

1 09 NCAC 06D .0104 is proposed for adoption as follows:

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3 **09 NCAC 06D .0104 REQUESTOR DATA SHARING AGREEMENTS AND REQUIREMENTS**

4 (a) Except as provided in Paragraph (b) of this Rule, all Requestors shall enter into a data sharing agreement with  
5 the Contributors that are the custodians of the Data that may be needed to generate a requested report. The  
6 requestor data sharing agreement shall be separate and distinct from the Memorandum of Understanding  
7 between the Contributors and GDAC.

8 (b) Requestors who are also Contributors and parties to the Contributor Memorandum of Understanding shall not be  
9 required to enter into a Requestor data sharing agreement unless one or more of the Contributors responding to  
10 the party's Request requires a data sharing agreement to be entered into before Data is disclosed. An example of  
11 when a Requestor data sharing agreement may be required is an instance where a Contributor is making a  
12 Request of the NC Department of Commerce for Data that has not been Aggregated.

13 (c) The Requestor data sharing agreements shall contain, at a minimum, the following:

14 (1) limitations on Report access to authorized persons;

15 (2) prohibition on the re-identification of persons included in Reports as only de-identified information  
16 may be presented to Requestors in Reports from the System pursuant to G.S. 116E-(5)(e);

17 (3) information technology system and data security standards required by the Contributor who will be  
18 providing Data for the Report;

19 (4) privacy compliance standards;

20 (5) data breach procedures, including notification of DIT of any cybersecurity incidents as described by  
21 G.S. 143B-1320(a)(12) or G.S. 143b-1320(a)(15) using the incident report form available at:  
22 [https://it.nc.gov/resources/cybersecurity-risk-management/statewide-cybersecurity-incident-report-](https://it.nc.gov/resources/cybersecurity-risk-management/statewide-cybersecurity-incident-report-form)  
23 [form](https://it.nc.gov/resources/cybersecurity-risk-management/statewide-cybersecurity-incident-report-form);

24 (6) terms regarding the disclaimer of liability and warranties as applied to Contributors; and

25 (7) data retention and data removal standards, if applicable.  
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27 *History Note: Authority G.S. 143B-1321(a)(16); 116E-4(b)*