

A bill for an act

relating to government data practices; providing for parole and probation authorities to have access to certain records; modifying landowners' bill of rights; modifying data practices provisions in the Department of Labor and Industry; classifying certain transportation department data; classifying certain labor relations data related to the Metropolitan Council as nonpublic data; requiring state and local law enforcement agencies to provide certain information; clarifying duties and classifications; making technical changes; modifying damages for liability; authorizing an innocent party's name associated with a criminal history to be redacted under certain circumstances; amending Minnesota Statutes 2006, sections 13.02, subdivisions 8, 11; 13.03, subdivision 4; 13.04, subdivisions 3, 4; 13.05, subdivision 10; 13.072, subdivision 1; 13.08, subdivisions 1, 4; 13.202, subdivision 11; 13.32, subdivision 5; 13.35; 13.355, subdivision 1; 13.3806, by adding a subdivision; 13.384, subdivisions 1, 2; 13.386, subdivision 3; 13.39, subdivisions 1, 2, 2a, 3; 13.392, subdivision 1; 13.393; 13.40, subdivisions 1, 3; 13.41, subdivision 3; 13.43, subdivisions 2, 5, 7, 9, 10, 11; 13.435; 13.44, subdivisions 1, 2, 3; 13.462, subdivisions 1, 2, 3; 13.48; 13.552, subdivision 3; 13.591, subdivision 4; 13.72, by adding subdivisions; 13.861, subdivision 1; 13.87, subdivisions 1, 2, by adding a subdivision; 84.0274, subdivision 5; 122A.33, subdivision 3; 144.125, subdivision 3; 171.07, subdivision 1a; 268.19, subdivision 1; 270B.01, subdivision 8; 270B.02, subdivision 3; 270B.085, by adding a subdivision; 270B.14, subdivision 3; 273.1315; 325E.59, subdivisions 1, 3, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 13; 473; repealing Minnesota Statutes 2006, sections 13.79, subdivision 2; 325E.59, subdivision 2.

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

Section 1. Minnesota Statutes 2006, section 13.02, subdivision 8, is amended to read:

Subd. 8. **Individual.** "Individual" means a natural person. In the case of a minor or an ~~individual adjudged mentally incompetent~~ incapacitated person as defined in section 524.5-102, subdivision 6, "individual" includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians, or individuals acting

as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.

Sec. 2. Minnesota Statutes 2006, section 13.02, subdivision 11, is amended to read:

Subd. 11. **Political subdivision.** "Political subdivision" means any county, statutory or home rule charter city, school district, special district, any town exercising powers under chapter 368 and located in the metropolitan area, as defined in section 473.121, subdivision 2, and any board, commission, district or authority created pursuant to law, local ordinance or charter provision. It includes any nonprofit corporation which is a community action agency organized pursuant to the Economic Opportunity Act of 1964 (Public Law 88-452) as amended, to qualify for public funds, or any nonprofit social service agency which performs services under contract to ~~any political subdivision, statewide system or state agency~~ a government entity, to the extent that the nonprofit social service agency or nonprofit corporation collects, stores, disseminates, and uses data on individuals because of a contractual relationship with ~~state agencies, political subdivisions or statewide systems~~ a government entity.

Sec. 3. Minnesota Statutes 2006, section 13.03, subdivision 4, is amended to read:

Subd. 4. **Change in classification of data; effect of dissemination among agencies.** (a) The classification of data in the possession of an entity shall change if it is required to do so to comply with either judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving entity.

(b) If data on individuals is classified as both private and confidential by this chapter, or any other statute or federal law, the data is private.

(c) To the extent that government data is disseminated to a government entity by another government entity, the data disseminated shall have the same classification in the hands of the entity receiving it as it had in the hands of the entity providing it.

(d) If a government entity disseminates data to another government entity, a classification provided for by law in the hands of the entity receiving the data does not affect the classification of the data in the hands of the entity that disseminates the data.

(e) To the extent that judicial branch data is disseminated to government entities by the judicial branch, the data disseminated shall have the same level of accessibility in the hands of the agency receiving it as it had in the hands of the judicial branch entity providing it.

3.1 Sec. 4. Minnesota Statutes 2006, section 13.04, subdivision 3, is amended to read:

3.2 Subd. 3. **Access to data by individual.** Upon request to a responsible authority
3.3 or designee, an individual shall be informed whether the individual is the subject of
3.4 stored data on individuals, and whether it is classified as public, private or confidential.
3.5 Upon further request, an individual who is the subject of stored private or public data on
3.6 individuals shall be shown the data without any charge and, if desired, shall be informed
3.7 of the content and meaning of that data. After an individual has been shown the private
3.8 data and informed of its meaning, the data need not be disclosed to that individual for
3.9 six months thereafter unless a dispute or action pursuant to this section is pending or
3.10 additional data on the individual has been collected or created. The responsible authority
3.11 or designee shall provide copies of the private or public data upon request by the individual
3.12 subject of the data. The responsible authority or designee may require the requesting
3.13 person to pay the actual costs of making, and certifying, ~~and compiling~~ the copies.

3.14 The responsible authority or designee shall comply immediately, if possible, with
3.15 any request made pursuant to this subdivision, or within ten days of the date of the request,
3.16 excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible.

3.17 Sec. 5. Minnesota Statutes 2006, section 13.04, subdivision 4, is amended to read:

3.18 Subd. 4. **Procedure when data is not accurate or complete.** (a) An individual
3.19 subject of the data may contest the accuracy or completeness of public or private data.
3.20 To exercise this right, an individual shall notify in writing the responsible authority
3.21 describing the nature of the disagreement. The responsible authority shall within 30 days
3.22 either: (1) correct the data found to be inaccurate or incomplete and attempt to notify past
3.23 recipients of inaccurate or incomplete data, including recipients named by the individual;
3.24 or (2) notify the individual that the authority believes the data to be correct. Data in
3.25 dispute shall be disclosed only if the individual's statement of disagreement is included
3.26 with the disclosed data.

3.27 The determination of the responsible authority may be appealed pursuant to the
3.28 provisions of the Administrative Procedure Act relating to contested cases. Upon receipt
3.29 of an appeal by an individual, the commissioner shall, before issuing the order and notice
3.30 of a contested case hearing required by chapter 14, try to resolve the dispute through
3.31 education, conference, conciliation, or persuasion. If the parties consent, the commissioner
3.32 may refer the matter to mediation. Following these efforts, the commissioner shall dismiss
3.33 the appeal or issue the order and notice of hearing.

(b) Data on individuals that have been successfully challenged by an individual must be completed, corrected, or destroyed by a ~~state agency, political subdivision, or statewide system~~ government entity without regard to the requirements of section 138.17.

After completing, correcting, or destroying successfully challenged data, a government entity may retain a copy of the commissioner of administration's order issued under chapter 14 or, if no order were issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

Sec. 6. Minnesota Statutes 2006, section 13.05, subdivision 10, is amended to read:

Subd. 10. **International dissemination.** No ~~state agency or political subdivision~~ government entity shall transfer or disseminate any private or confidential data on individuals to the private international organization known as Interpol, except through the Interpol-United States National Central Bureau, United States Department of Justice.

Sec. 7. Minnesota Statutes 2006, section 13.072, subdivision 1, is amended to read:

Subdivision 1. **Opinion; when required.** (a) Upon request of a government entity, the commissioner may give a written opinion on any question relating to public access to government data, rights of subjects of data, or classification of data under this chapter or other Minnesota statutes governing government data practices. Upon request of any person who disagrees with a determination regarding data practices made by a government entity, the commissioner may give a written opinion regarding the person's rights as a subject of government data or right to have access to government data.

(b) Upon request of a body subject to chapter 13D, the commissioner may give a written opinion on any question relating to the body's duties under chapter 13D. Upon request of a person who disagrees with the manner in which members of a governing body perform their duties under chapter 13D, the commissioner may give a written opinion on compliance with chapter 13D. A governing body or person requesting an opinion under this paragraph must pay the commissioner a fee of \$200. Money received by the commissioner under this paragraph is appropriated to the commissioner for the purposes of this section.

(c) If the commissioner determines that no opinion will be issued, the commissioner shall give the government entity or body subject to chapter 13D or person requesting the opinion notice of the decision not to issue the opinion within five business days of receipt of the request. If this notice is not given, the commissioner shall issue an opinion within 20 days of receipt of the request.

(d) For good cause and upon written notice to the person requesting the opinion, the commissioner may extend this deadline for one additional 30-day period. The notice must state the reason for extending the deadline. The government entity or the members of a body subject to chapter 13D must be provided a reasonable opportunity to explain the reasons for its decision regarding the data or how they perform their duties under chapter 13D. The commissioner or the government entity or body subject to chapter 13D may choose to give notice to the subject of the data concerning the dispute regarding the data or compliance with chapter 13D.

(e) This section does not apply to a determination made by the commissioner of health under section 13.3805, subdivision 1, paragraph (b), or 144.6581.

(f) A written, numbered, and published opinion issued by the attorney general shall take precedence over an opinion issued by the commissioner under this section.

Sec. 8. Minnesota Statutes 2006, section 13.08, subdivision 1, is amended to read:

Subdivision 1. **Action for damages.** Notwithstanding section 466.03, a responsible authority or government entity which violates any provision of this chapter is liable to a person or representative of a decedent who suffers any damage as a result of the violation, and the person damaged or a representative in the case of private data on decedents or confidential data on decedents may bring an action against the responsible authority or government entity to cover any damages sustained, plus costs and reasonable attorney fees. In the case of a willful violation, the government entity shall, in addition, be liable to exemplary damages of not less than ~~\$100~~ \$5,000, nor more than ~~\$10,000~~ \$50,000 for each violation. The state is deemed to have waived any immunity to a cause of action brought under this chapter.

Sec. 9. Minnesota Statutes 2006, section 13.08, subdivision 4, is amended to read:

Subd. 4. **Action to compel compliance.** (a) In addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person seeking to enforce the person's rights under this chapter or obtain access to data may bring an action in district court to compel compliance with this chapter and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that an action brought under this subdivision is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. If the court issues an order to compel compliance under this subdivision, the court may impose a civil penalty of up to ~~\$300~~ \$3,000 against the government entity. This penalty is payable to the state general fund and is in addition to damages under subdivision 1. The matter shall be heard

as soon as possible. In an action involving a request for government data under section 13.03 or 13.04, the court may inspect in camera the government data in dispute, but shall conduct its hearing in public and in a manner that protects the security of data classified as not public. If the court issues an order to compel compliance under this subdivision, the court shall forward a copy of the order to the commissioner of administration.

(b) In determining whether to assess a civil penalty under this subdivision, the court shall consider whether the government entity has substantially complied with general data practices under this chapter, including but not limited to, whether the government entity has:

(1) designated a responsible authority under section 13.02, subdivision 16;

(2) designated a data practices compliance official under section 13.05, subdivision 13;

(3) prepared the public document that names the responsible authority and describes the records and data on individuals that are maintained by the government entity under section 13.05, subdivision 1;

(4) developed public access procedures under section 13.03, subdivision 2; procedures to guarantee the rights of data subjects under section 13.05, subdivision 8; and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13.05, subdivision 5;

~~(5) sought an oral, written, or electronic opinion from the commissioner of administration related to the matter at issue and acted in conformity with that opinion or~~
acted in conformity with an opinion issued under section 13.072 that was sought by a government entity or another person; or

(6) provided ongoing training to government entity personnel who respond to requests under this chapter.

(c) The court shall award reasonable attorney fees to a prevailing plaintiff who has brought an action under this subdivision if the government entity that is the defendant in the action was also the subject of a written opinion issued under section 13.072 and the court finds that the opinion is directly related to the cause of action being litigated and that the government entity did not act in conformity with the opinion.

Sec. 10. Minnesota Statutes 2006, section 13.202, subdivision 11, is amended to read:

Subd. 11. **Metropolitan government.** (a) Labor relations information. Certain labor relations data relating to the negotiation of collective bargaining contracts by the Metropolitan Council are classified under section 473.1291.

~~(a)~~ (b) **Affirmative action plans.** Treatment of data relating to metropolitan agency affirmative action plans is governed by section 473.143, subdivisions 5 and 7.

~~(b)~~ (c) **Contracts for management services.** Data relating to compensation of personnel who work under a management service contract are classified by section 473.405, subdivision 12.

~~(c)~~ (d) **Arena acquisition.** Certain data in connection with a decision whether to acquire a sports arena are classified under section 473.598, subdivision 4.

~~(d)~~ (e) **Airports commission.** Certain airline data submitted to the Metropolitan Airports Commission in connection with the issuance of revenue bonds are classified under section 473.6671, subdivision 3.

~~(e)~~ (f) **Solid waste landfill fee.** Information obtained from the operator of a mixed municipal solid waste disposal facility under section 473.843 is classified under section 473.843, subdivision 4.

Sec. 11. Minnesota Statutes 2006, section 13.32, subdivision 5, is amended to read:

Subd. 5. **Directory information.** Information designated as directory information pursuant to the provisions of United States Code, title 20, section 1232g and Code of Federal Regulations, title 34, section 99.37 which are in effect on ~~July 1, 1993~~ January 1, 2007, is public data on individuals. When conducting the directory information designation and notice process required by federal law, an educational agency or institution shall give parents and students notice of the right to refuse to let the agency or institution designate any or all data about the student as directory information. This notice may be given by any means reasonably likely to inform the parents and students of the right.

Sec. 12. Minnesota Statutes 2006, section 13.35, is amended to read:

13.35 FEDERAL CONTRACTS DATA.

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

Sec. 13. Minnesota Statutes 2006, section 13.355, subdivision 1, is amended to read:

Subdivision 1. **General.** The Social Security numbers of individuals, whether provided in whole or in part, collected or maintained by a ~~state agency, statewide system,~~

~~or political subdivision~~ government entity are private data on individuals, except to the extent that access to the Social Security number is specifically authorized by law.

Sec. 14. Minnesota Statutes 2006, section 13.3806, is amended by adding a subdivision to read:

Subd. 21. **Heritable and congenital disorders; infant testing.** Data and specimens collected for testing infants for heritable and congenital disorders are governed by sections 144.125 to 144.128.

Sec. 15. Minnesota Statutes 2006, section 13.384, subdivision 1, is amended to read:

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

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

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

Sec. 16. Minnesota Statutes 2006, section 13.384, subdivision 2, is amended to read:

Subd. 2. **Public hospitals; directory information.** (a) During the time that a person is a patient in a hospital operated by a ~~state agency or political subdivision~~ government entity under legal commitment, directory information is public data. After the person is released by termination of the person's legal commitment, the directory information is private data on individuals.

(b) If a person is a patient other than pursuant to commitment in a hospital controlled by a ~~state agency or political subdivision~~ government entity, directory information is public data unless the patient requests otherwise, in which case it is private data on individuals.

(c) Directory information about an emergency patient who is unable to communicate which is public under this subdivision shall not be released until a reasonable effort is made to notify the next of kin. Although an individual has requested that directory information be private, the hospital may release directory information to a law enforcement agency pursuant to a lawful investigation pertaining to that individual.

Sec. 17. Minnesota Statutes 2006, section 13.386, subdivision 3, is amended to read:

Subd. 3. **Collection, storage, use, and dissemination of genetic information.** (a)

Unless otherwise expressly provided by law, genetic information about an individual:

(1) may be collected by a government entity, as defined in section 13.02, subdivision 7a, or any other person only with the written informed consent of the individual;

(2) may be used only for purposes to which the individual has given written informed consent;

(3) may be stored only for a period of time to which the individual has given written informed consent; and

(4) may be disseminated only:

(i) with the individual's written informed consent; or

(ii) if necessary in order to accomplish purposes described by clause (2). A consent to disseminate genetic information under item (i) must be signed and dated. Unless otherwise provided by law, such a consent is valid for one year or for a lesser period specified in the consent.

(b) Notwithstanding this subdivision, the Department of Health's collection, storage, use, and dissemination of genetic information and specimens for testing infants for heritable and congenital disorders are governed by sections 144.125 to 144.128.

Sec. 18. Minnesota Statutes 2006, section 13.39, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** A "pending civil legal action" includes but is not limited to judicial, administrative or arbitration proceedings. Whether a civil legal action is pending shall be determined by the chief attorney acting for the ~~state agency, political subdivision or statewide system~~ government entity.

Sec. 19. Minnesota Statutes 2006, section 13.39, subdivision 2, is amended to read:

Subd. 2. **Civil actions.** (a) Except as provided in paragraph (b), data collected by state agencies, political subdivisions, or statewide systems as part of an active investigation undertaken for the purpose of the commencement or defense of a pending civil legal action, or which are retained in anticipation of a pending civil legal action, are classified as protected nonpublic data pursuant to section 13.02, subdivision 13, in the case of data not on individuals and confidential pursuant to section 13.02, subdivision 3, in the case of data on individuals. Any agency, political subdivision, or statewide system may make any data classified as confidential or protected nonpublic pursuant to this subdivision accessible to any person, agency or the public if the agency, political subdivision, or statewide system determines that the access will aid the law enforcement process, promote public health or safety or dispel widespread rumor or unrest.

(b) A complainant has access to a statement provided by the complainant to a ~~state agency, statewide system, or political subdivision~~ government entity under paragraph (a).

Sec. 20. Minnesota Statutes 2006, section 13.39, subdivision 2a, is amended to read:

Subd. 2a. **Disclosure of data.** During the time when a civil legal action is determined to be pending under subdivision 1, any person may bring an action in the district court in the county where the data is maintained to obtain disclosure of data classified as confidential or protected nonpublic under subdivision 2. The court may order that all or part of the data be released to the public or to the person bringing the action. In making the determination whether data shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, the ~~agency~~ entity, or any person identified in the data. The data in dispute shall be examined by the court in camera.

Sec. 21. Minnesota Statutes 2006, section 13.39, subdivision 3, is amended to read:

Subd. 3. **Inactive investigative data.** Inactive civil investigative data are public, unless the release of the data would jeopardize another pending civil legal action, and except for those portions of a civil investigative file that are classified as not public data by this chapter or other law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. Civil investigative data become inactive upon the occurrence of any of the following events:

(1) a decision by the ~~state agency, political subdivision, or statewide system~~ government entity or by the chief attorney acting for the ~~state agency, political subdivision, or statewide system~~ government entity not to pursue the civil action;

(2) expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil action; or

(3) exhaustion of or expiration of rights of appeal by either party to the civil action.

Data determined to be inactive under clause (1) may become active if the ~~state agency, political subdivision, statewide system~~ government entity, or its attorney decides to renew the civil action.

Sec. 22. Minnesota Statutes 2006, section 13.392, subdivision 1, is amended to read:

Subdivision 1. **Confidential data or protected nonpublic data.** Data, notes, and preliminary drafts of reports created, collected, and maintained by the internal audit offices of ~~state agencies and political subdivisions~~ government entities, or persons performing audits for ~~state agencies and political subdivisions~~ government entities, and relating to

11.1 an audit or investigation are confidential data on individuals or protected nonpublic data
11.2 until the final report has been published or the audit or investigation is no longer being
11.3 pursued actively, except that the data shall be disclosed as required to comply with section
11.4 6.67 or 609.456. This section does not limit in any way:

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

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

11.9 Sec. 23. Minnesota Statutes 2006, section 13.393, is amended to read:

11.10 **13.393 ATTORNEYS.**

11.11 Notwithstanding the provisions of this chapter and section 15.17, the use, collection,
11.12 storage, and dissemination of data by an attorney acting in a professional capacity for ~~the~~
11.13 ~~state, a state agency or a political subdivision~~ a government entity shall be governed by
11.14 statutes, rules, and professional standards concerning discovery, production of documents,
11.15 introduction of evidence, and professional responsibility; provided that this section shall
11.16 not be construed to affect the applicability of any statute, other than this chapter and section
11.17 15.17, which specifically requires or prohibits disclosure of specific information by the
11.18 attorney, nor shall this section be construed to relieve any responsible authority, other than
11.19 the attorney, from duties and responsibilities pursuant to this chapter and section 15.17.

11.20 Sec. 24. Minnesota Statutes 2006, section 13.40, subdivision 1, is amended to read:

11.21 Subdivision 1. **Records subject to this chapter.** (a) For purposes of this section,
11.22 "historical records repository" means an archives or manuscript repository operated by
11.23 ~~any state agency, statewide system, or political subdivision~~ a government entity whose
11.24 purpose is to collect and maintain data to further the history of a geographic or subject
11.25 area. The term does not include the state archives as defined in section 138.17, subdivision
11.26 1, clause (5).

11.27 (b) Data collected, maintained, used, or disseminated by a library or historical
11.28 records repository operated by ~~any state agency, political subdivision, or statewide system~~
11.29 a government entity shall be administered in accordance with the provisions of this chapter.

11.30 Sec. 25. Minnesota Statutes 2006, section 13.40, subdivision 3, is amended to read:

11.31 Subd. 3. **Nongovernmental data.** Data held in the custody of a historical records
11.32 repository that were not originally created, received, maintained, or disseminated by

12.1 a ~~state agency, statewide system, or political subdivision~~ government entity are not
12.2 government data. These data are accessible to the public unless:

12.3 (1) the data are contributed by private persons under an agreement that restricts
12.4 access, to the extent of any lawful limitation; or

12.5 (2) access would significantly endanger the physical or organizational integrity of
12.6 the data.

12.7 Sec. 26. Minnesota Statutes 2006, section 13.41, subdivision 3, is amended to read:

12.8 Subd. 3. **Board of Peace Officer Standards and Training.** The following
12.9 government data of the Board of Peace Officer Standards and Training are private data:

12.10 (1) home addresses of licensees and applicants for licenses; and

12.11 (2) data that identify the ~~state agency, statewide system, or political subdivision~~
12.12 government entity that employs a licensed peace officer.

12.13 The board may disseminate private data on applicants and licensees as is necessary
12.14 to administer law enforcement licensure or to provide data under section 626.845,
12.15 subdivision 1, to law enforcement agencies who are conducting employment background
12.16 investigations.

12.17 Sec. 27. Minnesota Statutes 2006, section 13.43, subdivision 2, is amended to read:

12.18 Subd. 2. **Public data.** (a) Except for employees described in subdivision 5 and
12.19 subject to the limitations described in subdivision 5a, the following personnel data on
12.20 current and former employees, volunteers, and independent contractors of a government
12.21 entity is public:

12.22 (1) name; employee identification number, which must not be the employee's Social
12.23 Security number; actual gross salary; salary range; contract fees; actual gross pension; the
12.24 value and nature of employer paid fringe benefits; and the basis for and the amount of any
12.25 added remuneration, including expense reimbursement, in addition to salary;

12.26 (2) job title and bargaining unit; job description; education and training background;
12.27 and previous work experience;

12.28 (3) date of first and last employment;

12.29 (4) the existence and status of any complaints or charges against the employee,
12.30 regardless of whether the complaint or charge resulted in a disciplinary action;

12.31 (5) the final disposition of any disciplinary action together with the specific reasons
12.32 for the action and data documenting the basis of the action, excluding data that would
12.33 identify confidential sources who are employees of the public body;

(6) the terms of any agreement settling any dispute arising out of an employment relationship, including a buyout agreement as defined in section 123B.143, subdivision 2, paragraph (a); except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money;

(7) work location; a work telephone number; badge number; and honors and awards received; and

(8) payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

(b) For purposes of this subdivision, a final disposition occurs when the ~~state agency, statewide system, or political subdivision~~ government entity makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. In the case of arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the ~~state agency, statewide system, political subdivision~~ government entity, or arbitrator.

(c) The ~~state agency, statewide system, or political subdivision~~ government entity may display a photograph of a current or former employee to a prospective witness as part of the ~~state agency's, statewide system's, or political subdivision's~~ government entity's investigation of any complaint or charge against the employee.

(d) A complainant has access to a statement provided by the complainant to a ~~state agency, statewide system, or political subdivision~~ government entity in connection with a complaint or charge against an employee.

(e) Notwithstanding paragraph (a), clause (5), upon completion of an investigation of a complaint or charge against a public official, or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources. For purposes of this paragraph, "public official" means:

(1) the head of a state agency and deputy and assistant state agency heads;

(2) members of boards or commissions required by law to be appointed by the governor or other elective officers; and

14.1 (3) executive or administrative heads of departments, bureaus, divisions, or
14.2 institutions within state government.

14.3 Sec. 28. Minnesota Statutes 2006, section 13.43, subdivision 5, is amended to read:

14.4 Subd. 5. **Undercover law enforcement officer.** All personnel data maintained by
14.5 ~~any state agency, statewide system or political subdivision~~ a government entity relating
14.6 to an individual employed as or an applicant for employment as an undercover law
14.7 enforcement officer are private data on individuals. When the individual is no longer
14.8 assigned to an undercover position, the data described in subdivisions 2 and 3 become
14.9 public unless the law enforcement agency determines that revealing the data would
14.10 threaten the personal safety of the officer or jeopardize an active investigation.

14.11 Sec. 29. Minnesota Statutes 2006, section 13.43, subdivision 7, is amended to read:

14.12 Subd. 7. **Employee assistance data.** All data created, collected or maintained by
14.13 ~~any state agency or political subdivision~~ a government entity to administer employee
14.14 assistance programs similar to the one authorized by section 43A.319 are classified as
14.15 private, pursuant to section 13.02, subdivision 12. This section shall not be interpreted to
14.16 authorize the establishment of employee assistance programs.

14.17 Sec. 30. Minnesota Statutes 2006, section 13.43, subdivision 9, is amended to read:

14.18 Subd. 9. **Peer counseling debriefing data.** (a) Data acquired by a peer group
14.19 member in a public safety peer counseling debriefing is private data on the person being
14.20 debriefed.

14.21 (b) For purposes of this subdivision, "public safety peer counseling debriefing" means
14.22 a group process oriented debriefing session held for peace officers, firefighters, medical
14.23 emergency persons, dispatchers, or other persons involved with public safety emergency
14.24 services, that is established by any ~~agency~~ entity providing public safety emergency
14.25 services and is designed to help a person who has suffered an occupation-related traumatic
14.26 event begin the process of healing and effectively dealing with posttraumatic stress.

14.27 Sec. 31. Minnesota Statutes 2006, section 13.43, subdivision 10, is amended to read:

14.28 Subd. 10. **Prohibition on agreements limiting disclosure or discussion of**
14.29 **personnel data.** (a) A ~~state agency, statewide system, or political subdivision~~ government
14.30 entity may not enter into an agreement settling a dispute arising out of the employment
14.31 relationship with the purpose or effect of limiting access to or disclosure of personnel
14.32 data or limiting the discussion of information or opinions related to personnel data.

15.1 An agreement or portion of an agreement that violates this paragraph is void and
15.2 unenforceable.

15.3 (b) Paragraph (a) applies to the following, but only to the extent that the data or
15.4 information could otherwise be made accessible to the public:

15.5 (1) an agreement not to discuss, publicize, or comment on personnel data or
15.6 information;

15.7 (2) an agreement that limits the ability of the subject of personnel data to release or
15.8 consent to the release of data; or

15.9 (3) any other provision of an agreement that has the effect of limiting the disclosure
15.10 or discussion of information that could otherwise be made accessible to the public, except
15.11 a provision that limits the ability of an employee to release or discuss private data that
15.12 identifies other employees.

15.13 (c) Paragraph (a) also applies to a court order that contains terms or conditions
15.14 prohibited by paragraph (a).

15.15 Sec. 32. Minnesota Statutes 2006, section 13.43, subdivision 11, is amended to read:

15.16 Subd. 11. **Protection of employee or others.** (a) If the responsible authority
15.17 or designee of a ~~state agency, statewide system, or political subdivision~~ government
15.18 entity reasonably determines that the release of personnel data is necessary to protect an
15.19 employee from harm to self or to protect another person who may be harmed by the
15.20 employee, data that are relevant to the concerns for safety may be released as provided
15.21 in this subdivision.

15.22 (b) The data may be released:

15.23 (1) to the person who may be harmed and to an attorney representing the person
15.24 when the data are relevant to obtaining a restraining order;

15.25 (2) to a prepetition screening team conducting an investigation of the employee
15.26 under section 253B.07, subdivision 1; or

15.27 (3) to a court, law enforcement agency, or prosecuting authority.

15.28 (c) Section 13.03, subdivision 4, paragraph (c), applies to data released under this
15.29 subdivision, except to the extent that the data have a more restrictive classification in the
15.30 possession of the agency or authority that receives the data. If the person who may be
15.31 harmed or the person's attorney receives data under this subdivision, the data may be used
15.32 or released further only to the extent necessary to protect the person from harm.

15.33 Sec. 33. Minnesota Statutes 2006, section 13.435, is amended to read:

15.34 **13.435 SALARY BENEFIT SURVEY DATA.**

16.1 Salary and personnel benefit survey data purchased from consulting firms, nonprofit
16.2 corporations or associations or obtained from employers with the written understanding
16.3 that the data shall not be made public which is maintained by ~~state agencies, political~~
16.4 ~~subdivisions or statewide systems~~ government entities are classified as nonpublic pursuant
16.5 to section 13.02, subdivision 9.

16.6 Sec. 34. Minnesota Statutes 2006, section 13.44, subdivision 1, is amended to read:

16.7 Subdivision 1. **Real property; complaint data.** The identities of individuals who
16.8 register complaints with ~~state agencies or political subdivisions~~ government entities
16.9 concerning violations of state laws or local ordinances concerning the use of real property
16.10 are classified as confidential data, pursuant to section 13.02, subdivision 3.

16.11 Sec. 35. Minnesota Statutes 2006, section 13.44, subdivision 2, is amended to read:

16.12 Subd. 2. **Real property; building code violations.** Code violation records
16.13 pertaining to a particular parcel of real property and the buildings, improvements, and
16.14 dwelling units located on it that are kept by any state, county, or city agency charged
16.15 by the governing body of the appropriate ~~political subdivision~~ government entity with
16.16 the responsibility for enforcing a state, county, or city health, housing, building, fire
16.17 prevention, or housing maintenance code are public data; except as otherwise provided by
16.18 section 13.39, subdivision 2; 13.44; or 13.82, subdivision 7.

16.19 Sec. 36. Minnesota Statutes 2006, section 13.44, subdivision 3, is amended to read:

16.20 Subd. 3. **Real property; appraisal data.** (a) **Confidential or protected nonpublic**
16.21 **data.** Estimated or appraised values of individual parcels of real property that are made by
16.22 personnel of ~~the state or a political subdivision~~ a government entity or by independent
16.23 appraisers acting for ~~the state or a political subdivision~~ a government entity for the
16.24 purpose of selling or acquiring land through purchase or condemnation are classified as
16.25 confidential data on individuals or protected nonpublic data.

16.26 (b) **Private or nonpublic data.** Appraised values of individual parcels of real
16.27 property that are made by appraisers working for fee owners or contract purchasers who
16.28 have received an offer to purchase their property from ~~the state or a political subdivision~~
16.29 a government entity are classified as private data on individuals or nonpublic data.

16.30 (c) **Public data.** The data made confidential or protected nonpublic under paragraph
16.31 (a) or made private or nonpublic under paragraph (b) become public upon the occurrence
16.32 of any of the following:

16.33 (1) the data are submitted to a court-appointed condemnation commissioner;

- 17.1 (2) the data are presented in court in condemnation proceedings; or
17.2 (3) the negotiating parties enter into an agreement for the purchase and sale of the
17.3 property.

17.4 Sec. 37. Minnesota Statutes 2006, section 13.462, subdivision 1, is amended to read:

17.5 Subdivision 1. **Definition.** As used in this section, "benefit data" means data on
17.6 individuals collected or created because an individual seeks information about becoming,
17.7 is, or was an applicant for or a recipient of benefits or services provided under various
17.8 housing, home ownership, rehabilitation and community action agency, Head Start,
17.9 and food assistance programs administered by ~~state agencies, political subdivisions, or~~
17.10 ~~statewide systems~~ government entities. Benefit data does not include welfare data which
17.11 shall be administered in accordance with section 13.46.

17.12 Sec. 38. Minnesota Statutes 2006, section 13.462, subdivision 2, is amended to read:

17.13 Subd. 2. **Public data.** The names and addresses of applicants for and recipients of
17.14 benefits, aid, or assistance through programs administered by ~~any political subdivision,~~
17.15 ~~state agency, or statewide system~~ a government entity that are intended to assist with the
17.16 purchase, rehabilitation, or other purposes related to housing or other real property are
17.17 classified as public data on individuals. If an applicant or recipient is a corporation, the
17.18 names and addresses of the officers of the corporation are public data on individuals. If
17.19 an applicant or recipient is a partnership, the names and addresses of the partners are
17.20 public data on individuals. The amount or value of benefits, aid, or assistance received
17.21 is public data.

17.22 Sec. 39. Minnesota Statutes 2006, section 13.462, subdivision 3, is amended to read:

17.23 Subd. 3. **Private data.** Unless otherwise provided by law, all other benefit data are
17.24 private data on individuals, and shall not be disclosed except pursuant to court order or to
17.25 an agent of the ~~state agency, political subdivision, or statewide system~~ government entity,
17.26 including appropriate law enforcement personnel, who are acting in an investigation or
17.27 prosecution of a criminal or civil proceeding relating to the administration of a program
17.28 described in subdivision 1.

17.29 Sec. 40. Minnesota Statutes 2006, section 13.48, is amended to read:

17.30 **13.48 AWARD DATA.**

17.31 Financial data on business entities submitted to a ~~state agency, statewide system, or~~
17.32 ~~political subdivision~~ government entity for the purpose of presenting awards to business

18.1 entities for achievements in business development or performance are private data on
18.2 individuals or nonpublic data.

18.3 Sec. 41. Minnesota Statutes 2006, section 13.552, subdivision 3, is amended to read:

18.4 Subd. 3. **Data provided under subpoena.** Data supplied by a ~~state agency,~~
18.5 ~~statewide system, or political subdivision~~ government entity pursuant to a subpoena issued
18.6 by the commissioner of human rights is governed by section 363A.06, subdivision 2.

18.7 Sec. 42. Minnesota Statutes 2006, section 13.591, subdivision 4, is amended to read:

18.8 Subd. 4. **Classification of evaluative data; data sharing.** (a) Data created or
18.9 maintained by a government entity as part of the selection or evaluation process referred
18.10 to in this section are protected nonpublic data until completion of the selection process or
18.11 completion of the evaluation process at which time the data are public with the exception
18.12 of trade secret data as defined and classified in section 13.37.

18.13 (b) If a ~~state agency~~ government entity asks employees of other ~~state agencies~~
18.14 government entities to assist with the selection of the responses to a request for bid or the
18.15 evaluation of responses to a request for proposal, the ~~state agency~~ government entity may
18.16 share not public data in the responses with those employees. The employees participating
18.17 in the selection or evaluation may not further disseminate the not public data they review.

18.18 Sec. 43. [13.597] GRANTS.

18.19 Subdivision 1. Definitions. For purposes of this section, the following terms have
18.20 the meanings given them.

18.21 (a) "Completion of the evaluation process" means that the granting agency has
18.22 completed negotiating the grant agreement with the selected grantee.

18.23 (b) "Grant agreement" means the document that details the responsibilities of the
18.24 grantee and the granting agency and the value to be provided to the grantee.

18.25 (c) "Grantee" means a person that applies for or receives a grant.

18.26 (d) "Granting agency" means the government entity that provides the grant.

18.27 (e) "Opened" means the act that occurs once the deadline for submitting a response
18.28 to a proposal to the granting agency has been reached.

18.29 (f) "Request for proposal" means the data outlining the responsibilities the granting
18.30 agency wants the grantee to assume.

18.31 (g) "Response" means the data submitted by a grantee as required by a request for
18.32 proposal.

19.1 Subd. 2. **Request for applications.** Data created by a granting agency to create a
19.2 request for proposal is classified as nonpublic until the request for proposal is published.
19.3 To the extent that a granting agency involves persons outside the granting agency to create
19.4 the request for proposal, the data remain nonpublic in the hands of all persons who may
19.5 not further disseminate any data that are created or reviewed as part of the request for
19.6 proposal development. At publication, the data in the request for proposal is public.

19.7 Subd. 3. **Responses to request for proposals.** (a) Responses submitted by a grantee
19.8 are private or nonpublic until the responses are opened. Once the responses are opened,
19.9 the name and address of the grantee and the amount requested is public. All other data in a
19.10 response is private or nonpublic data until completion of the evaluation process. After a
19.11 granting agency has completed the evaluation process, all remaining data in the responses
19.12 is public with the exception of trade secret data as defined and classified in section 13.37.
19.13 A statement by a grantee that the response is copyrighted or otherwise protected does
19.14 not prevent public access to the response.

19.15 (b) If all responses are rejected prior to completion of the evaluation process,
19.16 all data, other than that made public at the opening, remain private or nonpublic
19.17 until a resolicitation of proposals results in completion of the evaluation process or a
19.18 determination is made to abandon the grant. If the rejection occurs after the completion of
19.19 the evaluation process, the data remain public. If a resolicitation of proposals does not
19.20 occur within one year of the grant opening date, the remaining data become public.

19.21 Subd. 4. **Evaluation data.** (a) Data created or maintained by a granting agency as
19.22 part of the evaluation process referred to in this section are protected nonpublic data until
19.23 completion of the evaluation process at which time the data are public with the exception
19.24 of trade secret data as defined and classified in section 13.37.

19.25 (b) If a granting agency asks individuals outside the granting agency to assist with
19.26 the evaluation of the responses, the granting agency may share not public data in the
19.27 responses with those individuals. The individuals participating in the evaluation may not
19.28 further disseminate the not public data they review.

19.29 Sec. 44. Minnesota Statutes 2006, section 13.72, is amended by adding a subdivision
19.30 to read:

19.31 Subd. 14. **Market research data; classification.** (a) Names, home addresses
19.32 except for zip codes, home e-mail addresses, and home telephone numbers obtained
19.33 for or received in response to a survey conducted by or on behalf of the Department of
19.34 Transportation are classified as private data on individuals.

20.1 (b) Business names, business addresses except for zip codes, business e-mail
20.2 addresses, and business telephone numbers obtained for or received in response to a
20.3 survey conducted by or on behalf of the Department of Transportation are classified
20.4 as nonpublic data.

20.5 Sec. 45. Minnesota Statutes 2006, section 13.72, is amended by adding a subdivision
20.6 to read:

20.7 Subd. 15. **Overhead rate data.** Financial statements and lists of stockholders
20.8 provided to the commissioner of transportation by a consultant in order to establish its
20.9 overhead rate, and the schedule of audit adjustments and the overhead rate schedule
20.10 prepared by the Department of Transportation in order to establish the overhead rate for a
20.11 consultant are classified as nonpublic data or private data on individuals. The overhead
20.12 rate percentage is public data.

20.13 Sec. 46. Minnesota Statutes 2006, section 13.72, is amended by adding a subdivision
20.14 to read:

20.15 Subd. 16. **Bid escrow data.** Bid documentation held in escrow by the Department
20.16 of Transportation is classified as nonpublic data. Any data on individuals in the bid
20.17 documentation are classified as private data on individuals. "Bid documentation" means
20.18 all writings, working papers, computer printout charts, and other data calculations used
20.19 by a contractor to determine its bid in bidding for a contract. The bid documentation
20.20 includes, but is not limited to, the contractor's costs for operating each piece of equipment
20.21 owned by the contractor, the contractor's overhead costs and its calculated overhead rate,
20.22 the contractor's pay rates for its employees, efficiency or productivity factors, arithmetic
20.23 extensions, and the rates and quotations from subcontractors and material suppliers to
20.24 the extent that the rates and quotations were used by the contractor in formulating and
20.25 determining the amount of the bid.

20.26 Sec. 47. **[13.7908] BUREAU OF MEDIATION SERVICES DATA.**

20.27 Subdivision 1. **Representation data.** Authorization signatures or cards furnished in
20.28 support of a petition filed or election conducted under sections 179.16, 179.18 to 179.25,
20.29 and 179A.12, and ballots, prior to the time of tabulation, are classified as protected
20.30 nonpublic data or confidential data on individuals.

20.31 Subd. 2. **Mediation data.** Data received or maintained by the staff or commissioner
20.32 of the Bureau of Mediation Services during the course of providing mediation services to
20.33 the parties to a labor dispute under chapter 179 are classified as protected nonpublic data

21.1 or confidential data on individuals, except to the extent the commissioner of the Bureau of
21.2 Mediation Services determines access to data is necessary to fulfill the requirements of
21.3 section 179A.16 or to identify the general nature of or parties to a labor dispute.

21.4 Sec. 48. Minnesota Statutes 2006, section 13.861, subdivision 1, is amended to read:

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

21.6 (a) "Security service" means an organization that provides security services to a ~~state~~
21.7 ~~agency or political subdivision~~ government entity as a part of ~~the governmental~~ that entity
21.8 or under contract to it. Security service does not include a law enforcement agency.

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

21.11 Sec. 49. Minnesota Statutes 2006, section 13.87, subdivision 1, is amended to read:

21.12 Subdivision 1. **Criminal history data.** (a) **Definition.** For purposes of this
21.13 subdivision, "criminal history data" means all data maintained in criminal history
21.14 records compiled by the Bureau of Criminal Apprehension and disseminated through
21.15 the criminal justice information system, including, but not limited to fingerprints,
21.16 photographs, identification data, arrest data, prosecution data, criminal court data, custody
21.17 and supervision data.

21.18 (b) **Classification.** Criminal history data maintained by agencies, political
21.19 subdivisions and statewide systems are classified as private, pursuant to section 13.02,
21.20 subdivision 12, except that data created, collected, or maintained by the Bureau of
21.21 Criminal Apprehension that identify an individual who was convicted of a crime, the
21.22 offense of which the individual was convicted, associated court disposition and sentence
21.23 information, controlling agency, and confinement information are public data for 15 years
21.24 following the discharge of the sentence imposed for the offense. When an innocent party's
21.25 name is associated with a criminal history, and a determination has been made through a
21.26 fingerprint verification that the innocent party is not the subject of the criminal history, the
21.27 name may be redacted from the public criminal history data. The name shall be retained in
21.28 the criminal history and classified as private data.

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

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

22.1 Sec. 50. Minnesota Statutes 2006, section 13.87, subdivision 2, is amended to read:

22.2 Subd. 2. **Firearms data.** All data pertaining to the purchase or transfer of firearms
22.3 and applications for permits to carry firearms which are collected by ~~state agencies,~~
22.4 ~~political subdivisions or statewide systems~~ government entities pursuant to sections
22.5 624.712 to 624.719 are classified as private, pursuant to section 13.02, subdivision 12.

22.6 Sec. 51. Minnesota Statutes 2006, section 13.87, is amended by adding a subdivision
22.7 to read:

22.8 Subd. 5. **Parole and probation authority access to records.** Parole and county
22.9 probation authorities may access data identified in subdivision 2 on an applicant or permit
22.10 holder who is also a defendant, parolee, or probationer of a district court.

22.11 Sec. 52. **[13.873] CRIMNET.**

22.12 Subdivision 1. **Definitions.** For purposes of this section, "integrated search
22.13 service" or "ISS" is a service operated by the Bureau of Criminal Apprehension which
22.14 allows authorized users to search and view data that are stored on one or more databases
22.15 maintained by criminal justice agencies, as defined in section 299C.46, subdivision 2.

22.16 Subd. 2. **Requests by data subject.** An individual may request that an ISS query to
22.17 locate data about the individual be performed by state or local law enforcement agencies
22.18 with ISS access. State and local law enforcement agencies with ISS access shall only
22.19 provide:

22.20 (1) a list of the government entities that have provided public or private data about
22.21 that individual through ISS; and

22.22 (2) data that describe what is maintained about the individual at each government
22.23 entity on the list.

22.24 Subd. 3. **Bureau responsibilities.** The bureau must provide the following
22.25 information at a public Internet site:

22.26 (1) a listing of all law enforcement agencies with ISS access; and

22.27 (2) information for individual data subjects on how to challenge the accuracy or
22.28 completeness of data pursuant to section 13.04, subdivision 4.

22.29 Sec. 53. Minnesota Statutes 2006, section 84.0274, subdivision 5, is amended to read:

22.30 Subd. 5. **Owner's rights.** When the state proposes to purchase in fee or any lesser
22.31 interest in land which will be administered by the commissioner of natural resources, the
22.32 landowner shall have the following rights:

23.1 (a) The right to be informed of the specific intended use of the property and of any
23.2 change in the intended use of the property which occurs during the acquisition process.
23.3 The owner shall also be informed that the documents regarding the purchase will be public
23.4 records if the land is purchased by the state;

23.5 (b) The right to be paid a fair price for the property. The price shall include the
23.6 fair market value of the land plus:

23.7 (1) All necessary incidental costs such as abstracting and recording fees related
23.8 to the sale. The costs of clearing title defects, paying taxes, and attorney's fees are not
23.9 reimbursable; and

23.10 (2) Any penalties incurred by the owner where the property is security for a loan
23.11 or advance of credit that contains a provision requiring or permitting the imposition of a
23.12 penalty if the loan or advance of credit is prepaid;

23.13 (c) The right to payment, at the owner's election, in a lump sum or in up to four
23.14 annual installments;

23.15 (d) The right to have the property fairly appraised by the state. The state's appraiser
23.16 shall physically inspect the property and shall allow the owner along when the appraisal
23.17 is made. The state's appraiser shall certify in the appraisal report to having physically
23.18 inspected the property and having given the landowner an opportunity to go along on
23.19 inspections. Notwithstanding section 13.44, subdivision 3, before an offer is made, the
23.20 landowner shall be given a resume of the state's certified appraisal. The resume shall
23.21 include the appraiser's conclusions as to value, acreage and type of land, value of buildings
23.22 and other improvements, value of timber, special damages and any special elements of
23.23 value informed of the value determined pursuant to section 84.0272;

23.24 (e) The right to retain a qualified independent appraiser to conduct an appraisal at any
23.25 time prior to certification of the state's appraisal of the property and to be reimbursed for
23.26 appraisal fees as provided in section 117.232, subdivision 1, if the land is sold to the state
23.27 and to have that appraisal considered along with the state's in certifying the selling price;

23.28 (f) The right to have the state acquire the property by means of condemnation upon
23.29 the owner's request with the agreement of the commissioner;

23.30 (g) The right to receive or waive relocation assistance, services, payments and
23.31 benefits as provided in sections 117.52 and 117.521;

23.32 (h) The right to accept the state's offer for the property and contest the state's offer
23.33 for relocation and moving expenses;

23.34 (i) The right to continue occupancy of the property until full payment is received,
23.35 provided that when the owner elects to receive payment in annual installments pursuant to
23.36 clause (c), the owner may retain occupancy until the first payment is made; and

24.1 (j) The right to seek the advice of counsel regarding any aspect of the land
24.2 transaction.

24.3 Sec. 54. Minnesota Statutes 2006, section 122A.33, subdivision 3, is amended to read:

24.4 Subd. 3. **Notice of nonrenewal; opportunity to respond.** A school board that
24.5 declines to renew the coaching contract of a licensed or nonlicensed head varsity coach
24.6 must notify the coach within 14 days of that decision. If the coach requests reasons for
24.7 not renewing the coaching contract, the board must give the coach its reasons in writing
24.8 within ten days of receiving the request. Upon request, the board must provide the coach
24.9 with a reasonable opportunity to respond to the reasons at a board meeting. The hearing
24.10 may be opened or closed at the election of the coach unless the board closes the meeting
24.11 under section 13D.05, subdivision 2, to discuss ~~nonpublic~~ private data.

24.12 Sec. 55. Minnesota Statutes 2006, section 144.125, subdivision 3, is amended to read:

24.13 Subd. 3. ~~Objection of parents to test~~ Disclosure to parents; opt-out procedures.
24.14 (a) Persons with a duty to perform testing under subdivision 1 shall ~~advise~~ provide parents
24.15 of infants with a document explaining: (1) that the blood or tissue samples used to
24.16 perform testing thereunder as well as the results of such testing may be retained by the
24.17 Department of Health; (2) the benefit of retaining the blood or tissue sample; and (3) that
24.18 the following options are available to them with respect to the testing: (i) to decline to
24.19 have the tests, or (ii) to elect to have the tests but to require that all blood samples and
24.20 records of test results be destroyed within 24 months of the testing for the data that will
24.21 be collected as a result of the testing; and (4) the ways in which the samples and data
24.22 collected will be stored and used.

24.23 (b) The document provided under paragraph (a) must also inform parents of their
24.24 right to opt-out of any aspect of the testing or subsequent data and sample storage or use,
24.25 including the testing itself, and the length of time data and samples are kept, and clearly
24.26 describe the process required to opt-out. If the parents of an infant ~~object in writing to~~
24.27 opt-out of testing for heritable and congenital disorders or elect to require that blood
24.28 samples and test results be destroyed, the ~~objection or election~~ that decision shall be
24.29 recorded on a form that is signed by a parent or legal guardian and made part of the infant's
24.30 medical record. ~~A written objection~~ An opt-out exempts an infant from the requirements
24.31 of this section and section 144.128.

24.32 Sec. 56. Minnesota Statutes 2006, section 171.07, subdivision 1a, is amended to read:

Subd. 1a. **Filing photograph or image; data classification.** The department shall file, or contract to file, all photographs or electronically produced images obtained in the process of issuing drivers' licenses or Minnesota identification cards. The photographs or electronically produced images shall be private data pursuant to section 13.02, subdivision 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to provide copies of photographs or electronically produced images to data subjects.

The use of the files is restricted:

(1) to the issuance and control of drivers' licenses;

(2) ~~for law enforcement purposes in the investigation and prosecution of crimes;~~ and to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the investigation and prosecution of crimes, service of process, location of missing persons, investigation and preparation of cases for criminal, juvenile, and traffic court, and supervision of offenders;

(3) ~~for~~ to public defenders, as defined in section 611.272, for the investigation and preparation of cases for criminal, juvenile, and traffic courts; and

(4) to child support enforcement purposes under section 256.978.

Sec. 57. Minnesota Statutes 2006, section 268.19, subdivision 1, is amended to read:

Subdivision 1. **Use of data.** (a) Except as otherwise provided by this section, data gathered from any person pursuant to the administration of the Minnesota Unemployment Insurance Law are private data on individuals or nonpublic data not on individuals as defined in section 13.02, subdivisions 9 and 12, and may not be disclosed except pursuant to a district court order or section 13.05. A subpoena shall not be considered a district court order. These data may be disseminated to and used by the following agencies without the consent of the subject of the data:

(1) state and federal agencies specifically authorized access to the data by state or federal law;

(2) any agency of any other state or any federal agency charged with the administration of an unemployment insurance program;

(3) any agency responsible for the maintenance of a system of public employment offices for the purpose of assisting individuals in obtaining employment;

(4) human rights agencies within Minnesota that have enforcement powers;

(5) the Department of Revenue only to the extent necessary for its duties under Minnesota laws;

(6) public and private agencies responsible for administering publicly financed assistance programs for the purpose of monitoring the eligibility of the program's recipients;

(7) the Department of Labor and Industry and the Division of Insurance Fraud Prevention in the Department of Commerce on an interchangeable basis with the department for uses consistent with the administration of their duties under Minnesota law;

(8) local and state welfare agencies for monitoring the eligibility of the data subject for assistance programs, or for any employment or training program administered by those agencies, whether alone, in combination with another welfare agency, or in conjunction with the department or to monitor and evaluate the statewide Minnesota family investment program by providing data on recipients and former recipients of food stamps or food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;

(9) local and state welfare agencies for the purpose of identifying employment, wages, and other information to assist in the collection of an overpayment debt in an assistance program;

(10) local, state, and federal law enforcement agencies for the sole purpose of ascertaining the last known address and employment location of a person who is the subject of a criminal investigation;

(11) the federal Immigration and Naturalization Service shall have access to data on specific individuals and specific employers provided the specific individual or specific employer is the subject of an investigation by that agency; ~~and~~

(12) the Department of Health solely for the purposes of epidemiologic investigations; and

(13) the Department of Corrections for the purpose of postconfinement employment tracking of individuals who had been committed to the custody of the commissioner of corrections.

(b) Data on individuals and employers that are collected, maintained, or used by the department in an investigation pursuant to section 268.182 are confidential as to data on individuals and protected nonpublic data not on individuals as defined in section 13.02, subdivisions 3 and 13, and must not be disclosed except pursuant to statute or district court order or to a party named in a criminal proceeding, administrative or judicial, for preparation of a defense.

(c) Data gathered by the department pursuant to the administration of the Minnesota unemployment insurance program must not be made the subject or the basis for any

27.1 suit in any civil proceedings, administrative or judicial, unless the action is initiated by
27.2 the department.

27.3 Sec. 58. Minnesota Statutes 2006, section 270B.01, subdivision 8, is amended to read:

27.4 Subd. 8. **Minnesota tax laws.** For purposes of this chapter only, unless expressly
27.5 stated otherwise, "Minnesota tax laws" means:

27.6 (1) the taxes, refunds, and fees administered by or paid to the commissioner under
27.7 chapters 115B, 289A (except taxes imposed under sections 298.01, 298.015, and 298.24),
27.8 290, 290A, 291, 295, 297A, 297B, and 297H, or any similar Indian tribal tax administered
27.9 by the commissioner pursuant to any tax agreement between the state and the Indian tribal
27.10 government, and includes any laws for the assessment, collection, and enforcement of
27.11 those taxes, refunds, and fees; and

27.12 (2) section 273.1315.

27.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

27.14 Sec. 59. Minnesota Statutes 2006, section 270B.02, subdivision 3, is amended to read:

27.15 Subd. 3. **Confidential data on individuals; protected nonpublic data.** (a) Except
27.16 as provided in paragraph (b), the name or existence of an informer, informer letters, and
27.17 other data, in whatever form, given to the Department of Revenue by a person, other than
27.18 the data subject, who informs that a specific person is not or may not be in compliance
27.19 with tax laws, or nontax laws administered by the Department of Revenue, including laws
27.20 ~~other than those relating to property taxes~~ not listed in section 270B.01, subdivision 8, are
27.21 confidential data on individuals or protected nonpublic data as defined in section 13.02,
27.22 subdivisions 3 and 13. This paragraph does not apply to laws relating to property taxes.

27.23 (b) Data under paragraph (a) may be disclosed with the consent of the informer
27.24 or upon a written finding by a court that the information provided by the informer was
27.25 false and that there is evidence that the information was provided in bad faith. This
27.26 subdivision does not alter disclosure responsibilities or obligations under the Rules of
27.27 Criminal Procedure.

27.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

27.29 Sec. 60. Minnesota Statutes 2006, section 270B.085, is amended by adding a
27.30 subdivision to read:

27.31 Subd. 3. **Collection of nontax debt.** The commissioner may use return information
27.32 for the purpose of collecting debts referred to the commissioner under chapter 16D.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 61. Minnesota Statutes 2006, section 270B.14, subdivision 3, is amended to read:

Subd. 3. **Administration of enterprise, job opportunity, and biotechnology and health sciences industry zone ~~program~~ programs.** The commissioner may disclose return information relating to the taxes imposed by chapters 290 and 297A to the Department of Employment and Economic Development or a municipality receiving an enterprise zone designation under section 469.169 but only as necessary to administer the funding limitations under section 469.169, subdivision 7-, or to the Department of Employment and Economic Development and appropriate officials from the local government units in which a qualified business is located but only as necessary to enforce the job opportunity building zone benefits under section 469.315, or biotechnology and health sciences industry zone benefits under section 469.336.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 62. Minnesota Statutes 2006, section 273.1315, is amended to read:

273.1315 CERTIFICATION OF CLASS 1B PROPERTY.

Subdivision 1. **Class 1b homestead declaration before 2008.** Any property owner seeking classification and assessment of the owner's homestead as class 1b property pursuant to section 273.13, subdivision 22, paragraph (b), on or before October 1, 2007, shall file with the commissioner of revenue a 1b homestead declaration, on a form prescribed by the commissioner. The declaration shall contain the following information:

(a) the information necessary to verify that on or before June 30 of the filing year, the property owner or the owner's spouse satisfies the requirements of section 273.13, subdivision 22, paragraph (b), for 1b classification; and

(b) any additional information prescribed by the commissioner.

The declaration must be filed on or before October 1 to be effective for property taxes payable during the succeeding calendar year. The declaration and any supplementary information received from the property owner pursuant to this section shall be subject to chapter 270B. If approved by the commissioner, the declaration remains in effect until the property no longer qualifies under section 273.13, subdivision 22, paragraph (b). Failure to notify the commissioner within 30 days that the property no longer qualifies under that paragraph because of a sale, change in occupancy, or change in the status or condition of an occupant shall result in the penalty provided in section 273.124, subdivision 13,

computed on the basis of the class 1b benefits for the property, and the property shall lose its current class 1b classification.

The commissioner shall provide to the assessor on or before November 1 a listing of the parcels of property qualifying for 1b classification.

Subd. 2. Class 1b homestead declaration 2008 and thereafter. Any property owner seeking classification and assessment of the owner's homestead as class 1b property pursuant to section 273.13, subdivision 22, paragraph (b), after October 1, 2007, shall file with the county assessor a class 1b homestead declaration, on a form prescribed by the commissioner of revenue. The declaration must contain the following information:

(1) the information necessary to verify that, on or before June 30 of the filing year, the property owner or the owner's spouse satisfies the requirements of section 273.13, subdivision 22, paragraph (b), for class 1b classification; and

(2) any additional information prescribed by the commissioner.

The declaration must be filed on or before October 1 to be effective for property taxes payable during the succeeding calendar year. The Social Security numbers and income and medical information received from the property owner pursuant to this section are private data on individuals as defined in section 13.02. If approved by the assessor, the declaration remains in effect until the property no longer qualifies under section 273.13, subdivision 22, paragraph (b). Failure to notify the assessor within 30 days that the property no longer qualifies under that paragraph because of a sale, change in occupancy, or change in the status or condition of an occupant shall result in the penalty provided in section 273.124, subdivision 13, computed on the basis of the class 1b benefits for the property, and the property shall lose its current class 1b classification.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 63. Minnesota Statutes 2006, section 325E.59, subdivision 1, is amended to read:

Subdivision 1. **Generally.** (a) A person or entity, not including a government entity, may not do any of the following:

(1) publicly post or publicly display in any manner an individual's Social Security number. "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public;

(2) print an individual's Social Security number on any card required for the individual to access products or services provided by the person or entity;

(3) require an individual to transmit the individual's Social Security number over the Internet, unless:

(i) the connection is secure or the Social Security number is encrypted; and

(ii) the Social Security number is used to verify the identity of the individual, is used solely for that purpose, and it would be impracticable to use another method to verify the identity of the individual,

except as required by titles XVIII and XIX of the Social Security Act and by Code of Federal Regulations, title 42, section 483.20;

(4) require an individual to use the individual's Social Security number to access an Internet Web site, unless a password or unique personal identification number or other authentication device is also required to access the Internet Web site;

~~(5) print a number that the person or entity knows to be an individual's Social Security number on any materials that are mailed to the individual, unless state or federal law requires the Social Security number to be on the document to be mailed. If, in connection with a transaction involving or otherwise relating to an individual, a person or entity receives a number from a third party, that person or entity is under no duty to inquire or otherwise determine whether the number is or includes that individual's Social Security number and may print that number on materials mailed to the individual, unless the person or entity receiving the number has actual knowledge that the number is or includes the individual's Social Security number;~~ (5) send or cause to be sent or delivered any letter, envelope, or package that displays a Social Security number on the face of the mailing envelope or package, or from which a Social Security number is visible, whether on the outside or inside of the mailing envelope or package. A person is further prohibited from printing a number that the person or entity knows to be an individual's Social Security number on any materials that are mailed to the individual, unless state or federal law requires the Social Security number to be on the document to be mailed or as part of applications and forms sent by mail, including documents sent as part of an application or enrollment process, or to establish, amend, administer, or terminate an account, contract, or policy, or to confirm the accuracy of the Social Security number;

(6) assign or use a number as the primary account identifier that is identical to or incorporates an individual's complete Social Security number;~~or~~

(7) sell Social Security numbers obtained from individuals in the course of business;

(8) lease, loan, trade, or rent an individual's Social Security number to a nonaffiliated third party;

(9) refuse to do business with an individual because the individual will not consent to the disclosure of, or provide, the individual's Social Security number, unless in connection with the transaction;

31.1 (i) the person or entity has a permissible purpose to obtain the individual's consumer
31.2 report under the federal Fair Credit Reporting Act, United States Code, title 15, section
31.3 1681(b);

31.4 (ii) the person or entity is expressly required or authorized pursuant to federal, state,
31.5 county, or municipal law or authority to obtain the individual's Social Security number;

31.6 (iii) the person or entity has a reasonable basis to believe that the individual is
31.7 using a false identity or false documents;

31.8 (iv) the business transaction cannot otherwise be completed without the individual's
31.9 Social Security number; or

31.10 (v) the request is consistent with the purposes of and made by an entity regulated
31.11 under Title V of the federal Gramm-Leach-Bliley Act, United States Code, title 15,
31.12 section 6801 et seq.

31.13 ~~Notwithstanding clauses (1) to (5), Social Security numbers may be included in~~
31.14 ~~applications and forms sent by mail, including documents sent as part of an application or~~
31.15 ~~enrollment process, or to establish, amend, or terminate an account, contract, or policy,~~
31.16 ~~or to confirm the accuracy of the Social Security number. Nothing in this paragraph~~
31.17 ~~authorizes inclusion of a Social Security number on the outside of a mailing or in the bulk~~
31.18 ~~mailing of a credit card solicitation offer.~~

31.19 (b) A person or entity, not including a government entity, must restrict access to
31.20 individual Social Security numbers it holds so that only employees who require the
31.21 numbers in order to perform their job duties have access to the numbers, except as required
31.22 by titles XVIII and XIX of the Social Security Act and by Code of Federal Regulations,
31.23 title 42, section 483.20.

31.24 ~~(c) Except as provided in subdivision 2, this section applies only to the use of Social~~
31.25 ~~Security numbers on or after July 1, 2007.~~

31.26 Sec. 64. Minnesota Statutes 2006, section 325E.59, subdivision 3, is amended to read:

31.27 Subd. 3. **Coordination with other law and general exclusions.** This section does
31.28 not prevent the collection, use, or release of a Social Security number;

31.29 (1) as required by state or federal law or the use of a Social Security number for
31.30 internal verification or administrative purposes, or for purposes expressly permitted or
31.31 authorized by the federal Fair Credit Reporting Act, United States Code, title 15, section
31.32 1681(b) or Title V of the Gramm-Leach-Bliley Act, United States Code, title 15, section
31.33 6801 et seq.;

31.34 (2) for civil or criminal claims or settlement administration, law enforcement,
31.35 government, or public safety purposes, including employee background checks;

(3) when it is reasonably necessary for fraud prevention or identity verification and it would otherwise be impracticable to use another method;

(4) for internal verification or to administer payroll, health, retirement, or deferred compensation plans, benefits, or federally or state regulated investment products; or

(5) to approve, administer, maintain, or service an account, loan, or mortgage (i) when the transaction is originated, (ii) for review or management of the account, loan, or mortgage, or (iii) to be used when the account, loan, or mortgage is later transferred or sold, provided that the Social Security number is incidental to the larger transfer or sale and it would be impracticable to use another method to administer, maintain, or service the account, loan, or mortgage. For the purposes of this clause, "account" is defined as a checking, savings, or money market account at a federal or state regulated financial institution, or an open-ended line of credit as defined by the federal Regulation Z Section 226.2 (20).

Sec. 65. Minnesota Statutes 2006, section 325E.59, is amended by adding a subdivision to read:

Subd. 6. **Penalties and remedies.** A person violating this section is subject to the penalties and remedies in section 8.31.

Sec. 66. **[473.1291] CLASSIFICATION OF CERTAIN LABOR RELATIONS DATA.**

Notwithstanding section 13.37, the Metropolitan Council may classify all or any portion of a management or employee organization position or proposal on economic or noneconomic items that has been presented by either party during the collective bargaining process with the Amalgamated Transit Union, as the exclusive representative of a portion of the council's employees, as nonpublic data under section 13.02, subdivision 9. The collective bargaining process includes, without limitation, any mediation that occurs during the process. The Amalgamated Transit Union constitutes the subject of the data for the purposes of the definition of nonpublic data. The council may only make such a classification with the written concurrence of the union. The council may, at its sole discretion, withdraw the classification at any time and nothing in this section may be construed to limit or control release of the described data by the union. Any data classified as nonpublic under this section becomes public after the contract resulting from the collective bargaining process is executed by both parties.

This section applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

33.1 Sec. 67. **REPEALER.**

33.2 (a) Minnesota Statutes 2006, section 13.79, subdivision 2, is repealed.

33.3 (b) Minnesota Statutes 2006, section 325E.59, subdivision 2, is repealed.

33.4 Sec. 68. **EFFECTIVE DATE.**

33.5 Sections 10 and 66 are effective the day following final enactment and apply
33.6 to positions or proposals presented before or after the effective date which have not
33.7 previously been released to the public. Sections 63, 65, and 67, paragraph (b), are
33.8 effective July 1, 2007.