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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **1404**

02/22/2021

Authored by Becker-Finn

The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act

1.2 relating to government data practices; making changes to reflect the prior expiration

1.3 of the Legislative Commission on Data Practices and Personal Data Privacy;

1.4 amending Minnesota Statutes 2020, sections 13.824, subdivision 6; 13.825,

1.5 subdivision 9.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2020, section 13.824, subdivision 6, is amended to read:

1.8 Subd. 6. **Biennial audit.** (a) In addition to the log required under subdivision 5, the law

1.9 enforcement agency must maintain records showing the date and time automated license

1.10 plate reader data were collected and the applicable classification of the data. The law

1.11 enforcement agency shall arrange for an independent, biennial audit of the records to

1.12 determine whether data currently in the records are classified, how the data are used, whether

1.13 they are destroyed as required under this section, and to verify compliance with subdivision

1.14 7. If the commissioner of administration believes that a law enforcement agency is not

1.15 complying with this section or other applicable law, the commissioner may order a law

1.16 enforcement agency to arrange for additional independent audits. Data in the records required

1.17 under this paragraph are classified as provided in subdivision 2.

1.18 (b) The results of the audit are public. The commissioner of administration shall review

1.19 the results of the audit. If the commissioner determines that there is a pattern of substantial

1.20 noncompliance with this section by the law enforcement agency, the agency must

1.21 immediately suspend operation of all automated license plate reader devices until the

1.22 commissioner has authorized the agency to reinstate their use. An order of suspension under

1.23 this paragraph may be issued by the commissioner, upon review of the results of the audit,

review of the applicable provisions of this chapter, and after providing the agency a reasonable opportunity to respond to the audit's findings.

(c) A report summarizing the results of each audit must be provided to the commissioner of administration, to the ~~chair~~ chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over data practices and public safety issues, ~~and to the Legislative Commission on Data Practices and Personal Data Privacy~~ no later than 30 days following completion of the audit.

Sec. 2. Minnesota Statutes 2020, section 13.825, subdivision 9, is amended to read:

Subd. 9. Biennial audit. (a) A law enforcement agency must maintain records showing the date and time portable recording system data were collected and the applicable classification of the data. The law enforcement agency shall arrange for an independent, biennial audit of the data to determine whether data are appropriately classified according to this section, how the data are used, and whether the data are destroyed as required under this section, and to verify compliance with subdivisions 7 and 8. If the governing body with jurisdiction over the budget of the agency determines that the agency is not complying with this section or other applicable law, the governing body may order additional independent audits. Data in the records required under this paragraph are classified as provided in subdivision 2.

(b) The results of the audit are public, except for data that are otherwise classified under law. The governing body with jurisdiction over the budget of the law enforcement agency shall review the results of the audit. If the governing body determines that there is a pattern of substantial noncompliance with this section, the governing body must order that operation of all portable recording systems be suspended until the governing body has authorized the agency to reinstate their use. An order of suspension under this paragraph may only be made following review of the results of the audit and review of the applicable provisions of this chapter, and after providing the agency and members of the public a reasonable opportunity to respond to the audit's findings in a public meeting.

(c) A report summarizing the results of each audit must be provided to the governing body with jurisdiction over the budget of the law enforcement agency and to the ~~Legislative Commission on Data Practices and Personal Data Privacy~~ chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over data practices and public safety issues no later than 60 days following completion of the audit.

3.1 Sec. 3. **EFFECTIVE DATE.**

3.2 This act is effective the day following final enactment.