

§ 169-10. Privacy; confidentiality of records.

(a) The Innovation Council or applicable State agency may collect personal information that is relevant and necessary to accomplish a lawful purpose. The Innovation Council or applicable State agency may not disclose personal information without the consent of the subject of the information, or unless required by law or regulation.

(b) Documents, materials, or other information in the possession of the applicable State agency that are obtained by, or disclosed to, that agency or any other person in the course of filing for review and approval of an innovative product or service under this Chapter are not public records under Chapter 132 of the General Statutes, and except in actions brought for a violation of G.S. 169-7, are confidential and privileged, are not subject to a subpoena or discovery, and are inadmissible in evidence in any civil action. The Council or the applicable State agency may also use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as part of their official duties or this Chapter.

(c) Nothing in this section shall prohibit a sandbox participant, upon approval of the applicable State agency, from disclosing information to an insurance carrier for the purpose of obtaining insurance coverage required for participation in the sandbox program; provided, however, that the insurance carrier must agree in writing to maintain the confidentiality of the information. (2021-166, s. 1; 2023-134, s. 11.14(h).)