

**§ 15A-151. Confidential agency files; exceptions to expunction.**

(a) The Administrative Office of the Courts shall maintain a confidential file for expungements containing the petitions granted under this Article and the names of those people for whom it received a notice under G.S. 15A-150. The information contained in the file may be disclosed only as follows:

- (1) Upon request of a judge of the General Court of Justice of North Carolina for the purpose of ascertaining whether a person charged with an offense has been previously granted a discharge or an expunction.
- (2) Upon request of a person requesting confirmation of the person's own discharge or expunction.
- (3) To the General Court of Justice of North Carolina in response to a subpoena or other court order issued pursuant to a civil action under G.S. 15A-152.
- (4) Upon request of State or local law enforcement, if the criminal record was expunged under this Chapter for employment purposes only.
- (5) Upon the request of the North Carolina Criminal Justice Education and Training Standards Commission, if the criminal record was expunged under this Chapter for certification purposes only.
- (6) Upon request of the North Carolina Sheriff's Education and Training Standards Commission, if the criminal record was expunged under this Chapter for certification purposes only.
- (7) To the district attorney in accordance with G.S. 15A-151.5.
- (8) Upon request of the North Carolina Sheriffs' Education and Training Standards Commission, if the criminal record was expunged under this Chapter for purposes of preparing a disclosure statement in accordance with Article 3 of Chapter 17E of the General Statutes.
- (9) For disclosure of records of previous dismissal pursuant to conditional discharge, upon joint request of the district attorney and the defendant in a pending proceeding for the purpose of determining eligibility for a conditional discharge. Any report disclosed in response to the joint request shall be delivered only to the clerk of superior court of the county in which the matter is pending. Upon receipt of the report from the Administrative Office of the Courts, the clerk shall provide a copy to the district attorney and to the defendant. The clerk shall otherwise maintain the information as a confidential record in the court file for the case.

(a1) Court records expunged under this Article are confidential and shall be retained by the clerks of superior court as confidential files. Expunged records retained by the clerks under this subsection shall be retained in accordance with the retention schedule for the underlying case type, as prescribed by the Director of the Administrative Office of the Courts in conjunction with the State Archives pursuant to Chapter 121 of the General Statutes. The Administrative Office of the Courts shall maintain on behalf of the clerks of superior court any expunged records retained in electronic form by the clerks under this subsection.

(a2) The Administrative Office of the Courts shall make all confidential records maintained under this section electronically available to the clerks of superior court and to personnel of the clerks' offices designated by the respective clerk. A clerk shall not disclose to any person or for any reason the existence or content of any expunged record from a county other than the clerk's own county. A clerk shall disclose the existence or content of an expunged record from the clerk's own county only as follows:

- (1) Upon request of a person, or the attorney representing the person on the expunction matter, requesting disclosure or copies of the person's record.
- (2) To the office of the district attorney.

(3) To the Office of the Appellate Defender upon appointment of that office as counsel for the person who was the subject of the expunged record.

(b) All agencies required under G.S. 15A-150 to expunge from records all entries made as a result of a charge or conviction ordered expunged who maintain a licensing agreement to provide record information to a private entity shall maintain a confidential file containing information verifying the expunction and subsequent notification to private entities as required by G.S. 15A-150(d). The information contained in the file shall be disclosed only to a person requesting confirmation of expunction of the record of the person's own discharge or expunction, as provided in G.S. 15A-152.

(c) The Division of Motor Vehicles shall not be required to expunge a record if the expunction of the record is expressly prohibited by the federal Commercial Motor Vehicle Safety Act of 1986, the federal Motor Carrier Safety Improvement Act of 1999, or regulations adopted pursuant to either act. (2009-510, s. 1; 2010-174, s. 8; 2011-278, s. 2; 2012-191, s. 5; 2013-368, s. 13; 2015-40, s. 4; 2017-195, s. 1; 2020-35, s. 2(b); 2021-107, s. 6; 2021-118, s. 3; 2022-47, s. 12(a); 2024-35, s. 1(b).)