

803 CMR 8.00: OBTAINING CRIMINAL OFFENDER RECORD INFORMATION (CORI) FOR RESEARCH PURPOSES

Section

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8.01: Purpose, and Scope

- (1) 803 CMR 8.00 is issued in accordance with M.G.L. c. 6, §§ 167A, 172, and 173; and M.G.L. c. 30A.
- (2) 803 CMR 8.00 sets forth procedures for accessing CORI for academic research purposes.
- (3) 803 CMR 8.00 applies to any individual or organization seeking CORI for the purpose of conducting a research project and to all research project members.
- (4) Nothing contained in 803 CMR 8.00 shall be interpreted to limit the authority granted to the Criminal Record Review Board (CRRB) or to the Department of Criminal Justice Information Services (DCJIS) by the Massachusetts General Laws.

8.02: Definitions

All definitions set forth in 803 CMR 2.00, 5.00, 7.00, 9.00 and 11.00 are incorporated herein by reference. No additional terms are defined in this section.

8.03: Obtaining CORI for Academic Research

- (1) A criminal justice agency that accesses CORI via the CJIS may utilize CORI for research purposes without seeking further approval from the DCJIS.
- (2) Criminal justice agencies that use CORI for research purposes shall comply with the subject anonymity requirements set forth in 803 CMR 8.03(3).
- (3) All others requesting use of CORI for research purposes shall complete a CORI Research Application and obtain approval from the DCJIS. The applicant shall:
 - (a) provide a detailed description of the research project, including the type of CORI sought and the reason(s) it is relevant to the project; and
 - (b) demonstrate that the research project is being conducted for a valid educational, scientific, or other public purpose.

8.04: Precautions for CORI Utilization for Research Purposes

- (1) All agencies and individuals who use CORI for research shall preserve the anonymity of the individuals whose CORI is sought.
- (2) A non-criminal justice agency seeking CORI for research purposes shall designate and specifically identify in its CORI Research Application the research project member(s) responsible for preserving the anonymity of research subjects.
- (3) The research project director and each project member shall complete an Individual Agreement of Non-Disclosure (AOND).
- (4) The original AONDS shall be retained by the research project director for a minimum of three years following project completion or termination.

- (5) The project researchers shall segregate identifying data from the rest of the CORI by assigning an arbitrary, non-duplicating code which shall be maintained in a secure place under the control of the project director.
- (6) Access to the code shall be limited to the project director and to those project members specifically identified as responsible for preserving the anonymity of the research.
- (7) Hard copies and electronic copies of CORI shall only be retained and stored as provided in 803 CMR 2.12.
- (8) Upon completion or termination of the research project, the project director shall destroy the code and all CORI data and shall attest to the DCJIS, in writing, that such destruction has been effected.
- (9) Hard and electronic copies of CORI shall only be destroyed in accordance with the provisions of 803 CMR 2.13.

8.05: Oversight, Audit, and Complaint Processes Regarding Research Use

- (1) The DCJIS shall have the right to inspect any research project and to conduct an audit of the researcher's use of CORI.
- (2) The DCJIS may require periodic compliance reports.
- (3) Upon a finding of CORI misuse, the DCJIS may revoke approval for current access, demand and secure the return of CORI, and deny future access to CORI.
- (4) A researcher approved for CORI access is subject to the authority of the CRRB, pursuant to 803 CMR 2.00.

8.06: Severability

If any provision of 803 CMR 8.00, or the application thereof, is held to be invalid, such invalidity shall not affect the other provisions or the application of any other part of 803 CMR 8.00 not specifically held invalid and, to this end, the provisions of 803 CMR 8.00 and various applications thereof are declared to be severable.

REGULATORY AUTHORITY

803 CMR 8.00: M.G.L. c. 6; §§ 167A, 172 and 173; and M.G.L. c. 30A.