in the normal and ordinary course of business, stored in a computer or similar device, any printout or other output readable by sight, shown to reflect the data accurately, is an "original record".

(c) For the purpose of this Chapter, a "duplicate record" is a counterpart produced by the same impression as the original record, or from the same matrix, or by mechanical or electronic re-recording or by chemical reproduction, or by equivalent techniques, such as imaging or image processing, that accurately reproduce the original record.

(d) If only duplicate records are maintained, the following requirements must be met:

- (1) The data must be easily accessible to the Department in readable form; and readable, reproduced copies must be obtainable;
- (2) Before the destruction of any original records, the person in possession of the original records shall verify that the records stored consist of all information contained in the original records and that the original records can be constructed therefrom in a form acceptable to the Department; and
- (3) Adequate controls must be established with respect to the transfer and maintenance of data.

(e) Disaster preparedness or disaster recovery procedures that include provisions for the maintenance or reconstruction of original or duplicate records at another location must be maintained.

(f) Every foreign insurer licensed in North Carolina shall be in substantial compliance with this Rule.

History Note: Authority G.S. 58-2-40(1); 58-2-50; 58-2-131; 58-2-132; 58-2-133; 58-2-134; 58-2-185; 58-2-190; 58-2-195; 58-20-30; 58-21-40; 58-21-75; 58-22-20(6); 58-23-25; 58-24-135; 58-27-10; 58-36-85(1); 58-39-70; 58-47-100; 58-48-65; 58-49-55; 58-56-16; 58-62-66; 58-63-20; 58-64-55; 58-65-105; 58-67-100;

Eff. March 1, 1993;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 20, 2015.