

A bill for an act

relating to data practices; making technical changes; defining terms; authorizing electronic exchange of certain data; regulating use of certain data; increasing liability limits for damages; requiring protection from disclosure for certain data; classifying data; amending Minnesota Statutes 2006, sections 6.715, by adding a subdivision; 13.03, subdivision 3; 13.08, subdivision 1; 13.202, subdivision 11; 13.41, subdivisions 1, 2, 5, by adding a subdivision; 13.601, subdivision 3, by adding a subdivision; 13.6905, subdivision 2, by adding subdivisions; 168.346, subdivision 1, by adding a subdivision; 171.12, subdivision 7, by adding a subdivision; 260B.171, subdivision 5; 299F.28; 299F.75, by adding a subdivision; 383B.917, subdivision 1; 518.10; Minnesota Statutes 2007 Supplement, sections 13.08, subdivision 4; 13.39, subdivisions 2, 2a; 13.41, subdivision 3; 268.19, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 2006, section 13.41, subdivision 4.

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

Section 1. Minnesota Statutes 2006, section 6.715, is amended by adding a subdivision to read:

Subd. 5. **Review of data; data protection.** If, before releasing a report, the state auditor provides a person with data relating to the audit for the purpose of review and verification of the data, the person must protect the data from unlawful disclosure or be subject to the penalties and liabilities provided in sections 13.08 and 13.09.

Sec. 2. Minnesota Statutes 2006, section 13.03, subdivision 3, is amended to read:

Subd. 3. Request for access to data. (a) Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and places, and, upon request, shall be informed of the data's meaning. If a person requests access for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee to inspect data.

(b) For purposes of this section, "inspection" includes, but is not limited to, the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the government entity, unless printing a copy is the only method to provide for inspection of the data. In the case of data stored in electronic form and made available in electronic form on a remote access basis to the public by the government entity, inspection includes remote access to the data by the public and the ability to print copies of or download the data on the public's own computer equipment. Nothing in this section prohibits a government entity from charging a reasonable fee for remote access to data under a specific statutory grant of authority. A government entity may charge a fee for remote access to data where either the data or the access is enhanced at the request of the person seeking access.

(c) The responsible authority or designee shall provide copies of public data upon request. If a person requests copies or electronic transmittal of the data to the person, the responsible authority may require the requesting person to pay the actual costs of searching for and retrieving government data, including the cost of employee time, and for making, certifying, ~~compiling~~, and electronically transmitting the copies of the data or the data, but may not charge for separating public from not public data. However, if 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and instead, the responsible authority may charge no more than 25 cents for each page copied. If the responsible authority or designee is not able to provide copies at the time a request is made, copies shall be supplied as soon as reasonably possible.

(d) When a request under this subdivision involves any person's receipt of copies of public government data that has commercial value and is a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, database, or system developed with a significant expenditure of public funds by the government entity, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, ~~certifying, and compiling~~ and certifying the copies. Any fee charged must be clearly demonstrated by the government entity to relate to the actual development costs of the information. The responsible authority, upon the request of any person, shall provide sufficient documentation to explain and justify the fee being charged.

(e) The responsible authority of a government entity that maintains public government data in a computer storage medium shall provide to any person making a request under this section a copy of any public data contained in that medium, in electronic form, if the government entity can reasonably make the copy or have a copy made. This does not require a government entity to provide the data in an electronic format or

program that is different from the format or program in which the data are maintained by the government entity. The entity may require the requesting person to pay the actual cost of providing the copy.

(f) If the responsible authority or designee determines that the requested data is classified so as to deny the requesting person access, the responsible authority or designee shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based. Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

Sec. 3. 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. 4. Minnesota Statutes 2007 Supplement, 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) 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. 5. Minnesota Statutes 2006, section 13.202, subdivision 11, is amended to read:

Subd. 11. **Metropolitan government.** (a) **Affirmative action plans.** Treatment of data relating to metropolitan agency affirmative action plans is governed by section 473.143, subdivisions 5 and 7.

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

(d) **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) **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.

(f) **Metropolitan airport parking customers.** Data relating to applicants for or users of automated parking facilities at the Minneapolis-St. Paul International Airport are classified under section 473.674.

Sec. 6. Minnesota Statutes 2007 Supplement, 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~~ a government entity 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~~ government entity 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~~ government entity determines that the access will aid the law enforcement process or investigative 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 government entity under paragraph (a).

Sec. 7. Minnesota Statutes 2007 Supplement, 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~~ are 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 government entity, or any person identified in the data. The data in dispute shall be examined by the court in camera.

Sec. 8. Minnesota Statutes 2006, section 13.41, subdivision 1, is amended to read:

Subdivision 1. **Definition.** As used in this section, the following terms have the meanings given them.

(a) "License" means a credential specified in Minnesota Statutes as a license, certification, registration, permit, or other credential issued by a state agency that is required in order for an individual to engage in an occupation, trade, or business regulated by law.

~~(b) "Licensing agency" means any board, department or agency of this state which state agency that is given the statutory authority to issue professional or other types of licenses, except the various agencies primarily administered by the commissioner of human services. Data pertaining to persons or agencies licensed or registered under authority of the commissioner of human services shall be administered pursuant to section 13.46.~~

Sec. 9. Minnesota Statutes 2006, section 13.41, subdivision 2, is amended to read:

Subd. 2. **Private data; designated addresses and telephone numbers.** (a) Except as provided in this chapter or other law, the following data collected, created, or maintained by any licensing agency are classified as private, pursuant to section 13.02, subdivision 12: data, other than their names data on individuals:

(1) data related to an application for a license, except for the applicant's name and designated addresses, submitted by applicants for licenses; address, the license period for which the applicant applied, and whether the application is approved, disapproved, withdrawn, or pending;

(2) the nondesignated address of a licensee;

(3) the identity of complainants who have made reports concerning licensees or applicants which appear in inactive complaint data civil investigative data under section 13.39, unless the complainant consents to the disclosure;

(4) the nature or content of unsubstantiated complaints when no disciplinary action or penalty is imposed and when the information is not maintained in anticipation of legal action civil investigative data under section 13.39; and

(5) the identity of patients whose medical records are received by any health licensing agency for purposes of review or in anticipation of a contested matter; inactive investigative data relating to violations of statutes or rules; and the record of any disciplinary proceeding except as limited by subdivision 5.

(b) An applicant for a license shall designate on the application a residence or business address and telephone number at which the applicant can be contacted in connection with the license application. A licensee shall designate a residence or business address and telephone number at which the licensee can be contacted in connection with the license. By designating an address under this paragraph other than a residence address, the applicant or licensee consents to accept personal service of process by service on the licensing agency for legal or administrative proceedings. The licensing agency shall mail a copy of the documents to the applicant or licensee at the last known residence address.

Sec. 10. Minnesota Statutes 2007 Supplement, section 13.41, subdivision 3, is amended to read:

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

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

(2) data that identify the government entity that employs a licensed peace officer.

The board may disseminate private data on applicants and licensees as is necessary to administer law enforcement licensure or to provide data under section 626.845, subdivision 1, to law enforcement agencies who are conducting employment background investigations. License numbers, license status, and continuing education records issued or maintained by the Board of Peace Officer Standards and Training are public data.

Sec. 11. Minnesota Statutes 2006, section 13.41, subdivision 5, is amended to read:

Subd. 5. **Public data.** Licensing agency minutes, application data on licensees except nondesignated addresses, orders for hearing, findings of fact, conclusions of law and specification of the final disciplinary action contained in the record of the disciplinary action are classified as public, pursuant to section 13.02, subdivision 15. The entire record concerning the disciplinary proceeding is public data pursuant to section 13.02, subdivision 15, in those instances where there is a public hearing concerning the disciplinary action. If the licensee and the licensing agency agree to resolve a complaint

H.F. No. 3553, 1st Engrossment - 2007-2008th Legislative Session (2007-2008)

without a hearing, the agreement and the specific reasons for the agreement are public data. ~~The license numbers, the license status, and continuing education records issued or maintained by the Board of Peace Officer Standards and Training are classified as public data, pursuant to section 13.02, subdivision 15.~~

Sec. 12. Minnesota Statutes 2006, section 13.41, is amended by adding a subdivision to read:

Subd. 7. **Complaints and investigations.** Data related to complaints against or investigations about a licensee or applicant for a license are governed by section 13.39.

Sec. 13. Minnesota Statutes 2006, section 13.601, subdivision 3, is amended to read:

Subd. 3. **Applicants for election or appointment.** Data on candidates for election or applicants for appointment to boards, commissions, committees, task forces, advisory groups, or other public bodies are private except that the following data on all applicants for election or appointment to a public body, including those subject to chapter 13D, are public: name, ~~city of residence~~ address, education and training, employment history, volunteer work, awards and honors, and prior government service or experience.

Sec. 14. Minnesota Statutes 2006, section 13.601, is amended by adding a subdivision to read:

Subd. 4. **Boards, commissions, and advisory groups.** (a) Upon election or appointment to a public body, all application data held by the government entity on the appointee or elected official are public, including: home address, telephone number, and e-mail address.

(b) An individual whose contact information is made public by paragraph (a) may request the government entity with jurisdiction over the body to keep the individual's contact information private. The individual must provide a request, in writing, to the responsible authority of the government entity. Upon receiving a request, the responsible authority must classify any addresses, telephone numbers, and e-mail addresses provided by the individual as private data on individuals.

(c)(1) A responsible authority must provide a requestor with a postal or electronic mail address at which the requestor may send documents or other information related to the individual's public duties. The responsible authority may provide the same postal mail address for more than one individual whose data has been made private.

(2) In providing an alternate address, the responsible authority must also provide the individual whose contact information has been made private with secure access

9.1 procedures for purposes of collecting materials sent to the address. The individual must
9.2 regularly collect any materials sent to the alternate address.

9.3 Sec. 15. Minnesota Statutes 2006, section 13.6905, subdivision 2, is amended to read:

9.4 Subd. 2. **Vehicle registration application data.** ~~Certain~~ Driver's license numbers
9.5 and other information provided in applications for motor vehicle registrations is are
9.6 governed under section 168.10, subdivision 168.346, subdivisions 1 and 1a.

9.7 Sec. 16. Minnesota Statutes 2006, section 13.6905, is amended by adding a subdivision
9.8 to read:

9.9 Subd. 9a. **Driver's license number and application data.** Driver's license numbers
9.10 and information provided in applications for drivers' licenses are governed under section
9.11 171.12, subdivisions 7 and 7a.

9.12 Sec. 17. Minnesota Statutes 2006, section 13.6905, is amended by adding a subdivision
9.13 to read:

9.14 Subd. 28a. **Use and storage of explosives.** Data related to the use and storage of
9.15 explosives by individuals holding a permit are governed by sections 299F.28 and 299F.75,
9.16 subdivision 4.

9.17 Sec. 18. Minnesota Statutes 2006, section 168.346, subdivision 1, is amended to read:

9.18 Subdivision 1. **Vehicle registration data; federal compliance.** (a) The Department
9.19 of Public Safety shall treat data on an individual provided to register a vehicle ~~shall be~~
9.20 ~~treated~~, including the driver's license number, as provided by United States Code, title 18,
9.21 section 2721, as in effect on May 23, 2005, and ~~shall be disclosed~~ may disclose that data
9.22 only as required or permitted by that section.

9.23 (b) The registered owner of a vehicle who is an individual may consent in writing to
9.24 the commissioner to disclose the individual's personal information exempted by United
9.25 States Code, title 18, section 2721, to any person who makes a written request for the
9.26 personal information. If the registered owner is an individual and so authorizes disclosure,
9.27 the commissioner shall implement the request.

9.28 (c) If authorized by the registered owner as indicated in paragraph (b), the registered
9.29 owner's personal information may be used, rented, or sold solely for bulk distribution by
9.30 organizations for business purposes including surveys, marketing, or solicitation.

Sec. 19. Minnesota Statutes 2006, section 168.346, is amended by adding a subdivision to read:

Subd. 1a. Driver's license number classified as private data on individuals.

Except as otherwise provided for the Department of Public Safety under subdivision 1:

(1) driver's license numbers must be treated as private data on individuals, as defined in section 13.02, subdivision 12; and

(2) data in applications for drivers' licenses provided to a state or local government agency must also be treated as private data on individuals if the data are provided by the department and shall not be disclosed except:

(i) according to court order;

(ii) according to a statute specifically authorizing disclosure of the private data; or

(iii) to administer federal funds or programs for child support enforcement purposes.

Sec. 20. Minnesota Statutes 2006, section 171.12, subdivision 7, is amended to read:

Subd. 7. Privacy of data. (a) The department shall treat driver's license numbers and data on individuals provided to obtain a driver's license or Minnesota identification card ~~shall be treated~~ as provided by United States Code, title 18, section 2721, as in effect on May 23, 2005, and ~~shall be disclosed~~ may disclose the numbers or data only as required or permitted by that section.

(b) An applicant for a driver's license or a Minnesota identification card may consent, in writing, to the commissioner to disclose the applicant's personal information exempted by United States Code, title 18, section 2721, to any person who makes a request for the personal information. If the applicant so authorizes disclosures, the commissioner shall implement the request and the information may be used.

(c) If authorized by an applicant for a driver's license or a Minnesota identification card, as indicated in paragraph (b), the applicant's personal information may be used, rented, or sold solely for bulk distribution by organizations for business purposes, including surveys, marketing, or solicitation.

(d) An applicant for a driver's license, instruction permit, or Minnesota identification card may request that the applicant's residence address be classified as "private data on individuals," as defined in section 13.02, subdivision 12. The commissioner shall grant the classification on receipt of a signed statement by the individual that the classification is required for the safety of the applicant or the applicant's family, if the statement also provides a valid, existing address where the applicant consents to receive service of process. The commissioner shall use the service for process mailing address in place of the residence address in all documents and notices pertaining to the driver's license, instruction

permit, or Minnesota identification card. The residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518A.26, subdivision 18.

Sec. 21. Minnesota Statutes 2006, section 171.12, is amended by adding a subdivision to read:

Subd. 7b. Driver's license number classified as private data on individuals.

Except as otherwise provided for the Department of Public Safety under subdivision 7:

(1) driver's license numbers must be treated as private data on individuals, as defined in section 13.02, subdivision 12; and

(2) data in applications for drivers' licenses provided to a state or local government agency must also be treated as private data on individuals if the data are provided by the department and shall not be disclosed except:

(i) according to court order;

(ii) according to a statute specifically authorizing disclosure of the private data; or

(iii) to administer federal funds or programs for child support enforcement purposes.

Sec. 22. Minnesota Statutes 2006, section 260B.171, subdivision 5, is amended to read:

Subd. 5. Peace officer records of children. (a) Except for records relating to an offense where proceedings are public under section 260B.163, subdivision 1, peace officers' records of children who are or may be delinquent or who may be engaged in criminal acts shall be kept separate from records of persons 18 years of age or older and are private data but shall be disseminated: (1) by order of the juvenile court, (2) as required by section 121A.28, (3) as authorized under section 13.82, subdivision 2, (4) to the child or the child's parent or guardian unless disclosure of a record would interfere with an ongoing investigation, (5) to the Minnesota crime victims reparations board as required by section 611A.56, subdivision 2, clause (f), for the purpose of processing claims for crime victims reparations, or (6) as otherwise provided in this subdivision. Except as provided in paragraph (c), no photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have violated section 169A.20. Peace officers' records containing data about children who are victims of crimes or witnesses to crimes must be administered consistent with section 13.82, subdivisions 2, 3, 6, and 17. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

12.1 In the case of computerized records maintained about juveniles by peace officers,
12.2 the requirement of this subdivision that records about juveniles must be kept separate
12.3 from adult records does not mean that a law enforcement agency must keep its records
12.4 concerning juveniles on a separate computer system. Law enforcement agencies may keep
12.5 juvenile records on the same computer as adult records and may use a common index to
12.6 access both juvenile and adult records so long as the agency has in place procedures that
12.7 keep juvenile records in a separate place in computer storage and that comply with the
12.8 special data retention and other requirements associated with protecting data on juveniles.

12.9 (b) Nothing in this subdivision prohibits the exchange of information by law
12.10 enforcement agencies if the exchanged information is pertinent and necessary for law
12.11 enforcement purposes.

12.12 (c) A photograph may be taken of a child taken into custody pursuant to section
12.13 260B.175, subdivision 1, clause (b), provided that the photograph must be destroyed when
12.14 the child reaches the age of 19 years. The commissioner of corrections may photograph
12.15 juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles
12.16 authorized by this paragraph may be used only for institution management purposes,
12.17 case supervision by parole agents, and to assist law enforcement agencies to apprehend
12.18 juvenile offenders. The commissioner shall maintain photographs of juveniles in the same
12.19 manner as juvenile court records and names under this section.

12.20 (d) Traffic investigation reports are open to inspection by a person who has sustained
12.21 physical harm or economic loss as a result of the traffic accident. Identifying information
12.22 on juveniles who are parties to traffic accidents may be disclosed as authorized under
12.23 section 13.82, subdivision ~~4~~ 6, and accident reports required under section 169.09 may be
12.24 released under section 169.09, subdivision 13, unless the information would identify a
12.25 juvenile who was taken into custody or who is suspected of committing an offense that
12.26 would be a crime if committed by an adult, or would associate a juvenile with the offense,
12.27 and the offense is not an adult court traffic offense under section 260B.225.

12.28 (e) The head of a law enforcement agency or a person specifically given the duty
12.29 by the head of the law enforcement agency shall notify the superintendent or chief
12.30 administrative officer of a juvenile's school of an incident occurring within the agency's
12.31 jurisdiction if:

12.32 (1) the agency has probable cause to believe that the juvenile has committed an
12.33 offense that would be a crime if committed as an adult, that the victim of the offense is a
12.34 student or staff member of the school, and that notice to the school is reasonably necessary
12.35 for the protection of the victim; or

13.1 (2) the agency has probable cause to believe that the juvenile has committed an
13.2 offense described in subdivision 3, paragraph (a), clauses (1) to (3), that would be a crime
13.3 if committed by an adult, regardless of whether the victim is a student or staff member
13.4 of the school.

13.5 A law enforcement agency is not required to notify the school under this paragraph
13.6 if the agency determines that notice would jeopardize an ongoing investigation. For
13.7 purposes of this paragraph, "school" means a public or private elementary, middle,
13.8 secondary, or charter school.

13.9 (f) In any county in which the county attorney operates or authorizes the operation
13.10 of a juvenile prepetition or pretrial diversion program, a law enforcement agency or
13.11 county attorney's office may provide the juvenile diversion program with data concerning
13.12 a juvenile who is a participant in or is being considered for participation in the program.

13.13 (g) Upon request of a local social services agency, peace officer records of
13.14 children who are or may be delinquent or who may be engaged in criminal acts may be
13.15 disseminated to the agency to promote the best interests of the subject of the data.

13.16 (h) Upon written request, the prosecuting authority shall release investigative data
13.17 collected by a law enforcement agency to the victim of a criminal act or alleged criminal
13.18 act or to the victim's legal representative, except as otherwise provided by this paragraph.
13.19 Data shall not be released if:

13.20 (1) the release to the individual subject of the data would be prohibited under
13.21 section 13.821; or

13.22 (2) the prosecuting authority reasonably believes:

13.23 (i) that the release of that data will interfere with the investigation; or

13.24 (ii) that the request is prompted by a desire on the part of the requester to engage in
13.25 unlawful activities.

13.26 Sec. 23. Minnesota Statutes 2007 Supplement, section 268.19, subdivision 1, is
13.27 amended to read:

13.28 Subdivision 1. **Use of data.** (a) Except as provided by this section, data gathered
13.29 from any person under the administration of the Minnesota Unemployment Insurance Law
13.30 are private data on individuals or nonpublic data not on individuals as defined in section
13.31 13.02, subdivisions 9 and 12, and may not be disclosed except according to a district court
13.32 order or section 13.05. A subpoena is not considered a district court order. These data
13.33 may be disseminated to and used by the following agencies without the consent of the
13.34 subject of the data:

H.F. No. 3553, 1st Engrossment - 2007-2008th Legislative Session (2007-2008)

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

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

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

14.7 (4) the public authority responsible for child support in Minnesota or any other
14.8 state in accordance with section 256.978;

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

14.10 (6) the Department of Revenue to the extent necessary for its duties under Minnesota
14.11 laws;

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

14.15 (8) the Department of Labor and Industry and the Division of Insurance Fraud
14.16 Prevention in the Department of Commerce for uses consistent with the administration of
14.17 their duties under Minnesota law;

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

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

14.28 (11) local, state, and federal law enforcement agencies for the purpose of ascertaining
14.29 the last known address and employment location of an individual who is the subject of
14.30 a criminal investigation;

14.31 (12) the United States Citizenship and Immigration Services has access to data on
14.32 specific individuals and specific employers provided the specific individual or specific
14.33 employer is the subject of an investigation by that agency;

14.34 (13) the Department of Health for the purposes of epidemiologic investigations; and

14.35 (14) the Department of Corrections for the purpose of preconfinement and
14.36 postconfinement employment tracking of individuals who had been committed to the

15.1 ~~custody of the commissioner of corrections~~ committed offenders for the purpose of case
15.2 planning.

15.3 (b) Data on individuals and employers that are collected, maintained, or used by
15.4 the department in an investigation under section 268.182 are confidential as to data
15.5 on individuals and protected nonpublic data not on individuals as defined in section
15.6 13.02, subdivisions 3 and 13, and must not be disclosed except under statute or district
15.7 court order or to a party named in a criminal proceeding, administrative or judicial, for
15.8 preparation of a defense.

15.9 (c) Data gathered by the department in the administration of the Minnesota
15.10 unemployment insurance program must not be made the subject or the basis for any
15.11 suit in any civil proceedings, administrative or judicial, unless the action is initiated by
15.12 the department.

15.13 **EFFECTIVE DATE.** This section is effective July 1, 2008.

15.14 Sec. 24. Minnesota Statutes 2006, section 299F.28, is amended to read:

15.15 **299F.28 RECORDS ARE PUBLIC, EXCEPTIONS.**

15.16 All records on file in the state fire marshal's office shall be public, except: (1) any
15.17 testimony, correspondence, or other matter taken in an investigation under the provisions
15.18 of this chapter, which the state fire marshal may withhold from the public; and (2) any
15.19 data collected on the locations of storage and use of explosives or blasting agents by
15.20 individuals authorized under sections 299F.72 to 299F.831, which shall be classified as
15.21 nonpublic data pursuant to section 13.02, subdivision 9.

15.22 Sec. 25. Minnesota Statutes 2006, section 299F.75, is amended by adding a subdivision
15.23 to read:

15.24 **Subd. 4. Use of data.** The portions of an application submitted under this section
15.25 and any other data held by an issuing authority, local fire official, or law enforcement
15.26 agency that indicate the applicant's place and time of intended use of explosives or blasting
15.27 agents and place and means of storage of the explosives or blasting agents until such use
15.28 shall be classified as nonpublic data pursuant to section 13.02, subdivision 9.

15.29 Sec. 26. Minnesota Statutes 2006, section 383B.917, subdivision 1, is amended to read:

15.30 Subdivision 1. **Data Practices Act.** (a) The corporation is subject to chapter 13, the
15.31 Minnesota Government Data Practices Act.

(b) "Competitive data," as defined in this subdivision, are nonpublic data pursuant to section 13.02, subdivision 9, or private data on individuals pursuant to section 13.02, subdivision 12. Competitive data are any type of data that the corporation, in its discretion, determines that if disclosed could cause competitive disadvantage to the corporation, including causing adverse effects on the current or future competitive position of the corporation or the entities, facilities, and operations for which it is responsible. Data discussed at an open meeting of the corporation retains the data's original classification, including classification as competitive data, as provided in section 13D.05, subdivision 1, paragraph (c). Any data disseminated by the corporation to the county shall retain the same classification in the hands of the county, including the classification as competitive data, as provided in section 13.03, subdivision 4.

(c) A subsidiary, joint venture, association, partnership, or other entity that is formed by the corporation is not subject to chapter 13, except that if the corporation enters into a contract with such an entity to perform any functions of the corporation, the corporation shall include in the contract terms that make it clear that data created, collected, received, stored, used, maintained, or disseminated by the contracting entity in performing those functions is subject to the same requirements under chapter 13 as the corporation under this subdivision. However, this section does not create a duty on the part of the contracting entity to provide access to public data to the public if the public data are available from the corporation, except as required by the terms of the contract. Any entity contracting to perform functions of the corporation may classify data as competitive data as defined in paragraph (b).

(d) Notwithstanding section 13.384, if a nonprofit corporation provides faculty physician services to the corporation and is participating in an electronic exchange of health records with the corporation, the nonprofit corporation may share medical data with all other participants in the exchange for purposes of treatment, payment, or health care operations. The nonprofit corporation and other participants in the exchange are considered related health care entities for purposes of section 144.293, subdivision 5, clause (2), and are not considered outside of the corporation's facility for purposes of section 144.651, subdivision 16.

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

Sec. 27. [473.674] AIRPORT PARKING SPACE CUSTOMER DATA.

The following data relating to applicants for or users of automated parking facilities at the Minneapolis-St. Paul International Airport are classified as nonpublic data with regard to data not on individuals and as private data with regard to data on individuals:

17.1 (1) data contained in applications for an electronic tag or device that provides access to
17.2 airport parking facilities and which assesses charges for a vehicle's use of those facilities;
17.3 (2) personal and vehicle information data; (3) financial and credit data; and (4) parking
17.4 usage data. Nothing in this section prohibits the production of summary data as defined
17.5 in section 13.02, subdivision 19.

17.6 Sec. 28. Minnesota Statutes 2006, section 518.10, is amended to read:

17.7 **518.10 REQUISITES OF PETITION.**

17.8 Subdivision 1. **Petition.** The petition for dissolution of marriage or legal separation
17.9 shall state and allege:

17.10 (a) the name, ~~and address, and, in circumstances in which child support or spousal~~
17.11 ~~maintenance will be addressed, Social Security number~~ of the petitioner and any prior or
17.12 other name used by the petitioner;

17.13 (b) the name and, if known, the address ~~and, in circumstances in which child support~~
17.14 ~~or spousal maintenance will be addressed, Social Security number~~ of the respondent and
17.15 any prior or other name used by the respondent and known to the petitioner;

17.16 (c) the place and date of the marriage of the parties;

17.17 (d) in the case of a petition for dissolution, that either the petitioner or the respondent
17.18 or both:

17.19 (1) has resided in this state for not less than 180 days immediately preceding the
17.20 commencement of the proceeding, or

17.21 (2) has been a member of the armed services and has been stationed in this state for
17.22 not less than 180 days immediately preceding the commencement of the proceeding, or

17.23 (3) has been a domiciliary of this state for not less than 180 days immediately
17.24 preceding the commencement of the proceeding;

17.25 (e) the name at the time of the petition and any prior or other name, Social Security
17.26 number, age, and date of birth of each living minor or dependent child of the parties born
17.27 before the marriage or born or adopted during the marriage and a reference to, and the
17.28 expected date of birth of, a child of the parties conceived during the marriage but not born;

17.29 (f) whether or not a separate proceeding for dissolution, legal separation, or custody
17.30 is pending in a court in this state or elsewhere;

17.31 (g) in the case of a petition for dissolution, that there has been an irretrievable
17.32 breakdown of the marriage relationship;

17.33 (h) in the case of a petition for legal separation, that there is a need for a decree
17.34 of legal separation;

18.1 (i) any temporary or permanent maintenance, child support, child custody,
18.2 disposition of property, attorneys' fees, costs and disbursements applied for without setting
18.3 forth the amounts; and

18.4 (j) whether an order for protection under chapter 518B or a similar law of another
18.5 state that governs the parties or a party and a minor child of the parties is in effect and, if
18.6 so, the district court or similar jurisdiction in which it was entered.

18.7 The petition shall be verified by the petitioner or petitioners, and its allegations
18.8 established by competent evidence.

18.9 Subd. 2. **Social Security number document.** In proceedings where child support
18.10 or spousal maintenance issues will be addressed, the petition under subdivision 1 must
18.11 be accompanied by a separate document that contains the Social Security numbers of the
18.12 petitioner and the respondent. The Social Security number document must be maintained
18.13 in a portion of the court file or records that are not accessible to the general public.

18.14 Sec. 29. **REPEALER.**

18.15 Minnesota Statutes 2006, section 13.41, subdivision 4, is repealed.

APPENDIX
Repealed Minnesota Statutes: H3553-1

13.41 LICENSING DATA.

Subd. 4. **Confidential data.** The following data collected, created or maintained by any licensing agency are classified as confidential, pursuant to section 13.02, subdivision 3: active investigative data relating to the investigation of complaints against any licensee.