

§ 120-77. Additional powers; confidentiality; penalties.

(a) The Commission shall have the power to compel the following in the discharge of its duties under this Article:

- (1) Access to any document or system of record held by a:
 - a. State agency pursuant to the provisions of G.S. 120-19.
 - b. Unit of local government or public authority.
 - c. A non-State entity receiving, directly or indirectly, public funds, to the extent the documents relate to the receipt, purpose, or implementation of a program or service paid for with public funds.
- (2) Attendance of any officer or employee of any:
 - a. State agency.
 - b. Unit of local government or public authority.
 - c. Non-State entity receiving public funds provided the officer or employee is responsible for implementing a program or providing a service paid for with public funds.

(b) Unless prohibited by federal law, the Commission and Commission staff shall be provided access to all of the following in the discharge of their duties under this Article:

- (1) Any building or facility allocated to or leased by a State agency.
- (2) Any building or facility owned or leased by a unit of local government or public authority.
- (3) Any building or facility owned or leased by a non-State entity receiving public funds provided (i) the building or facility is used to implement a program or provide a service paid for with public funds and (ii) the access is reasonably related to the receipt, purpose, or implementation of a program or service paid for with public funds.

(c) The Commission cochairs shall each designate one Commission staff member who shall have access to the BEACON/HR payroll system.

(d) Any confidential information obtained by the Commission shall remain confidential and is not a public record as defined in G.S. 132-1.

(e) Any document or information obtained or produced by Commission staff in furtherance of staff's duties to the Commission is confidential and is not a public record as defined in G.S. 132-1.

(f) Any request made to an agency employee by Commission staff and any communication between Commission staff and an agency employee is confidential. An agency employee shall treat as confidential to a member of Commission staff any request from and any communication with the member. The nature and existence of the request and communications shall only be revealed by an agency employee to another agency employee to the extent that it is necessary to fulfill a request for document production or to gather more information as requested by the member of Commission staff. A violation of this subsection by an agency employee shall be grounds for disciplinary action, including dismissal.

(g) A person who conceals, falsifies, or refuses to provide to the Commission any document, information, or access to any building or facility as required by this Article with the intent to mislead, impede, or interfere with the Commission's discharge of its duties under this Article shall be guilty of a Class 2 misdemeanor.

(h) The provisions of G.S. 120-19.1 through 120-19.4 shall apply to the proceedings of the Commission as if it were a joint committee of the General Assembly. (1975, c. 490; 1977, c. 344, s. 1; 2022-6, s. 15.2; 2023-134, s. 27.10(b).)