

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 1143**

(SENATE AUTHORS: ORTMAN)

DATE	D-PG	OFFICIAL STATUS
04/11/2011	1262	Introduction and first reading Referred to Judiciary and Public Safety
05/09/2011	1805a 1846	Comm report: To pass as amended Second reading
05/16/2011	2073a 2076	Special Order: Amended Third reading Passed

A bill for an act

1.1 relating to state government; making technical changes to data practices;
1.2 amending Minnesota Statutes 2010, sections 13.02, subdivisions 3, 4, 8a, 9,
1.3 12, 13, 14, 15; 13.03, subdivision 1; 13.10, subdivision 1; 13.201; 13.202,
1.4 subdivision 3; 13.35; 13.3805, subdivisions 1, 2; 13.384, subdivision 1;
1.5 13.39, subdivision 2; 13.392, subdivision 1; 13.393; 13.40, subdivision 1;
1.6 13.41, subdivision 2; 13.46, subdivisions 2, 3, 4, 5, 6; 13.462, subdivision 1;
1.7 13.467, subdivision 1; 13.47, subdivision 1; 13.485, by adding subdivisions;
1.8 13.495; 13.51, subdivisions 1, 2; 13.52; 13.548; 13.55, subdivision 1; 13.585,
1.9 subdivisions 2, 3, 4; 13.59, subdivisions 1, 2, 3; 13.591, subdivision 4; 13.601,
1.10 subdivision 3; 13.643, subdivisions 1, 2, 3, 5, 6, 7; 13.6435, by adding a
1.11 subdivision; 13.65, subdivisions 1, 2, 3; 13.67; 13.679, subdivisions 1, 2; 13.714;
1.12 13.719, subdivisions 1, 5; 13.7191, subdivisions 14, 18; 13.72, subdivision 7;
1.13 13.792; 13.7932; 13.82, subdivisions 2, 3, 6, 7; 13.83, subdivisions 2, 4, 6;
1.14 13.861, subdivision 1; 13.87, subdivisions 1, 2; 79A.16; 79A.28; proposing
1.15 coding for new law in Minnesota Statutes, chapter 13D.
1.16

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

ARTICLE 1

DATA PRACTICES

1.20 Section 1. Minnesota Statutes 2010, section 13.02, subdivision 3, is amended to read:

1.21 Subd. 3. **Confidential data on individuals.** "Confidential data on individuals"
1.22 ~~means~~ are data ~~which is~~ made not public by statute or federal law applicable to the data
1.23 and ~~is~~ are inaccessible to the individual subject of ~~that~~ those data.

1.24 Sec. 2. Minnesota Statutes 2010, section 13.02, subdivision 4, is amended to read:

1.25 Subd. 4. **Data not on individuals.** "Data not on individuals" ~~means~~ are all
1.26 government data ~~which is~~ that are not data on individuals.

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2.1 Sec. 3. Minnesota Statutes 2010, section 13.02, subdivision 8a, is amended to read:

2.2 Subd. 8a. **Not public data.** "Not public data" ~~means~~ are any government data ~~which~~
2.3 ~~is~~ classified by statute, federal law, or temporary classification as confidential, private,
2.4 nonpublic, or protected nonpublic.

2.5 Sec. 4. Minnesota Statutes 2010, section 13.02, subdivision 9, is amended to read:

2.6 Subd. 9. **Nonpublic data.** "Nonpublic data" ~~means~~ are data not on individuals ~~that~~
2.7 ~~is~~ made by statute or federal law applicable to the data: (a) not accessible to the public;
2.8 and (b) accessible to the subject, if any, of the data.

2.9 Sec. 5. Minnesota Statutes 2010, section 13.02, subdivision 12, is amended to read:

2.10 Subd. 12. **Private data on individuals.** "Private data on individuals" ~~means~~ are
2.11 data ~~which is~~ made by statute or federal law applicable to the data: (a) not public; and
2.12 (b) accessible to the individual subject of ~~that~~ those data.

2.13 Sec. 6. Minnesota Statutes 2010, section 13.02, subdivision 13, is amended to read:

2.14 Subd. 13. **Protected nonpublic data.** "Protected nonpublic data" ~~means~~ are data
2.15 not on individuals ~~which is~~ made by statute or federal law applicable to the data (a) not
2.16 public and (b) not accessible to the subject of the data.

2.17 Sec. 7. Minnesota Statutes 2010, section 13.02, subdivision 14, is amended to read:

2.18 Subd. 14. **Public data not on individuals.** "Public data not on individuals" ~~means~~
2.19 are data ~~which is~~ accessible to the public pursuant to section 13.03.

2.20 Sec. 8. Minnesota Statutes 2010, section 13.02, subdivision 15, is amended to read:

2.21 Subd. 15. **Public data on individuals.** "Public data on individuals" ~~means~~ are data
2.22 ~~which is~~ accessible to the public in accordance with the provisions of section 13.03.

2.23 Sec. 9. Minnesota Statutes 2010, section 13.03, subdivision 1, is amended to read:

2.24 Subdivision 1. **Public data.** All government data ~~collected, created, received,~~
2.25 ~~maintained or disseminated~~ by a government entity shall be public unless classified by
2.26 statute, or temporary classification pursuant to section 13.06, or federal law, as nonpublic
2.27 or protected nonpublic, or with respect to data on individuals, as private or confidential.
2.28 The responsible authority in every government entity shall keep records containing
2.29 government data in such an arrangement and condition as to make them easily accessible

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3.1 for convenient use. Photographic, photostatic, microphotographic, or microfilmed records
3.2 shall be considered as accessible for convenient use regardless of the size of such records.

3.3 Sec. 10. Minnesota Statutes 2010, section 13.10, subdivision 1, is amended to read:

3.4 Subdivision 1. **Definitions.** As used in this chapter:

3.5 (a) "Confidential data on decedents" ~~means~~ are data which, prior to the death of
3.6 the data subject, were classified by statute, federal law, or temporary classification as
3.7 confidential data.

3.8 (b) "Private data on decedents" ~~means~~ are data which, prior to the death of the data
3.9 subject, were classified by statute, federal law, or temporary classification as private data.

3.10 (c) "Representative of the decedent" ~~means~~ is the personal representative of the
3.11 estate of the decedent during the period of administration, or if no personal representative
3.12 has been appointed or after discharge of the personal representative, the surviving spouse,
3.13 any child of the decedent, or, if there is no surviving spouse or children, the parents of
3.14 the decedent.

3.15 Sec. 11. Minnesota Statutes 2010, section 13.201, is amended to read:

3.16 **13.201 RIDESHARE DATA.**

3.17 The following government data on participants, ~~collected~~ maintained by the
3.18 Minnesota Department of Transportation and the Metropolitan Council to administer
3.19 rideshare programs, are classified as private under section 13.02, subdivision 12:
3.20 residential address and telephone number; beginning and ending work hours; current mode
3.21 of commuting to and from work; and type of rideshare service information requested.

3.22 Sec. 12. Minnesota Statutes 2010, section 13.202, subdivision 3, is amended to read:

3.23 Subd. 3. **Hennepin County.** (a) Data collected by the Hennepin Healthcare System,
3.24 Inc. are governed under section ~~383B.17~~ 383B.917, subdivision 1.

3.25 (b) Records of Hennepin County board meetings permitted to be closed under
3.26 section 383B.217, subdivision 7, are classified under that subdivision.

3.27 Sec. 13. Minnesota Statutes 2010, section 13.35, is amended to read:

3.28 **13.35 FEDERAL CONTRACTS DATA.**

3.29 To the extent that a federal agency requires it as a condition for contracting with a
3.30 government entity, all government data ~~collected and~~ maintained by the government entity
3.31 because that agency contracts with the federal agency are classified as either private or
3.32 nonpublic depending on whether the data are data on individuals or data not on individuals.

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4.1 Sec. 14. Minnesota Statutes 2010, section 13.3805, subdivision 1, is amended to read:

4.2 Subdivision 1. **Health data generally.** (a) **Definitions.** As used in this subdivision:

4.3 (1) "Commissioner" means the commissioner of health.

4.4 (2) "Health data" ~~means~~ are government data ~~created, collected,~~
4.5 ~~received, or~~ maintained by the Department of Health, political subdivisions, or statewide
4.6 systems relating to the identification, description, prevention, and control of disease or
4.7 as part of an epidemiologic investigation the commissioner designates as necessary to
4.8 analyze, describe, or protect the public health.

4.9 (b) **Data on individuals.** (1) Health data are private data on individuals.

4.10 Notwithstanding section 13.05, subdivision 9, health data may not be disclosed except as
4.11 provided in this subdivision and section 13.04.

4.12 (2) The commissioner or a local board of health as defined in section 145A.02,
4.13 subdivision 2, may disclose health data to the data subject's physician as necessary to locate
4.14 or identify a case, carrier, or suspect case, to establish a diagnosis, to provide treatment, to
4.15 identify persons at risk of illness, or to conduct an epidemiologic investigation.

4.16 (3) With the approval of the commissioner, health data may be disclosed to the
4.17 extent necessary to assist the commissioner to locate or identify a case, carrier, or suspect
4.18 case, to alert persons who may be threatened by illness as evidenced by epidemiologic
4.19 data, to control or prevent the spread of serious disease, or to diminish an imminent threat
4.20 to the public health.

4.21 (c) **Health summary data.** Summary data derived from data collected under section
4.22 145.413 may be provided under section 13.05, subdivision 7.

4.23 Sec. 15. Minnesota Statutes 2010, section 13.3805, subdivision 2, is amended to read:

4.24 Subd. 2. **Huntington's Disease data.** All government data ~~created, collected,~~
4.25 ~~received, or~~ maintained by the commissioner of health on individuals relating to genetic
4.26 counseling services for Huntington's Disease provided by the Department of Health are
4.27 private data on individuals. The data may be permanently transferred from the department
4.28 to the Hennepin County Medical Center, and once transferred, shall continue to be
4.29 classified as private data on individuals.

4.30 Sec. 16. Minnesota Statutes 2010, section 13.384, subdivision 1, is amended to read:

4.31 Subdivision 1. **Definition.** As used in this section:

4.32 (a) "Directory information" means name of the patient, date admitted, and general
4.33 condition.

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5.1 (b) "Medical data" ~~means~~ are government data collected maintained because an
5.2 individual was or is a patient or client of a hospital, nursing home, medical center, clinic,
5.3 health or nursing agency operated by a government entity including business and financial
5.4 records, data provided by private health care facilities, and data provided by or about
5.5 relatives of the individual.

5.6 Sec. 17. Minnesota Statutes 2010, section 13.39, subdivision 2, is amended to read:

5.7 Subd. 2. **Civil actions.** (a) Except as provided in paragraph (b), government data
5.8 ~~collected maintained~~ by a government entity as part of an active investigation undertaken
5.9 for the purpose of the commencement or defense of a pending civil legal action, or which
5.10 are retained in anticipation of a pending civil legal action, are classified as protected
5.11 nonpublic data pursuant to section 13.02, subdivision 13, in the case of data not on
5.12 individuals and confidential pursuant to section 13.02, subdivision 3, in the case of data
5.13 on individuals. Any government entity may make any data classified as confidential or
5.14 protected nonpublic pursuant to this subdivision accessible to any person, agency or the
5.15 public if the government entity determines that the access will aid the law enforcement
5.16 process, promote public health or safety or dispel widespread rumor or unrest.

5.17 (b) A complainant has access to a statement provided by the complainant to a
5.18 government entity under paragraph (a).

5.19 Sec. 18. Minnesota Statutes 2010, section 13.392, subdivision 1, is amended to read:

5.20 Subdivision 1. **Confidential data or protected nonpublic data.** Government data,
5.21 including notes, and preliminary drafts of reports ~~created, collected, and~~ maintained by the
5.22 internal audit offices of government entities, or persons performing audits for government
5.23 entities, and relating to an audit or investigation are confidential data on individuals
5.24 or protected nonpublic data until the final report has been published or the audit or
5.25 investigation is no longer being pursued actively, except that the data shall be disclosed as
5.26 required to comply with section 6.67 or 609.456. This section does not limit in any way:

5.27 (1) the state auditor's access to government data of political subdivisions or
5.28 data, notes, or preliminary drafts of reports of persons performing audits for political
5.29 subdivisions; or

5.30 (2) the public or a data subject's access to data classified by section 13.43.

5.31 Sec. 19. Minnesota Statutes 2010, section 13.393, is amended to read:

5.32 **13.393 ATTORNEYS.**

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6.1 Notwithstanding the provisions of this chapter and section 15.17, ~~the use, collection,~~
6.2 ~~storage, and dissemination of~~ government data maintained by an attorney acting in a
6.3 professional capacity for a government entity shall be governed by statutes, rules, and
6.4 professional standards concerning discovery, production of documents, introduction of
6.5 evidence, and professional responsibility; provided that this section shall not be construed
6.6 to affect the applicability of any statute, other than this chapter and section 15.17, which
6.7 specifically requires or prohibits disclosure of specific information by the attorney, nor
6.8 shall this section be construed to relieve any responsible authority, other than the attorney,
6.9 from duties and responsibilities pursuant to this chapter and section 15.17.

6.10 Sec. 20. Minnesota Statutes 2010, section 13.40, subdivision 1, is amended to read:

6.11 Subdivision 1. **Records subject to this chapter.** (a) For purposes of this section,
6.12 "historical records repository" means an archives or manuscript repository operated by a
6.13 government entity whose purpose is to collect and maintain data to further the history of
6.14 a geographic or subject area. The term does not include the state archives as defined in
6.15 section 138.17, subdivision 1, clause (5).

6.16 (b) Government data ~~collected, maintained, used, or disseminated~~ by a library or
6.17 historical records repository operated by a government entity shall be administered in
6.18 accordance with the provisions of this chapter.

6.19 Sec. 21. Minnesota Statutes 2010, section 13.41, subdivision 2, is amended to read:

6.20 Subd. 2. **Private data; designated addresses and telephone numbers.** (a) The
6.21 following government data ~~collected, created or~~ maintained by any licensing agency are
6.22 classified as private, pursuant to section 13.02, subdivision 12: data, other than their
6.23 names and designated addresses, submitted by applicants for licenses; the identity of
6.24 complainants who have made reports concerning licensees or applicants which appear
6.25 in inactive complaint data unless the complainant consents to the disclosure; the nature
6.26 or content of unsubstantiated complaints when the information is not maintained in
6.27 anticipation of legal action; the identity of patients whose medical records are received by
6.28 any health licensing agency for purposes of review or in anticipation of a contested matter;
6.29 inactive investigative data relating to violations of statutes or rules; and the record of any
6.30 disciplinary proceeding except as limited by subdivision 5.

6.31 (b) An applicant for a license shall designate on the application a residence or
6.32 business address and telephone number at which the applicant can be contacted in
6.33 connection with the license application. A licensee shall designate a residence or business
6.34 address and telephone number at which the licensee can be contacted in connection with

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7.1 the license. By designating an address under this paragraph other than a residence address,
7.2 the applicant or licensee consents to accept personal service of process by service on the
7.3 licensing agency for legal or administrative proceedings. The licensing agency shall mail
7.4 a copy of the documents to the applicant or licensee at the last known residence address.

7.5 Sec. 22. Minnesota Statutes 2010, section 13.46, subdivision 2, is amended to read:

7.6 Subd. 2. **General.** (a) ~~Unless the data is summary data or a statute specifically~~
7.7 ~~provides a different classification, Government~~ data on individuals ~~collected, maintained,~~
7.8 ~~used, or disseminated~~ by the welfare system ~~is~~ are private data on individuals, and shall
7.9 not be disclosed except:

7.10 (1) according to section 13.05;

7.11 (2) according to court order;

7.12 (3) according to a statute specifically authorizing access to the private data;

7.13 (4) to an agent of the welfare system, including a law enforcement person, attorney,
7.14 or investigator acting for it in the investigation or prosecution of a criminal or civil
7.15 proceeding relating to the administration of a program;

7.16 (5) to personnel of the welfare system who require the data to verify an individual's
7.17 identity; determine eligibility, amount of assistance, and the need to provide services to
7.18 an individual or family across programs; evaluate the effectiveness of programs; assess
7.19 parental contribution amounts; and investigate suspected fraud;

7.20 (6) to administer federal funds or programs;

7.21 (7) between personnel of the welfare system working in the same program;

7.22 (8) to the Department of Revenue to assess parental contribution amounts for
7.23 purposes of section 252.27, subdivision 2a, administer and evaluate tax refund or tax credit
7.24 programs and to identify individuals who may benefit from these programs. The following
7.25 information may be disclosed under this paragraph: an individual's and their dependent's
7.26 names, dates of birth, Social Security numbers, income, addresses, and other data as
7.27 required, upon request by the Department of Revenue. Disclosures by the commissioner
7.28 of revenue to the commissioner of human services for the purposes described in this clause
7.29 are governed by section 270B.14, subdivision 1. Tax refund or tax credit programs include,
7.30 but are not limited to, the dependent care credit under section 290.067, the Minnesota
7.31 working family credit under section 290.0671, the property tax refund and rental credit
7.32 under section 290A.04, and the Minnesota education credit under section 290.0674;

7.33 (9) between the Department of Human Services, the Department of Employment
7.34 and Economic Development, and when applicable, the Department of Education, for
7.35 the following purposes:

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8.1 (i) to monitor the eligibility of the data subject for unemployment benefits, for any
8.2 employment or training program administered, supervised, or certified by that agency;

8.3 (ii) to administer any rehabilitation program or child care assistance program,
8.4 whether alone or in conjunction with the welfare system;

8.5 (iii) to monitor and evaluate the Minnesota family investment program or the child
8.6 care assistance program by exchanging data on recipients and former recipients of food
8.7 support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance
8.8 under chapter 119B, or medical programs under chapter 256B, 256D, or 256L; and

8.9 (iv) to analyze public assistance employment services and program utilization,
8.10 cost, effectiveness, and outcomes as implemented under the authority established in Title
8.11 II, Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of
8.12 1999. Health records governed by sections 144.291 to 144.298 and "protected health
8.13 information" as defined in Code of Federal Regulations, title 45, section 160.103, and
8.14 governed by Code of Federal Regulations, title 45, parts 160-164, including health care
8.15 claims utilization information, must not be exchanged under this clause;

8.16 (10) to appropriate parties in connection with an emergency if knowledge of
8.17 the information is necessary to protect the health or safety of the individual or other
8.18 individuals or persons;

8.19 (11) data maintained by residential programs as defined in section 245A.02 may
8.20 be disclosed to the protection and advocacy system established in this state according
8.21 to Part C of Public Law 98-527 to protect the legal and human rights of persons with
8.22 developmental disabilities or other related conditions who live in residential facilities for
8.23 these persons if the protection and advocacy system receives a complaint by or on behalf
8.24 of that person and the person does not have a legal guardian or the state or a designee of
8.25 the state is the legal guardian of the person;

8.26 (12) to the county medical examiner or the county coroner for identifying or locating
8.27 relatives or friends of a deceased person;

8.28 (13) data on a child support obligor who makes payments to the public agency
8.29 may be disclosed to the Minnesota Office of Higher Education to the extent necessary to
8.30 determine eligibility under section 136A.121, subdivision 2, clause (5);

8.31 (14) participant Social Security numbers and names collected by the telephone
8.32 assistance program may be disclosed to the Department of Revenue to conduct an
8.33 electronic data match with the property tax refund database to determine eligibility under
8.34 section 237.70, subdivision 4a;

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9.1 (15) the current address of a Minnesota family investment program participant
9.2 may be disclosed to law enforcement officers who provide the name of the participant
9.3 and notify the agency that:

9.4 (i) the participant:

9.5 (A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after
9.6 conviction, for a crime or attempt to commit a crime that is a felony under the laws of the
9.7 jurisdiction from which the individual is fleeing; or

9.8 (B) is violating a condition of probation or parole imposed under state or federal law;

9.9 (ii) the location or apprehension of the felon is within the law enforcement officer's
9.10 official duties; and

9.11 (iii) the request is made in writing and in the proper exercise of those duties;

9.12 (16) the current address of a recipient of general assistance or general assistance
9.13 medical care may be disclosed to probation officers and corrections agents who are
9.14 supervising the recipient and to law enforcement officers who are investigating the
9.15 recipient in connection with a felony level offense;

9.16 (17) information obtained from food support applicant or recipient households may
9.17 be disclosed to local, state, or federal law enforcement officials, upon their written request,
9.18 for the purpose of investigating an alleged violation of the Food Stamp Act, according
9.19 to Code of Federal Regulations, title 7, section 272.1 (c);

9.20 (18) the address, Social Security number, and, if available, photograph of any
9.21 member of a household receiving food support shall be made available, on request, to a
9.22 local, state, or federal law enforcement officer if the officer furnishes the agency with the
9.23 name of the member and notifies the agency that:

9.24 (i) the member:

9.25 (A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a
9.26 crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

9.27 (B) is violating a condition of probation or parole imposed under state or federal
9.28 law; or

9.29 (C) has information that is necessary for the officer to conduct an official duty related
9.30 to conduct described in subitem (A) or (B);

9.31 (ii) locating or apprehending the member is within the officer's official duties; and

9.32 (iii) the request is made in writing and in the proper exercise of the officer's official
9.33 duty;

9.34 (19) the current address of a recipient of Minnesota family investment program,
9.35 general assistance, general assistance medical care, or food support may be disclosed to
9.36 law enforcement officers who, in writing, provide the name of the recipient and notify the

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10.1 agency that the recipient is a person required to register under section 243.166, but is not
10.2 residing at the address at which the recipient is registered under section 243.166;

10.3 (20) certain information regarding child support obligors who are in arrears may be
10.4 made public according to section 518A.74;

10.5 (21) data on child support payments made by a child support obligor and data on
10.6 the distribution of those payments excluding identifying information on obligees may be
10.7 disclosed to all obligees to whom the obligor owes support, and data on the enforcement
10.8 actions undertaken by the public authority, the status of those actions, and data on the
10.9 income of the obligor or obligee may be disclosed to the other party;

10.10 (22) data in the work reporting system may be disclosed under section 256.998,
10.11 subdivision 7;

10.12 (23) to the Department of Education for the purpose of matching Department of
10.13 Education student data with public assistance data to determine students eligible for free
10.14 and reduced-price meals, meal supplements, and free milk according to United States
10.15 Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and
10.16 state funds that are distributed based on income of the student's family; and to verify
10.17 receipt of energy assistance for the telephone assistance plan;

10.18 (24) the current address and telephone number of program recipients and emergency
10.19 contacts may be released to the commissioner of health or a local board of health as
10.20 defined in section 145A.02, subdivision 2, when the commissioner or local board of health
10.21 has reason to believe that a program recipient is a disease case, carrier, suspect case, or at
10.22 risk of illness, and the data are necessary to locate the person;

10.23 (25) to other state agencies, statewide systems, and political subdivisions of this
10.24 state, including the attorney general, and agencies of other states, interstate information
10.25 networks, federal agencies, and other entities as required by federal regulation or law for
10.26 the administration of the child support enforcement program;

10.27 (26) to personnel of public assistance programs as defined in section 256.741, for
10.28 access to the child support system database for the purpose of administration, including
10.29 monitoring and evaluation of those public assistance programs;

10.30 (27) to monitor and evaluate the Minnesota family investment program by
10.31 exchanging data between the Departments of Human Services and Education, on
10.32 recipients and former recipients of food support, cash assistance under chapter 256, 256D,
10.33 256J, or 256K, child care assistance under chapter 119B, or medical programs under
10.34 chapter 256B, 256D, or 256L;

10.35 (28) to evaluate child support program performance and to identify and prevent
10.36 fraud in the child support program by exchanging data between the Department of Human

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11.1 Services, Department of Revenue under section 270B.14, subdivision 1, paragraphs (a)
11.2 and (b), without regard to the limitation of use in paragraph (c), Department of Health,
11.3 Department of Employment and Economic Development, and other state agencies as is
11.4 reasonably necessary to perform these functions;

11.5 (29) counties operating child care assistance programs under chapter 119B may
11.6 disseminate data on program participants, applicants, and providers to the commissioner
11.7 of education; or

11.8 (30) child support data on the parents and the child may be disclosed to agencies
11.9 administering programs under titles IV-B and IV-E of the Social Security Act, as provided
11.10 by federal law. Data may be disclosed only to the extent necessary for the purpose of
11.11 establishing parentage or for determining who has or may have parental rights with respect
11.12 to a child, which could be related to permanency planning.

11.13 (b) Information on persons who have been treated for drug or alcohol abuse may
11.14 only be disclosed according to the requirements of Code of Federal Regulations, title
11.15 42, sections 2.1 to 2.67.

11.16 (c) Data provided to law enforcement agencies under paragraph (a), clause (15),
11.17 (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected
11.18 nonpublic while the investigation is active. The data are private after the investigation
11.19 becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

11.20 (d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but
11.21 ~~is~~ are not subject to the access provisions of subdivision 10, paragraph (b).

11.22 For the purposes of this subdivision, a request will be deemed to be made in writing
11.23 if made through a computer interface system.

11.24 Sec. 23. Minnesota Statutes 2010, section 13.46, subdivision 3, is amended to read:

11.25 Subd. 3. **Investigative data.** (a) Government data on persons, including data on
11.26 vendors of services, licensees, and applicants ~~that is collected, maintained, used, or~~
11.27 ~~disseminated~~ by the welfare system in an investigation, authorized by statute, and relating
11.28 to the enforcement of rules or law ~~is~~ are confidential data on individuals pursuant to
11.29 section 13.02, subdivision 3, or protected nonpublic data not on individuals pursuant to
11.30 section 13.02, subdivision 13, and shall not be disclosed except:

11.31 (1) pursuant to section 13.05;

11.32 (2) pursuant to statute or valid court order;

11.33 (3) to a party named in a civil or criminal proceeding, administrative or judicial, for
11.34 preparation of defense; or

11.35 (4) to provide notices required or permitted by statute.

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12.1 The data referred to in this subdivision shall be classified as public data upon
12.2 ~~its~~ submission to an administrative law judge or court in an administrative or judicial
12.3 proceeding. Inactive welfare investigative data shall be treated as provided in section
12.4 13.39, subdivision 3.

12.5 (b) Notwithstanding any other provision in law, the commissioner of human services
12.6 shall provide all active and inactive investigative data, including the name of the reporter
12.7 of alleged maltreatment under section 626.556 or 626.557, to the ombudsman for mental
12.8 health and developmental disabilities upon the request of the ombudsman.

12.9 Sec. 24. Minnesota Statutes 2010, section 13.46, subdivision 4, is amended to read:

12.10 Subd. 4. **Licensing data.** (a) As used in this subdivision:

12.11 (1) "licensing data" ~~means~~ are all government data ~~collected, maintained, used, or~~
12.12 ~~disseminated~~ by the welfare system pertaining to persons licensed or registered or who
12.13 apply for licensure or registration or who formerly were licensed or registered under the
12.14 authority of the commissioner of human services;

12.15 (2) "client" means a person who is receiving services from a licensee or from an
12.16 applicant for licensure; and

12.17 (3) "personal and personal financial data" ~~means~~ are Social Security numbers,
12.18 identity of and letters of reference, insurance information, reports from the Bureau of
12.19 Criminal Apprehension, health examination reports, and social/home studies.

12.20 (b)(1) Except as provided in paragraph (c), the following data on applicants, license
12.21 holders, and former licensees are public: name, address, telephone number of licensees,
12.22 date of receipt of a completed application, dates of licensure, licensed capacity, type of
12.23 client preferred, variances granted, record of training and education in child care and
12.24 child development, type of dwelling, name and relationship of other family members,
12.25 previous license history, class of license, the existence and status of complaints, and
12.26 the number of serious injuries to or deaths of individuals in the licensed program as
12.27 reported to the commissioner of human services, the local social services agency, or
12.28 any other county welfare agency. For purposes of this clause, a serious injury is one
12.29 that is treated by a physician. When a correction order, an order to forfeit a fine, an
12.30 order of license suspension, an order of temporary immediate suspension, an order of
12.31 license revocation, an order of license denial, or an order of conditional license has been
12.32 issued, or a complaint is resolved, the following data on current and former licensees
12.33 and applicants are public: the substance and investigative findings of the licensing or
12.34 maltreatment complaint, licensing violation, or substantiated maltreatment; the record
12.35 of informal resolution of a licensing violation; orders of hearing; findings of fact;

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13.1 conclusions of law; specifications of the final correction order, fine, suspension, temporary
13.2 immediate suspension, revocation, denial, or conditional license contained in the record
13.3 of licensing action; whether a fine has been paid; and the status of any appeal of these
13.4 actions. If a licensing sanction under section 245A.07, or a license denial under section
13.5 245A.05, is based on a determination that the license holder or applicant is responsible for
13.6 maltreatment or is disqualified under chapter 245C, the identity of the license holder or
13.7 applicant as the individual responsible for maltreatment or as the disqualified individual
13.8 ~~is~~ are public data at the time of the issuance of the licensing sanction or denial.

13.9 (2) Notwithstanding sections 626.556, subdivision 11, and 626.557, subdivision 12b,
13.10 when any person subject to disqualification under section 245C.14 in connection with a
13.11 license to provide family day care for children, child care center services, foster care
13.12 for children in the provider's home, or foster care or day care services for adults in the
13.13 provider's home is a substantiated perpetrator of maltreatment, and the substantiated
13.14 maltreatment is a reason for a licensing action, the identity of the substantiated perpetrator
13.15 of maltreatment is public data. For purposes of this clause, a person is a substantiated
13.16 perpetrator if the maltreatment determination has been upheld under section 256.045;
13.17 626.556, subdivision 10i; 626.557, subdivision 9d; or chapter 14, or if an individual or
13.18 facility has not timely exercised appeal rights under these sections, except as provided
13.19 under clause (1).

13.20 (3) For applicants who withdraw their application prior to licensure or denial of a
13.21 license, the following data are public: the name of the applicant, the city and county in
13.22 which the applicant was seeking licensure, the dates of the commissioner's receipt of the
13.23 initial application and completed application, the type of license sought, and the date
13.24 of withdrawal of the application.

13.25 (4) For applicants who are denied a license, the following data are public: the name
13.26 and address of the applicant, the city and county in which the applicant was seeking
13.27 licensure, the dates of the commissioner's receipt of the initial application and completed
13.28 application, the type of license sought, the date of denial of the application, the nature of
13.29 the basis for the denial, the record of informal resolution of a denial, orders of hearings,
13.30 findings of fact, conclusions of law, specifications of the final order of denial, and the
13.31 status of any appeal of the denial.

13.32 (5) The following data on persons subject to disqualification under section 245C.14
13.33 in connection with a license to provide family day care for children, child care center
13.34 services, foster care for children in the provider's home, or foster care or day care services
13.35 for adults in the provider's home, are public: the nature of any disqualification set
13.36 aside under section 245C.22, subdivisions 2 and 4, and the reasons for setting aside the

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14.1 disqualification; the nature of any disqualification for which a variance was granted under
14.2 sections 245A.04, subdivision 9; and 245C.30, and the reasons for granting any variance
14.3 under section 245A.04, subdivision 9; and, if applicable, the disclosure that any person
14.4 subject to a background study under section 245C.03, subdivision 1, has successfully
14.5 passed a background study. If a licensing sanction under section 245A.07, or a license
14.6 denial under section 245A.05, is based on a determination that an individual subject to
14.7 disqualification under chapter 245C is disqualified, the disqualification as a basis for the
14.8 licensing sanction or denial is public data. As specified in clause (1), if the disqualified
14.9 individual is the license holder or applicant, the identity of the license holder or applicant
14.10 is public data. If the disqualified individual is an individual other than the license holder
14.11 or applicant, the identity of the disqualified individual shall remain private data.

14.12 (6) When maltreatment is substantiated under section 626.556 or 626.557 and the
14.13 victim and the substantiated perpetrator are affiliated with a program licensed under
14.14 chapter 245A, the commissioner of human services, local social services agency, or
14.15 county welfare agency may inform the license holder where the maltreatment occurred of
14.16 the identity of the substantiated perpetrator and the victim.

14.17 (7) Notwithstanding clause (1), for child foster care, only the name of the license
14.18 holder and the status of the license are public if the county attorney has requested that data
14.19 otherwise classified as public data under clause (1) be considered private data based on the
14.20 best interests of a child in placement in a licensed program.

14.21 (c) The following are private data on individuals under section 13.02, subdivision
14.22 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial
14.23 data on family day care program and family foster care program applicants and licensees
14.24 and their family members who provide services under the license.

14.25 (d) The following are private data on individuals: the identity of persons who have
14.26 made reports concerning licensees or applicants that appear in inactive investigative data,
14.27 and the records of clients or employees of the licensee or applicant for licensure whose
14.28 records are received by the licensing agency for purposes of review or in anticipation of a
14.29 contested matter. The names of reporters of complaints or alleged violations of licensing
14.30 standards under chapters 245A, 245B, 245C, and applicable rules and alleged maltreatment
14.31 under sections 626.556 and 626.557, are confidential data and may be disclosed only as
14.32 provided in section 626.556, subdivision 11, or 626.557, subdivision 12b.

14.33 (e) Data classified as private, confidential, nonpublic, or protected nonpublic under
14.34 this subdivision become public data if submitted to a court or administrative law judge as
14.35 part of a disciplinary proceeding in which there is a public hearing concerning a license
14.36 which has been suspended, immediately suspended, revoked, or denied.

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15.1 (f) Data generated in the course of licensing investigations that relate to an alleged
15.2 violation of law are investigative data under subdivision 3.

15.3 (g) Government data that are not public data ~~collected, maintained, used, or~~
15.4 ~~disseminated~~ under this subdivision that relate to or are derived from a report as defined in
15.5 section 626.556, subdivision 2, or 626.5572, subdivision 18, are subject to the destruction
15.6 provisions of sections 626.556, subdivision 11c, and 626.557, subdivision 12b.

15.7 (h) Upon request, not public government data ~~collected, maintained, used, or~~
15.8 ~~disseminated~~ under this subdivision that relate to or are derived from a report of
15.9 substantiated maltreatment as defined in section 626.556 or 626.557 may be exchanged
15.10 with the Department of Health for purposes of completing background studies pursuant
15.11 to section 144.057 and with the Department of Corrections for purposes of completing
15.12 background studies pursuant to section 241.021.

15.13 (i) Data on individuals collected according to licensing activities under chapters
15.14 245A and 245C, and data on individuals collected by the commissioner of human services
15.15 according to maltreatment investigations under sections 626.556 and 626.557, may be
15.16 shared with the Department of Human Rights, the Department of Health, the Department
15.17 of Corrections, the ombudsman for mental health and developmental disabilities, and
15.18 the individual's professional regulatory board when there is reason to believe that laws
15.19 or standards under the jurisdiction of those agencies may have been violated. Unless
15.20 otherwise specified in this chapter, the identity of a reporter of alleged maltreatment or
15.21 licensing violations may not be disclosed.

15.22 (j) In addition to the notice of determinations required under section 626.556,
15.23 subdivision 10f, if the commissioner or the local social services agency has determined
15.24 that an individual is a substantiated perpetrator of maltreatment of a child based on sexual
15.25 abuse, as defined in section 626.556, subdivision 2, and the commissioner or local social
15.26 services agency knows that the individual is a person responsible for a child's care in
15.27 another facility, the commissioner or local social services agency shall notify the head
15.28 of that facility of this determination. The notification must include an explanation of the
15.29 individual's available appeal rights and the status of any appeal. If a notice is given under
15.30 this paragraph, the government entity making the notification shall provide a copy of the
15.31 notice to the individual who is the subject of the notice.

15.32 (k) All not public government data ~~collected, maintained, used, or disseminated~~
15.33 under this subdivision and subdivision 3 may be exchanged between the Department of
15.34 Human Services, Licensing Division, and the Department of Corrections for purposes of
15.35 regulating services for which the Department of Human Services and the Department
15.36 of Corrections have regulatory authority.

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16.1 Sec. 25. Minnesota Statutes 2010, section 13.46, subdivision 5, is amended to read:

16.2 Subd. 5. **Medical data; contracts.** Government data relating to the medical,
16.3 psychiatric, or mental health of any individual, including diagnosis, progress charts,
16.4 treatment received, case histories, and opinions of health care providers, that ~~is collected,~~
16.5 are maintained, ~~used, or disseminated~~ by any agency to the welfare system ~~is~~ are private
16.6 data on individuals and will be available to the data subject, unless the private health care
16.7 provider has clearly requested in writing that the data be withheld pursuant to sections
16.8 144.291 to 144.298. Government data on individuals ~~that is collected,~~ maintained, ~~used,~~
16.9 ~~or disseminated~~ by a private health care provider under contract to any agency of the
16.10 welfare system ~~is~~ are private data on individuals, and ~~is~~ are subject to the provisions
16.11 of sections 13.02 to 13.07 and this section, except that the provisions of section 13.04,
16.12 subdivision 3, shall not apply. Access to medical data referred to in this subdivision by the
16.13 individual who is the subject of the data is subject to the provisions of sections 144.291
16.14 to 144.298. Access to information that is maintained by the public authority responsible
16.15 for support enforcement and that is needed to enforce medical support is subject to the
16.16 provisions of section 518A.41.

16.17 Sec. 26. Minnesota Statutes 2010, section 13.46, subdivision 6, is amended to read:

16.18 Subd. 6. **Other data.** Government data ~~collected, used,~~ maintained, ~~or disseminated~~
16.19 by the welfare system that ~~is~~ are not data on individuals ~~is~~ are public pursuant to section
16.20 13.03, except the following data:

- 16.21 (a) investigative data classified by section 13.39;
- 16.22 (b) welfare investigative data classified by section 13.46, subdivision 3; and
- 16.23 (c) security information classified by section 13.37, subdivision 2.

16.24 Sec. 27. Minnesota Statutes 2010, section 13.462, subdivision 1, is amended to read:

16.25 Subdivision 1. **Definition.** As used in this section, "benefit data" ~~means~~ are
16.26 government data on individuals ~~collected or created~~ maintained because an individual
16.27 seeks information about becoming, is, or was an applicant for or a recipient of benefits or
16.28 services provided under various housing, home ownership, rehabilitation and community
16.29 action agency, Head Start, and food assistance programs administered by government
16.30 entities. Benefit data does not include welfare data which shall be administered in
16.31 accordance with section 13.46.

16.32 Sec. 28. Minnesota Statutes 2010, section 13.467, subdivision 1, is amended to read:

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17.1 Subdivision 1. **General.** The following government data ~~collected, created and~~
17.2 maintained by a community action agency in a study of the impact of foster care policies
17.3 on families are classified as confidential data, pursuant to section 13.02, subdivision 3:
17.4 names of persons interviewed; foster care placement plans obtained from other public and
17.5 private agencies; and all information gathered during interviews with study participants.

17.6 Sec. 29. Minnesota Statutes 2010, section 13.47, subdivision 1, is amended to read:

17.7 Subdivision 1. **Definitions.** (a) "Employment and training data" ~~means~~ are
17.8 government data on individuals ~~collected, maintained, used, or disseminated~~ because an
17.9 individual applies for, is currently enrolled in, or has been enrolled in employment and
17.10 training programs funded with federal, state, or local resources, including those provided
17.11 under the Workforce Investment Act of 1998, United States Code, title 29, section 2801.

17.12 (b) "Employment and training service provider" means an entity certified, or seeking
17.13 to be certified, by the commissioner of employment and economic development to
17.14 deliver employment and training services under section 116J.401, subdivision 2, or an
17.15 organization that contracts with a certified entity or the Department of Employment and
17.16 Economic Development to deliver employment and training services.

17.17 (c) "Provider of training services" means an organization or entity that provides
17.18 training under the Workforce Investment Act of 1998, United States Code, title 29,
17.19 section 2801.

17.20 Sec. 30. Minnesota Statutes 2010, section 13.485, is amended by adding a subdivision
17.21 to read:

17.22 Subd. 5. **Corporations created before May 31, 1997.** Government data maintained
17.23 by a corporation created by a political subdivision before May 31, 1997, are governed by
17.24 section 465.719, subdivision 14.

17.25 Sec. 31. Minnesota Statutes 2010, section 13.485, is amended by adding a subdivision
17.26 to read:

17.27 Subd. 6. **Northern Technology Initiative, Inc.** Government data maintained by
17.28 Northern Technology Initiative, Inc. are classified under section 116T.02, subdivisions
17.29 7 and 8.

17.30 Sec. 32. Minnesota Statutes 2010, section 13.495, is amended to read:

17.31 **13.495 LODGING TAX DATA.**

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18.1 Government data, other than basic taxpayer identification data, ~~collected from~~
18.2 ~~taxpayers~~ maintained under a lodging tax ordinance are nonpublic.

18.3 Sec. 33. Minnesota Statutes 2010, section 13.51, subdivision 1, is amended to read:

18.4 Subdivision 1. **Generally.** The following government data ~~collected, created and~~
18.5 maintained by political subdivisions are classified as private, pursuant to section 13.02,
18.6 subdivision 12, or nonpublic depending on the content of the specific data:

18.7 Data contained on sales sheets received from private multiple listing service
18.8 organizations where the contract with the organizations requires the political subdivision
18.9 to refrain from making the data available to the public.

18.10 Sec. 34. Minnesota Statutes 2010, section 13.51, subdivision 2, is amended to read:

18.11 Subd. 2. **Income property assessment data.** The following government data
18.12 ~~collected~~ maintained by political subdivisions ~~from~~ on individuals or business entities
18.13 concerning income properties are classified as private or nonpublic data pursuant to
18.14 section 13.02, subdivisions 9 and 12:

- 18.15 (a) detailed income and expense figures;
- 18.16 (b) average vacancy factors;
- 18.17 (c) verified net rentable areas or net usable areas, whichever is appropriate;
- 18.18 (d) anticipated income and expenses;
- 18.19 (e) projected vacancy factors; and
- 18.20 (f) lease information.

18.21 Sec. 35. Minnesota Statutes 2010, section 13.52, is amended to read:

18.22 **13.52 DEFERRED ASSESSMENT DATA.**

18.23 Any government data, ~~collected~~ maintained by political subdivisions pursuant to
18.24 section 435.193, which indicate the amount or location of cash or other valuables kept
18.25 in the homes of applicants for deferred assessment, are private data pursuant to section
18.26 13.02, subdivision 12.

18.27 Sec. 36. Minnesota Statutes 2010, section 13.548, is amended to read:

18.28 **13.548 SOCIAL RECREATIONAL DATA.**

18.29 The following government data ~~collected and~~ maintained by political subdivisions
18.30 for the purpose of enrolling individuals in recreational and other social programs are
18.31 classified as private, pursuant to section 13.02, subdivision 12: the name, address,
18.32 telephone number, any other data that ~~identifies~~ identify the individual, and any data

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19.1 which describes the health or medical condition of the individual, family relationships and
19.2 living arrangements of an individual or which are opinions as to the emotional makeup or
19.3 behavior of an individual.

19.4 Sec. 37. Minnesota Statutes 2010, section 13.55, subdivision 1, is amended to read:

19.5 Subdivision 1. **Not public classification.** The following government data ~~received,~~
19.6 ~~created, or~~ maintained by or for publicly owned and operated convention facilities, civic
19.7 center authorities, or the Metropolitan Sports Facilities Commission are classified as
19.8 nonpublic data pursuant to section 13.02, subdivision 9; or private data on individuals
19.9 pursuant to section 13.02, subdivision 12:

- 19.10 (a) a letter or other documentation from any person who makes inquiry to or who is
19.11 contacted by the facility regarding the availability of the facility for staging events;
19.12 (b) identity of firms and corporations which contact the facility;
19.13 (c) type of event which they wish to stage in the facility;
19.14 (d) suggested terms of rentals; and
19.15 (e) responses of authority staff to these inquiries.

19.16 Sec. 38. Minnesota Statutes 2010, section 13.585, subdivision 2, is amended to read:

19.17 Subd. 2. **Confidential data.** The following government data on individuals
19.18 maintained by the housing agency are ~~classified as~~ confidential data, pursuant to section
19.19 13.02, subdivision 3: correspondence between the agency and the agency's attorney
19.20 containing data collected as part of an active investigation undertaken for the purpose of
19.21 the commencement or defense of potential or actual litigation, including but not limited
19.22 to: referrals to the Office of the Inspector General or other prosecuting agencies for
19.23 possible prosecution for fraud; initiation of lease terminations and eviction actions;
19.24 admission denial hearings concerning prospective tenants; commencement of actions
19.25 against independent contractors of the agency; and tenant grievance hearings.

19.26 Sec. 39. Minnesota Statutes 2010, section 13.585, subdivision 3, is amended to read:

19.27 Subd. 3. **Protected nonpublic data.** The following government data not on
19.28 individuals maintained by the housing agency are ~~classified as~~ protected nonpublic data,
19.29 pursuant to section 13.02, subdivision 13: correspondence between the agency and the
19.30 agency's attorney containing data collected as part of an active investigation undertaken
19.31 for the purpose of the commencement or defense of potential or actual litigation, including
19.32 but not limited to, referrals to the Office of the Inspector General or other prosecuting

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20.1 bodies or agencies for possible prosecution for fraud and commencement of actions
20.2 against independent contractors of the agency.

20.3 Sec. 40. Minnesota Statutes 2010, section 13.585, subdivision 4, is amended to read:

20.4 Subd. 4. **Nonpublic data.** The following government data not on individuals
20.5 maintained by the housing agency are ~~classified as~~ nonpublic data, pursuant to section
20.6 13.02, subdivision 9: all data pertaining to negotiations with property owners regarding
20.7 the purchase of property. With the exception of the housing agency's evaluation of
20.8 properties not purchased, all other negotiation data shall be public at the time of the
20.9 closing of the property sale.

20.10 Sec. 41. Minnesota Statutes 2010, section 13.59, subdivision 1, is amended to read:

20.11 Subdivision 1. **Private survey data.** The following government data ~~collected~~
20.12 maintained in surveys of individuals conducted by cities and housing and redevelopment
20.13 authorities for the purposes of planning, development, and redevelopment, are classified
20.14 as private data pursuant to section 13.02, subdivision 12: the names and addresses of
20.15 individuals and the legal descriptions of property owned by individuals.

20.16 Sec. 42. Minnesota Statutes 2010, section 13.59, subdivision 2, is amended to read:

20.17 Subd. 2. **Nonpublic survey data.** The following government data ~~collected~~
20.18 maintained in surveys of businesses conducted by cities and housing and redevelopment
20.19 authorities, for the purposes of planning, development, and redevelopment, are classified
20.20 as nonpublic data pursuant to section 13.02, subdivision 9: the names, addresses, and legal
20.21 descriptions of business properties and the commercial use of the property to the extent
20.22 disclosure of the use would identify a particular business.

20.23 Sec. 43. Minnesota Statutes 2010, section 13.59, subdivision 3, is amended to read:

20.24 Subd. 3. **Financial assistance data.** (a) The following government data ~~that are~~
20.25 ~~submitted to~~ maintained by a housing and redevelopment authority by persons who are
20.26 requesting financial assistance are private data on individuals or nonpublic data:

- 20.27 (1) financial statements;
20.28 (2) credit reports;
20.29 (3) business plans;
20.30 (4) income and expense projections;
20.31 (5) customer lists;
20.32 (6) balance sheets;

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- 21.1 (7) income tax returns; and
- 21.2 (8) design, market, and feasibility studies not paid for with public funds.
- 21.3 (b) Data submitted to the authority under paragraph (a) become public data if the
- 21.4 authority provides financial assistance to the person, except that the following data remain
- 21.5 private or nonpublic:
- 21.6 (1) business plans;
- 21.7 (2) income and expense projections not related to the financial assistance provided;
- 21.8 (3) customer lists;
- 21.9 (4) income tax returns; and
- 21.10 (5) design, market, and feasibility studies not paid for with public funds.

21.11 Sec. 44. Minnesota Statutes 2010, section 13.591, subdivision 4, is amended to read:

21.12 Subd. 4. **Classification of evaluative data; data sharing.** (a) Government data

21.13 ~~created or~~ maintained by a government entity as part of the selection or evaluation process

21.14 referred to in this section are protected nonpublic data until completion of the selection

21.15 process or completion of the evaluation process at which time the data are public with the

21.16 exception of trade secret data as defined and classified in section 13.37.

21.17 (b) If a government entity asks employees of other government entities to assist with

21.18 the selection of the responses to a request for bid or the evaluation of responses to a

21.19 request for proposal, the government entity may share not public data in the responses

21.20 with those employees. The employees participating in the selection or evaluation may

21.21 not further disseminate the not public data they review.

21.22 Sec. 45. Minnesota Statutes 2010, section 13.601, subdivision 3, is amended to read:

21.23 Subd. 3. **Applicants for appointment.** (a) Data about applicants for appointment to

21.24 a public body collected by a government entity as a result of the applicant's application for

21.25 appointment to the public body are private data on individuals except that the following

21.26 are public:

- 21.27 (1) name;
- 21.28 (2) city of residence, except when the appointment has a residency requirement that
- 21.29 requires the entire address to be public;
- 21.30 (3) education and training;
- 21.31 (4) employment history;
- 21.32 (5) volunteer work;
- 21.33 (6) awards and honors;
- 21.34 (7) prior government service; ~~and~~

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22.1 (8) any data required to be provided or that ~~is~~ are voluntarily provided in an
22.2 application for appointment to a multimember agency pursuant to section 15.0597; and
22.3 (9) veteran status.

22.4 (b) Once an individual is appointed to a public body, the following additional items
22.5 of data are public:

22.6 (1) residential address; and

22.7 (2) either a telephone number or electronic mail address where the appointee can be
22.8 reached, or both at the request of the appointee.

22.9 (c) Notwithstanding paragraph (b), any electronic mail address or telephone number
22.10 provided by a public body for use by an appointee shall be public. An appointee may
22.11 use an electronic mail address or telephone number provided by the public body as the
22.12 designated electronic mail address or telephone number at which the appointee can be
22.13 reached.

22.14 Sec. 46. Minnesota Statutes 2010, section 13.643, subdivision 1, is amended to read:

22.15 Subdivision 1. **Department of Agriculture data.** (a) **Loan and grant applicant**
22.16 **data.** The following government data on applicants, ~~collected~~ maintained by the
22.17 Department of Agriculture in its sustainable agriculture revolving loan and grant programs
22.18 under sections 17.115 and 17.116, are private or nonpublic: nonfarm income; credit
22.19 history; insurance coverage; machinery and equipment list; financial information; and
22.20 credit information requests.

22.21 (b) **Farm advocate data.** The following government data supplied by farmer clients
22.22 ~~to that are maintained by~~ Minnesota farm advocates and ~~to~~ the Department of Agriculture
22.23 are private data on individuals: financial history, including listings of assets and debts, and
22.24 personal and emotional status information.

22.25 Sec. 47. Minnesota Statutes 2010, section 13.643, subdivision 2, is amended to read:

22.26 Subd. 2. **Farm assistance data.** The following government data ~~collected and~~
22.27 maintained by counties that provide assistance to individual farmers who are experiencing
22.28 economic or emotional distress are classified as private data: financial history, including
22.29 listings of assets and debts, and personal and emotional status information.

22.30 Sec. 48. Minnesota Statutes 2010, section 13.643, subdivision 3, is amended to read:

22.31 Subd. 3. **Aquaculture permit data.** The following government data ~~collected and~~
22.32 maintained by an agency issuing aquaculture permits under sections 17.47 to 17.498 are

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23.1 classified as private or nonpublic: the names and addresses of customers provided in the
23.2 permit application.

23.3 Sec. 49. Minnesota Statutes 2010, section 13.643, subdivision 5, is amended to read:

23.4 Subd. 5. **Data received from federal government.** All government data ~~received~~
23.5 maintained by the Department of Agriculture from the United States Department of
23.6 Health and Human Services, the Food and Drug Administration, and the Agriculture,
23.7 Food Safety, and Inspection Service that ~~is~~ are necessary for the purpose of carrying
23.8 out the Department of Agriculture's statutory food safety regulatory and enforcement
23.9 duties are classified as nonpublic data under section 13.02, subdivision 9, and private data
23.10 on individuals under section 13.02, subdivision 12. This section does not preclude the
23.11 obligation of the Department of Agriculture to appropriately inform consumers of issues
23.12 that could affect public health.

23.13 Sec. 50. Minnesota Statutes 2010, section 13.643, subdivision 6, is amended to read:

23.14 Subd. 6. **Animal premises data.** (a) The following government data ~~collected and~~
23.15 maintained by the Board of Animal Health related to registration and identification of
23.16 premises and animals under chapter 35, are classified as private or nonpublic:

- 23.17 (1) the names and addresses;
- 23.18 (2) the location of the premises where animals are kept; and
- 23.19 (3) the identification number of the premises or the animal.

23.20 (b) The Board of Animal Health may disclose government data ~~collected~~ maintained
23.21 under paragraph (a) to any person, agency, or to the public if the board determines that
23.22 the access will aid in the law enforcement process or the protection of public or animal
23.23 health or safety.

23.24 Sec. 51. Minnesota Statutes 2010, section 13.643, subdivision 7, is amended to read:

23.25 Subd. 7. **Research, monitoring, or assessment data.** (a) Except as provided in
23.26 paragraph (b), the following government data ~~created, collected, and~~ maintained by
23.27 the Department of Agriculture during research, monitoring, or the assessment of farm
23.28 practices and related to natural resources, the environment, agricultural facilities, or
23.29 agricultural practices are classified as private or nonpublic:

- 23.30 (1) names, addresses, telephone numbers, and e-mail addresses of study participants
23.31 or cooperators; and
- 23.32 (2) location of research, study site, and global positioning system data.

23.33 (b) The following data ~~is~~ are public:

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24.1 (1) location data and unique well numbers for wells and springs unless protected
24.2 under section 18B.10 or another statute or rule; and

24.3 (2) data from samples collected from a public water supply as defined in section
24.4 144.382, subdivision 4.

24.5 (c) The Department of Agriculture may disclose government data collected
24.6 maintained under paragraph (a) if the Department of Agriculture determines that there
24.7 is a substantive threat to human health and safety or to the environment, or to aid in the
24.8 law enforcement process. The Department of Agriculture may also disclose data with
24.9 written consent of the subject of the data.

24.10 Sec. 52. Minnesota Statutes 2010, section 13.6435, is amended by adding a subdivision
24.11 to read:

24.12 Subd. 13. **Ethanol producer payments.** Audited financial statements and notes
24.13 and disclosure statements submitted to the commissioner of agriculture regarding
24.14 ethanol producer payments pursuant to section 41A.09 are governed by section 41A.09,
24.15 subdivision 3a.

24.16 Sec. 53. Minnesota Statutes 2010, section 13.65, subdivision 1, is amended to read:

24.17 Subdivision 1. **Private data.** The following government data created, collected
24.18 and maintained by the Office of the Attorney General are ~~classified as~~ private data on
24.19 individuals:

24.20 (a) the record, including but not limited to, the transcript and exhibits of all
24.21 disciplinary proceedings held by a state agency, board or commission, except in those
24.22 instances where there is a public hearing;

24.23 (b) communications and noninvestigative files regarding administrative or policy
24.24 matters which do not evidence final public actions;

24.25 (c) consumer complaint data, other than ~~that those~~ data classified as confidential,
24.26 including consumers' complaints against businesses and follow-up investigative materials;

24.27 (d) investigative data, obtained in anticipation of, or in connection with litigation or
24.28 an administrative proceeding where the investigation is not currently active; and

24.29 (e) government data collected maintained by the Consumer Division of the Attorney
24.30 General's Office in its administration of the home protection hot line including: the name,
24.31 address, and phone number of the consumer; the name and address of the mortgage
24.32 company; the total amount of the mortgage; the amount of money needed to bring the
24.33 delinquent mortgage current; the consumer's place of employment; the consumer's total

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25.1 family income; and the history of attempts made by the consumer to renegotiate a
25.2 delinquent mortgage.

25.3 Sec. 54. Minnesota Statutes 2010, section 13.65, subdivision 2, is amended to read:

25.4 Subd. 2. **Confidential data.** The following government data ~~created, collected and~~
25.5 maintained by the Office of the Attorney General are ~~classified as~~ confidential, pursuant
25.6 to section 13.02, subdivision 3: data acquired through communications made in official
25.7 confidence to members of the attorney general's staff where the public interest would
25.8 suffer by disclosure of the data.

25.9 Sec. 55. Minnesota Statutes 2010, section 13.65, subdivision 3, is amended to read:

25.10 Subd. 3. **Public data.** Government data describing the final disposition of
25.11 disciplinary proceedings ~~held~~ maintained by any state agency, board, or commission are
25.12 ~~classified as~~ public, pursuant to section 13.02, subdivision 15.

25.13 Sec. 56. Minnesota Statutes 2010, section 13.67, is amended to read:

25.14 **13.67 EMPLOYEE RELATIONS DATA.**

25.15 The following government data ~~collected, created, or~~ maintained by the Department
25.16 of Management and Budget are classified as nonpublic data pursuant to section 13.02,
25.17 subdivision 9:

25.18 (a) the commissioner's plan prepared by the department, pursuant to section 3.855,
25.19 which governs the compensation and terms and conditions of employment for employees
25.20 not covered by collective bargaining agreements until the plan is submitted to the
25.21 Legislative Commission on Employee Relations;

25.22 (b) data pertaining to grievance or interest arbitration that ~~has~~ have not been
25.23 presented to the arbitrator or other party during the arbitration process;

25.24 (c) notes and preliminary drafts of reports prepared during personnel investigations
25.25 and personnel management reviews of state departments and agencies;

25.26 (d) the managerial plan prepared by the department pursuant to section 43A.18
25.27 that governs the compensation and terms and conditions of employment for employees
25.28 in managerial positions, as specified in section 43A.18, subdivision 3, until the plan is
25.29 submitted to the Legislative Commission on Employee Relations; and

25.30 (e) claims experience and all related information received from carriers and claims
25.31 administrators participating in either the state group insurance plan, the Minnesota
25.32 employee insurance program, the state workers' compensation program, or the public
25.33 employees insurance program as defined in chapter 43A, and survey information collected

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26.1 from employees and employers participating in these plans and programs, except when
26.2 the department determines that release of the data will not be detrimental to the plan or
26.3 program.

26.4 Sec. 57. Minnesota Statutes 2010, section 13.679, subdivision 1, is amended to read:

26.5 Subdivision 1. **Tenant.** Government data collected ~~collected~~ maintained by the commissioner
26.6 of commerce that ~~reveals~~ reveal the identity of a tenant who makes a complaint regarding
26.7 energy efficiency standards for rental housing are private data on individuals.

26.8 Sec. 58. Minnesota Statutes 2010, section 13.679, subdivision 2, is amended to read:

26.9 Subd. 2. **Utility or telephone company employee or customer.** (a) The following
26.10 are private data on individuals: government data collected ~~collected~~ maintained by the commissioner
26.11 of commerce or the Public Utilities Commission, including the names or any other data
26.12 that would reveal the identity of either an employee or customer of a telephone company
26.13 or public utility who files a complaint or provides information regarding a violation or
26.14 suspected violation by the telephone company or public utility of any federal or state law
26.15 or rule; except ~~this~~ these data may be released as needed to law enforcement authorities.

26.16 (b) The following are private data on individuals: government data collected
26.17 maintained by the commission or the commissioner of commerce on individual public
26.18 utility or telephone company customers or prospective customers, including copies of tax
26.19 forms, needed to administer federal or state programs that provide relief from telephone
26.20 company bills, public utility bills, or cold weather disconnection. The determination of
26.21 eligibility of the customers or prospective customers may be released to public utilities or
26.22 telephone companies to administer the programs.

26.23 Sec. 59. Minnesota Statutes 2010, section 13.714, is amended to read:

26.24 **13.714 INSURANCE TRUST DATA; PRIVATE AND NONPUBLIC DATA.**

26.25 The following government data collected ~~collected or created~~ maintained by the League of
26.26 Minnesota Cities insurance trust, Association of Minnesota Counties insurance trust, or by
26.27 the Minnesota School Board Association insurance trust in order to process claims for
26.28 workers' compensation are classified as either private data in regard to claims when the
26.29 insured worker is living, or nonpublic data in regard to claims when the insured worker
26.30 is deceased: name, address, phone number, and Social Security account number of the
26.31 claimant if the claimant is not a public employee; claim number, date of claimed injury,
26.32 employee's Social Security number, home phone number, home address, date of birth, sex,
26.33 and marital status; whether claimed injury caused loss of time from work; whether the

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27.1 employee lost time from work on the day of the claimed injury and the number of hours
27.2 lost; whether the employee has returned to work; whether full or partial wages were
27.3 paid for the first day of lost time and the amount paid, time of day, and location where
27.4 injury occurred; whether the injury occurred on employer's premises; the name, address,
27.5 and phone number of the treating physician or practitioner; identification of the hospital
27.6 where treated; nature of the claimed injury or occupational illness; part of body affected;
27.7 name or type of object involved in causing the injury; nature of injury; type of accident;
27.8 description of actions taken to prevent recurrence; names of coworker witnesses; and all
27.9 data collected or created as a result of the investigation of the claim including, but not
27.10 limited to, physicians' reports; other data on the medical condition of the claimant; data
27.11 collected from the claimant's physicians; and data collected in interviews of the claimant's
27.12 employer, coworkers, family members, and neighbors.

27.13 Sec. 60. Minnesota Statutes 2010, section 13.719, subdivision 1, is amended to read:

27.14 Subdivision 1. **Comprehensive health insurance data.** (a) The following
27.15 government data on eligible persons and enrollees of the state comprehensive health
27.16 insurance plan are ~~classified as~~ private: all government data ~~collected or~~ maintained by the
27.17 Minnesota Comprehensive Health Association, the writing carrier, and the Department
27.18 of Commerce.

27.19 (b) The Minnesota Comprehensive Health Association is considered a state agency
27.20 for purposes of this chapter.

27.21 (c) The Minnesota Comprehensive Health Association may disclose data on eligible
27.22 persons and enrollees of the state comprehensive health insurance plan to conduct actuarial
27.23 and research studies, notwithstanding the classification of ~~this~~ these data, if:

27.24 (1) the board authorizes the disclosure;

27.25 (2) no individual may be identified in the actuarial or research report;

27.26 (3) materials allowing an individual to be identified are returned or destroyed as soon
27.27 as they are no longer needed; and

27.28 (4) the actuarial or research organization agrees not to disclose the information
27.29 unless the disclosure would be permitted under this chapter is made by the association.

27.30 Sec. 61. Minnesota Statutes 2010, section 13.719, subdivision 5, is amended to read:

27.31 Subd. 5. **Data on insurance companies and township mutual companies.** The
27.32 following government data ~~collected and~~ maintained by the Department of Commerce
27.33 are ~~classified as~~ nonpublic data:

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28.1 (a) that portion of any of the following data which would identify the affected
28.2 insurance company or township mutual company: (1) any order issued pursuant to
28.3 section 60A.031, subdivision 5, or 67A.241, subdivision 4, and based in whole or in
28.4 part upon a determination or allegation by the Commerce Department or commissioner
28.5 that an insurance company or township mutual company is in an unsound, impaired, or
28.6 potentially unsound or impaired condition; or (2) any stipulation, consent agreement, letter
28.7 agreement, or similar document evidencing the settlement of any proceeding commenced
28.8 pursuant to an order of a type described in clause (1), or an agreement between the
28.9 department and an insurance company or township mutual company entered in lieu of the
28.10 issuance of an order of the type described in clause (1); and

28.11 (b) any correspondence or attachments relating to the data listed in this subdivision.

28.12 Sec. 62. Minnesota Statutes 2010, section 13.7191, subdivision 14, is amended to read:

28.13 Subd. 14. **Requirements for health plan companies.** (a) **Minnesota Risk**
28.14 **Adjustment Association.** Data privacy issues concerning the Minnesota Risk Adjustment
28.15 Association are governed by section 62Q.03, subdivision 9.

28.16 (b) **Essential community provider.** Data on applications for designation as an
28.17 essential community provider are classified under section 62Q.19, subdivision 2.

28.18 (c) **Disclosure of executive compensation.** Disclosure of certain data to consumer
28.19 advisory boards is governed by section 62Q.64.

28.20 (d) **Audits conducted by independent organizations.** Data provided by an
28.21 independent organization related to an audit report are governed by section 62Q.37,
28.22 subdivision 8.

28.23 Sec. 63. Minnesota Statutes 2010, section 13.7191, subdivision 18, is amended to read:

28.24 Subd. 18. **Workers' compensation self-insurance.** (a) **Self-Insurers' Advisory**
28.25 **Committee.** Data received by the Self-Insurers' Advisory Committee from the
28.26 commissioner are classified under section 79A.02, subdivision 2.

28.27 (b) **Self-insurers' security fund.** Disclosure of certain data received by the
28.28 self-insurers' security is governed by section 79A.09, subdivision 4.

28.29 (c) **Commercial self-insurers' security fund.** Disclosure of certain data received by
28.30 the commercial self-insurers' security fund is governed by section 79A.26, subdivision 4.

28.31 (d) **Self-insurers' security fund and the board of trustees.** The security fund and
28.32 its board of trustees are governed by section 79A.16.

29.1 (e) Commercial self-insurance group security fund. The commercial
29.2 self-insurance group security fund and its board of trustees are governed by section
29.3 79A.28.

29.4 Sec. 64. Minnesota Statutes 2010, section 13.72, subdivision 7, is amended to read:

29.5 Subd. 7. **Public investigative data.** The following government data created,
29.6 ~~collected, or~~ maintained about persons subject to chapter 221 and rules adopted under
29.7 that chapter are public: data contained in inspection and compliance forms and data
29.8 contained in audit reports that are not prepared under contract to the Federal Highway
29.9 Administration.

29.10 Sec. 65. Minnesota Statutes 2010, section 13.792, is amended to read:

29.11 **13.792 PRIVATE DONOR GIFT DATA.**

29.12 The following data maintained by the Minnesota Zoological Garden, the University
29.13 of Minnesota, the Minnesota State Colleges and Universities, the Regional Parks
29.14 Foundation of the Twin Cities, and State Services for the Blind, ~~and any related entity~~
29.15 ~~subject to chapter 13~~ are classified as private or nonpublic:

29.16 (1) research information about prospects and donors gathered to aid in determining
29.17 appropriateness of solicitation and level of gift request;

29.18 (2) specific data in prospect lists that would identify prospects to be solicited, dollar
29.19 amounts to be requested, and name of solicitor;

29.20 (3) portions of solicitation letters and proposals that identify the prospect being
29.21 solicited and the dollar amount being requested;

29.22 (4) letters, pledge cards, and other responses received from donors regarding
29.23 prospective gifts in response to solicitations;

29.24 (5) portions of thank-you letters and other gift acknowledgment communications
29.25 that would identify the name of the donor and the specific amount of the gift, pledge,
29.26 or pledge payment;

29.27 (6) donor financial or estate planning information, or portions of memoranda, letters,
29.28 or other documents commenting on any donor's financial circumstances; and

29.29 (7) data detailing dates of gifts, payment schedule of gifts, form of gifts, and specific
29.30 gift amounts made by donors.

29.31 Names of donors and gift ranges are public data.

29.32 Sec. 66. Minnesota Statutes 2010, section 13.7932, is amended to read:

29.33 **13.7932 LOGGER SAFETY AND EDUCATION PROGRAM DATA.**

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30.1 The following government data collected from maintained about persons who attend
30.2 safety and education programs or seminars for loggers established or approved by the
30.3 commissioner under section 176.130, subdivision 11, ~~is~~ are public data:

- 30.4 (1) the names of the individuals attending the program or seminar;
- 30.5 (2) the names of each attendee's employer;
- 30.6 (3) the city where the employer is located;
- 30.7 (4) the date the program or seminar was held; and
- 30.8 (5) a description of the seminar or program.

30.9 Sec. 67. Minnesota Statutes 2010, section 13.82, subdivision 2, is amended to read:

30.10 Subd. 2. **Arrest data.** The following government data created or collected
30.11 maintained by law enforcement agencies which ~~documents~~ document any actions taken by
30.12 them to cite, arrest, incarcerate or otherwise substantially deprive an adult individual of
30.13 liberty shall be public at all times in the originating agency:

- 30.14 (a) time, date and place of the action;
- 30.15 (b) any resistance encountered by the agency;
- 30.16 (c) any pursuit engaged in by the agency;
- 30.17 (d) whether any weapons were used by the agency or other individual;
- 30.18 (e) the charge, arrest or search warrants, or other legal basis for the action;
- 30.19 (f) the identities of the agencies, units within the agencies and individual persons
30.20 taking the action;
- 30.21 (g) whether and where the individual is being held in custody or is being incarcerated
30.22 by the agency;
- 30.23 (h) the date, time and legal basis for any transfer of custody and the identity of the
30.24 agency or person who received custody;
- 30.25 (i) the date, time and legal basis for any release from custody or incarceration;
- 30.26 (j) the name, age, sex and last known address of an adult person or the age and sex
30.27 of any juvenile person cited, arrested, incarcerated or otherwise substantially deprived
30.28 of liberty;
- 30.29 (k) whether the agency employed wiretaps or other eavesdropping techniques, unless
30.30 the release of this specific data would jeopardize an ongoing investigation;
- 30.31 (l) the manner in which the agencies received the information that led to the arrest
30.32 and the names of individuals who supplied the information unless the identities of those
30.33 individuals qualify for protection under subdivision 17; and
- 30.34 (m) response or incident report number.

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31.1 Sec. 68. Minnesota Statutes 2010, section 13.82, subdivision 3, is amended to read:

31.2 Subd. 3. **Request for service data.** The following government data ~~created or~~
31.3 ~~collected~~ maintained by law enforcement agencies which ~~documents~~ document requests
31.4 by the public for law enforcement services shall be public government data:

- 31.5 (a) the nature of the request or the activity complained of;
- 31.6 (b) the name and address of the individual making the request unless the identity of
31.7 the individual qualifies for protection under subdivision 17;
- 31.8 (c) the time and date of the request or complaint; and
- 31.9 (d) the response initiated and the response or incident report number.

31.10 Sec. 69. Minnesota Statutes 2010, section 13.82, subdivision 6, is amended to read:

31.11 Subd. 6. **Response or incident data.** The following government data ~~created~~
31.12 ~~or collected~~ maintained by law enforcement agencies which ~~documents~~ document the
31.13 agency's response to a request for service including, but not limited to, responses to traffic
31.14 accidents, or which ~~describes~~ describe actions taken by the agency on its own initiative
31.15 shall be public government data:

- 31.16 (a) date, time and place of the action;
- 31.17 (b) agencies, units of agencies and individual agency personnel participating in the
31.18 action unless the identities of agency personnel qualify for protection under subdivision 17;
- 31.19 (c) any resistance encountered by the agency;
- 31.20 (d) any pursuit engaged in by the agency;
- 31.21 (e) whether any weapons were used by the agency or other individuals;
- 31.22 (f) a brief factual reconstruction of events associated with the action;
- 31.23 (g) names and addresses of witnesses to the agency action or the incident unless the
31.24 identity of any witness qualifies for protection under subdivision 17;
- 31.25 (h) names and addresses of any victims or casualties unless the identities of those
31.26 individuals qualify for protection under subdivision 17;
- 31.27 (i) the name and location of the health care facility to which victims or casualties
31.28 were taken;
- 31.29 (j) response or incident report number;
- 31.30 (k) dates of birth of the parties involved in a traffic accident;
- 31.31 (l) whether the parties involved were wearing seat belts; and
- 31.32 (m) the alcohol concentration of each driver.

31.33 Sec. 70. Minnesota Statutes 2010, section 13.82, subdivision 7, is amended to read:

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32.1 Subd. 7. **Criminal investigative data.** Except for the government data defined
32.2 in subdivisions 2, 3, and 6, investigative data ~~collected or created~~ maintained by a
32.3 law enforcement agency in order to prepare a case against a person, whether known
32.4 or unknown, for the commission of a crime or other offense for which the agency has
32.5 primary investigative responsibility ~~is~~ are confidential or protected nonpublic while the
32.6 investigation is active. Inactive investigative data ~~is~~ are public unless the release of
32.7 the data would jeopardize another ongoing investigation or would reveal the identity
32.8 of individuals protected under subdivision 17. Photographs which are part of inactive
32.9 investigative files and which are clearly offensive to common sensibilities are classified as
32.10 private or nonpublic data, provided that the existence of the photographs shall be disclosed
32.11 to any person requesting access to the inactive investigative file. An investigation becomes
32.12 inactive upon the occurrence of any of the following events:

32.13 (a) a decision by the agency or appropriate prosecutorial authority not to pursue
32.14 the case;

32.15 (b) expiration of the time to bring a charge or file a complaint under the applicable
32.16 statute of limitations, or 30 years after the commission of the offense, whichever comes
32.17 earliest; or

32.18 (c) exhaustion of or expiration of all rights of appeal by a person convicted on
32.19 the basis of the investigative data.

32.20 Any investigative data presented as evidence in court shall be public. Data
32.21 determined to be inactive under clause (a) may become active if the agency or appropriate
32.22 prosecutorial authority decides to renew the investigation.

32.23 During the time when an investigation is active, any person may bring an action in
32.24 the district court located in the county where the data ~~is~~ are being maintained to authorize
32.25 disclosure of investigative data. The court may order that all or part of the data relating to
32.26 a particular investigation be released to the public or to the person bringing the action. In
32.27 making the determination as to whether investigative data shall be disclosed, the court
32.28 shall consider whether the benefit to the person bringing the action or to the public
32.29 outweighs any harm to the public, to the agency or to any person identified in the data.
32.30 The data in dispute shall be examined by the court in camera.

32.31 Sec. 71. Minnesota Statutes 2010, section 13.83, subdivision 2, is amended to read:

32.32 Subd. 2. **Public data.** Unless specifically classified otherwise by state statute or
32.33 federal law, the following government data ~~created or collected~~ maintained by a medical
32.34 examiner or coroner on a deceased individual ~~is~~ are public: name of the deceased; date
32.35 of birth; date of death; address; sex; race; citizenship; height; weight; hair color; eye

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33.1 color; build; complexion; age, if known, or approximate age; identifying marks, scars and
33.2 amputations; a description of the decedent's clothing; marital status; location of death
33.3 including name of hospital where applicable; name of spouse; whether or not the decedent
33.4 ever served in the armed forces of the United States; occupation; business; father's name
33.5 (also birth name, if different); mother's name (also birth name, if different); birthplace;
33.6 birthplace of parents; cause of death; causes of cause of death; whether an autopsy was
33.7 performed and if so, whether it was conclusive; date and place of injury, if applicable,
33.8 including work place; how injury occurred; whether death was caused by accident,
33.9 suicide, homicide, or was of undetermined cause; certification of attendance by physician;
33.10 physician's name and address; certification by coroner or medical examiner; name and
33.11 signature of coroner or medical examiner; type of disposition of body; burial place name
33.12 and location, if applicable; date of burial, cremation or removal; funeral home name and
33.13 address; and name of local register or funeral director.

33.14 Sec. 72. Minnesota Statutes 2010, section 13.83, subdivision 4, is amended to read:

33.15 Subd. 4. **Investigative data.** Government data created or collected maintained
33.16 by a county coroner or medical examiner which ~~is~~ are part of an active investigation
33.17 mandated by chapter 390, or any other general or local law relating to coroners or medical
33.18 examiners ~~is~~ are confidential data or protected nonpublic data, until the completion of
33.19 the coroner's or medical examiner's final summary of findings but may be disclosed to
33.20 a state or federal agency charged by law with investigating the death of the deceased
33.21 individual about whom the medical examiner or coroner has medical examiner data.
33.22 Upon completion of the coroner's or medical examiner's final summary of findings, the
33.23 data collected in the investigation and the final summary of it are private or nonpublic
33.24 data. However, if the final summary and the record of death indicate the manner of
33.25 death is homicide, undetermined, or pending investigation and there is an active law
33.26 enforcement investigation, within the meaning of section 13.82, subdivision 7, relating to
33.27 the death of the deceased individual, the data remain confidential or protected nonpublic.
33.28 Upon review by the county attorney of the jurisdiction in which the law enforcement
33.29 investigation is active, the data may be released to persons described in subdivision 8 if
33.30 the county attorney determines release would not impede the ongoing investigation. When
33.31 the law enforcement investigation becomes inactive, the data are private or nonpublic
33.32 data. Nothing in this subdivision shall be construed to make not public the data elements
33.33 identified in subdivision 2 at any point in the investigation or thereafter.

33.34 Sec. 73. Minnesota Statutes 2010, section 13.83, subdivision 6, is amended to read:

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34.1 Subd. 6. **Classification of other data.** Unless a statute specifically provides a
34.2 different classification, all other government data created or collected maintained by a
34.3 county coroner or medical examiner that ~~is~~ are not data on deceased individuals or the
34.4 manner and circumstances of their death ~~is~~ are public pursuant to section 13.03.

34.5 Sec. 74. Minnesota Statutes 2010, section 13.861, subdivision 1, is amended to read:

34.6 Subdivision 1. **Definitions.** As used in this section:

34.7 (a) "Security service" means an organization that provides security services to a
34.8 government entity as a part of that entity or under contract to it. Security service does not
34.9 include a law enforcement agency.

34.10 (b) "Security service data" means all government data collected, created, or
34.11 maintained by a security service for the purpose of providing security services.

34.12 Sec. 75. Minnesota Statutes 2010, section 13.87, subdivision 1, is amended to read:

34.13 Subdivision 1. **Criminal history data.** (a) **Definition.** For purposes of this
34.14 subdivision, "criminal history data" means all data maintained in criminal history
34.15 records compiled by the Bureau of Criminal Apprehension, including, but not limited to
34.16 fingerprints, photographs, identification data, arrest data, prosecution data, criminal court
34.17 data, custody and supervision data.

34.18 (b) **Classification.** Criminal history data maintained by agencies, political
34.19 subdivisions and statewide systems are ~~classified as~~ private, pursuant to section 13.02,
34.20 subdivision 12, except that government data created, collected, or maintained by the
34.21 Bureau of Criminal Apprehension that identify an individual who was convicted of a
34.22 crime, the offense of which the individual was convicted, associated court disposition and
34.23 sentence information, controlling agency, and confinement information are public data for
34.24 15 years following the discharge of the sentence imposed for the offense. If an individual's
34.25 name or other identifying information is erroneously associated with a criminal history
34.26 and a determination is made through a fingerprint verification that the individual is not the
34.27 subject of the criminal history, the name or other identifying information must be redacted
34.28 from the public criminal history data. The name and other identifying information must be
34.29 retained in the criminal history and are classified as private data.

34.30 The Bureau of Criminal Apprehension shall provide to the public at the central office
34.31 of the bureau the ability to inspect in person, at no charge, through a computer monitor the
34.32 criminal conviction data classified as public under this subdivision.

34.33 (c) **Limitation.** Nothing in paragraph (a) or (b) shall limit public access to data
34.34 made public by section 13.82.

35.1 Sec. 76. Minnesota Statutes 2010, section 13.87, subdivision 2, is amended to read:

35.2 Subd. 2. **Firearms data.** All government data pertaining to the purchase or transfer
35.3 of firearms and applications for permits to carry firearms which are ~~collected~~ maintained
35.4 by government entities pursuant to sections 624.712 to 624.719 are ~~classified as~~ private,
35.5 pursuant to section 13.02, subdivision 12.

35.6 Sec. 77. Minnesota Statutes 2010, section 79A.16, is amended to read:

35.7 **79A.16 OPEN MEETING; ADMINISTRATIVE PROCEDURE ACT.**

35.8 The security fund and its board of trustees shall not be subject to (1) the Open
35.9 Meeting Law, chapter 13D, (2) the Open Appointments Law, (3) the ~~Data Privacy Law~~
35.10 Minnesota Government Data Practices Act, chapter 13, and (4) except where specifically
35.11 set forth, the Administrative Procedure Act.

35.12 The Self-Insurers' Advisory Committee shall not be subject to clauses (2) and (4).

35.13 Sec. 78. Minnesota Statutes 2010, section 79A.28, is amended to read:

35.14 **79A.28 OPEN MEETING; ADMINISTRATIVE PROCEDURE ACT.**

35.15 The commercial self-insurance group security fund and its board of trustees shall not
35.16 be subject to:

35.17 (1) the Open Meeting Law, chapter 13D;

35.18 (2) the Open Appointments Law;

35.19 (3) the ~~Data Privacy Law~~ Minnesota Government Data Practices Act, chapter 13; and

35.20 (4) except where specifically set forth, the Administrative Procedure Act.

35.21 **ARTICLE 2**

35.22 **OPEN MEETING LAW**

35.23 **Section 1. [13D.08] OPEN MEETING LAW CODED ELSEWHERE.**

35.24 Subdivision 1. **Board of Animal Health.** Certain meetings of the Board of Animal
35.25 Health are governed by section 35.0661, subdivision 1.

35.26 Subd. 2. **Minnesota Life and Health Guaranty Association.** Meetings of the
35.27 Minnesota Life and Health Guaranty Association Board of Directors are governed by
35.28 section 61B.22.

35.29 Subd. 3. **Comprehensive Health Association.** Certain meetings of the
35.30 Comprehensive Health Association are governed by section 62E.10, subdivision 4.

35.31 Subd. 4. **Health Technology Advisory Committee.** Certain meetings of the Health
35.32 Technology Advisory Committee are governed by section 62J.156.

36.1 Subd. 5. **Health Coverage Reinsurance Association.** Meetings of the Health
36.2 Coverage Reinsurance Association are governed by section 62L.13, subdivision 3.

36.3 Subd. 6. **Self-insurers' security fund.** Meetings of the self-insurers' security fund
36.4 and its board of trustees are governed by section 79A.16.

36.5 Subd. 7. **Commercial self-insurance group security fund.** Meetings of the
36.6 commercial self-insurance group security fund are governed by section 79A.28.

36.7 Subd. 8. **Lessard-Sams Outdoor Heritage Council.** Certain meetings of the
36.8 Lessard-Sams Outdoor Heritage Council are governed by section 97A.056, subdivision 5.

36.9 Subd. 9. **Enterprise Minnesota, Inc.** Certain meetings of the board of directors of
36.10 Enterprise Minnesota, Inc. are governed by section 116O.03.

36.11 Subd. 10. **Minnesota Business Finance, Inc.** Certain meetings of Minnesota
36.12 Business Finance, Inc. are governed by section 116S.02.

36.13 Subd. 11. **Northern Technology Initiative, Inc.** Certain meetings of Northern
36.14 Technology Initiative, Inc. are governed by section 116T.02.

36.15 Subd. 12. **Agricultural Utilization Research Institute.** Certain meetings of the
36.16 Agricultural Utilization Research Institute are governed by section 116V.01, subdivision
36.17 10.

36.18 Subd. 13. **Hospital authorities.** Certain meetings of hospitals established under
36.19 section 144.581 are governed by section 144.581, subdivisions 4 and 5.

36.20 Subd. 14. **Advisory Council on Workers' Compensation.** Certain meetings of
36.21 the Advisory Council on Workers' Compensation are governed by section 175.007,
36.22 subdivision 3.

36.23 Subd. 15. **Electric cooperatives.** Meetings of a board of directors of an electric
36.24 cooperative that has more than 50,000 members are governed by section 308A.327.

36.25 Subd. 16. **Town boards.** Certain meetings of town boards are governed by section
36.26 366.01, subdivision 11.

36.27 Subd. 17. **Hennepin County Medical Center and HMO.** Certain meetings of the
36.28 Hennepin County Board on behalf of the HMO or Hennepin Healthcare System, Inc. are
36.29 governed by section 383B.217.

36.30 Subd. 18. **Hennepin Healthcare System, Inc.** Certain meetings of the Hennepin
36.31 Healthcare System, Inc. are governed by section 383B.917.

APPENDIX
Article locations in 11-0234

ARTICLE 1	DATA PRACTICES	Page.Ln 1.18
ARTICLE 2	OPEN MEETING LAW	Page.Ln 35.21