12 NCAC 04I .0406 is proposed for adoption as follows:

**12 NCAC 04I .0406 RESTRICTIVE USE OF CCH FOR EMPLOYMENT PURPOSES**

(a) Use of computerized criminal history information maintained by the CIIS for licensing permits or non-criminal justice employment purposes shall be authorized only for those criminal justice and non-criminal justice agencies who have complied with Rule .0405 of this Section.

(b) The following requirements and restrictions are applicable to all agencies who have received approval to use computerized criminal history information for licensing, permits, or non-criminal justice employment purposes. Each such agency is responsible for their implementation:

(1) computerized criminal history information obtained shall not be used or disseminated for any other purpose;

(2) computerized criminal history information obtained shall not be released to or reviewed by anyone other than the agencies authorized by CIIS;

(3) the only data in the computerized criminal history files which may be used in an agency's determination of issuing or denying a license, permit or employment are those crimes stipulated in the referenced ordinance or statutory authority as grounds for disqualification. All criminal history arrest information held by CIIS shall be released regardless of disposition status. Each agency is responsible for reviewing each statutory authority and knowing what data may be used and what data shall not be used for grounds in denying or issuing a particular license or permit for employment;

(4) prior to denial of a license, permit, or employment due to data contained in a computerized criminal history record, a fingerprint card of the applicant shall be submitted to CIIS for verification that the record belongs to the applicant;

(5) if the information in the record is used to disqualify an applicant, the official making the determination of suitability for licensing or employment shall provide the applicant the opportunity to correct, complete, or challenge the accuracy of the information contained in the record. The applicant must be afforded a reasonable time to correct, complete or to decline to correct or complete the information. An applicant shall not be presumed to be guilty of any charge/arrest for which there is no final disposition stated on the record or otherwise determined. Applicants wishing to correct, complete or otherwise challenge a record must avail themselves of the procedure set forth in 12 NCAC 04I .0404 (c).

(c) A "no-record" response on a computerized criminal history inquiry does not necessarily mean that the individual does not have a record. If the requesting agency desires a more complete check on an applicant, a fingerprint card of the applicant shall be submitted to DCI.

*Authority G.S. 114-10; 114-10.1; 114-19.1.*