

**641—37.31(136C) Protection of information.**

**37.31(1)** Each licensee who obtains background information on an individual under these rules shall establish and maintain a system of files and written procedures for protection of the record and the personal information from unauthorized disclosure.

**37.31(2)** The licensee may not disclose the record or personal information collected and maintained to persons other than the subject individual, the individual's representative, or to those who have a need to have access to the information in performing assigned duties in the process of granting or denying unescorted access to category 1 or category 2 quantities of radioactive material, safeguards information, or safeguards information-modified handling. No individual authorized to have access to the information may disseminate the information to any other individual who does not have a need to know.

**37.31(3)** The personal information obtained on an individual from a background investigation may be provided to another licensee:

*a.* Upon the individual's written request to the licensee holding the data to disseminate the information contained in the individual's file; and

*b.* If the recipient licensee verifies information such as name, date of birth, social security number, gender, and other applicable physical characteristics.

**37.31(4)** The licensee shall make background investigation records obtained under these rules available for examination by an authorized representative of the agency to determine compliance with the regulations and laws.

**37.31(5)** The licensee shall retain all fingerprint and criminal history records on an individual (including data indicating no record) received from the FBI, or a copy of these records if the individual's file has been transferred, for three years from the date the individual no longer requires unescorted access to category 1 or category 2 quantities of radioactive material.

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