

Confidential Records

BSB 0101-01

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BOILER SAFETY BUREAU

STANDARD OPERATING PROCEDURE MANUAL

CONFIDENTIAL RECORDS – BSB 0101-01 **R3**

1.0 PURPOSE

This instruction is a guide for handling confidential records kept on file within the Boiler Safety Bureau.

2.0 SCOPE

This instruction applies to all confidential records.

3.0 DEFINITIONS

3.1 “Public Records” are defined in N.C. Gen. Stat. § 132-1.

https://ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_132/GS_132-1.pdf

3.2 “Trade Secrets” are addressed in Article 24 Chapter 66 of the N.C. General Statutes and the term is specifically defined at N.C. Gen. Stat. § 66-152(3):

“‘Trade Secret’ means business or technical information, including but not limited to a formula, pattern, program, device, compilation of information, method, technique, or process that:

- a. Derives independent actual or potential commercial value from not being generally known or readily ascertainable through independent development or reverse engineering by persons who can obtain economic value from its disclosure or use; and
- b. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.”

https://ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_66/GS_66-152.pdf

3.3 “Confidential information” is defined in N.C. Gen. Stat. § 132-1.2. That statute states that nothing requires or authorizes a public agency to disclose any information that specifically includes:

- a. A "trade secret" as defined in G.S. 66-152(3).
- b. Is the property of a private “person” as defined in G.S. 66-152(2).
- c. Is disclosed or furnished to the public agency in connection with the owner’s performance of a public contract or in connection with a bid, application, proposal, industrial development project, or in compliance with the laws, regulations, rules, or ordinances of the United States, the State, or political subdivisions of the State.
- d. Is designated or indicated as a “confidential” or as a “trade secret” at the time of its initial disclosure to the public agency.

https://ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_132/GS_132-1.2.pdf

- 3.4 The Privacy of State Personnel Records is addressed in Article 7 of Chapter 126 of the N.C. General Statutes. Contact the Human Resources Division or the Legal Affairs Division regarding any questions related to personnel records.

https://ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_126/Article_7.pdf

- 3.5 The Bureau is prohibited from creating or providing copies of any documents that the Department of Labor purchases, pays a subscription fee to obtain, or are copyrighted. This includes, but is not limited to, ASME Standards, National Board standards and copyrighted trade publications.

- 3.6 Archiving of all records shall be done in accordance with the Department of Labor's Records Retention Schedule issued by State Archives.

4.0 RESPONSIBILITIES

- 4.1 The Bureau Chief has the overall responsibility for implementation of this instruction.
- 4.2 The Assistant Bureau Chief is responsible in the absence of the Bureau Chief.
- 4.3 The Administrative Specialist Supervisor is responsible for filing, storing, and archiving as set forth in this instruction.
- 4.4 All Bureau personnel are required to safeguard the confidentiality of information obtained during inspection activities.

5.0 HEALTH and SAFETY ISSUES

Not applicable.

6.0 PROCEDURE

- 6.1 Determine if the record contains any confidential information.
- 6.1.1 If documents contain a trade secret or confidential information as defined in the N.C. General Statutes, the front of the folder or notebook is to be clearly marked with permanent marker with the following label: "Trade Secret – Do Not Disclose" or "Confidential Information – Do Not Disclose."

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- 6.2 Storage of confidential information.
 - 6.2.1 All confidential information shall be stored in a secure manner such as a locked cabinet or storage room.
- 6.3 Public records request for documents containing confidential information.
 - 6.3.1 All public records requests will be addressed to the Bureau Chief.
 - 6.3.2 Confidential information will be redacted or removed prior to fulfilling a records request.
 - 6.3.3 A list shall be maintained of all public records requests made to the Bureau and shall include the name and all contact information for the requesting party.

7.0 CUSTOMER SERVICE REQUIREMENTS

The purpose of following this procedure is to provide the customer, be it the public, employees of the Bureau, or other state agencies, with the most efficient service, information, training, and assistance possible.

8.0 DATA and RECORD MANAGEMENT

- 8.1 ***All Boiler Safety Bureau documents and records shall be maintained in accordance with the Functional Schedule for North Carolina State Agencies as adopted by State Archives, a Division of the North Carolina Department of Natural and Cultural Resources.***
- 8.2 The Bureau Chief, Assistant Bureau Chief and all administrative personnel of the Boiler Safety Bureau shall work with the Department of Labor's Chief Records Officer regarding archiving all bureau records based on the scheduled established by State Archives.