

A bill for an act

relating to data practices; making technical changes; defining terms; authorizing electronic exchange of certain data; authorizing certain data sharing; prohibiting certain surveys; regulating Social Security 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, by adding a subdivision; 260B.171, subdivision 5; 299F.28; 299F.75, by adding a subdivision; 325E.59, 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; 256.01, subdivision 2b; 268.19, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 13; 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. **[13.387] HEALTH ASSESSMENT SURVEY PROHIBITION.**

A health insurance company may not survey public employees for the purpose of assessing the health of the individual or collective group.

Sec. 7. 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. 8. 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. 9. 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. 10. 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. 11. 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. 12. 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 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. 13. 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. 14. Minnesota Statutes 2006, section 13.601, subdivision 3, is amended to read:

~~Subd. 3. **Applicants for election or appointment.** 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, education and training, employment history, volunteer work, awards and honors, and prior government service or experience. (a)~~
Data about applicants for appointment to a public body are private data on individuals except that the following are public:

(1) name;

(2) city of residence except when the appointment has a residency requirement that requires the entire address to be public;

(3) education and training;

(4) employment history;

(5) volunteer work;

(6) awards and honors; and

(7) prior government service.

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

(1) full residence address or an alternate address specified by the appointee where the appointee can be reached;

(2) a telephone number where the appointee can be reached; and

(3) an electronic mail address where the appointee can be reached.

Sec. 15. Minnesota Statutes 2006, section 13.601, is amended by adding a subdivision to read:

Subd. 4. **Elected officials.** The following data about elected officials are classified as private data on individuals:

(1) all telephone numbers except the one designated by the elected official as the telephone number at which the elected official can be contacted on official business;

(2) all electronic mail addresses except the one designated by the elected official as the electronic mail address at which the elected official can be contacted about official business;

(3) all postal mail addresses except the one designated by the elected official as the postal mail address at which the elected official can be contacted about official business;

(4) the reason for and specific amount of any deduction and withholding;

(5) name, address, and birth date of any dependent; and

(6) medical information provided in support of an application or a claim for insurance or disability benefits.

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

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

Sec. 17. Minnesota Statutes 2007 Supplement, section 256.01, subdivision 2b, is amended to read:

Subd. 2b. Performance payments; performance measurement. (a) The commissioner shall develop and implement a pay-for-performance system to provide performance payments to eligible medical groups and clinics that demonstrate optimum care in serving individuals with chronic diseases who are enrolled in health care programs administered by the commissioner under chapters 256B, 256D, and 256L. The commissioner may receive any federal matching money that is made available through the medical assistance program for managed care oversight contracted through vendors, including consumer surveys, studies, and external quality reviews as required by the federal Balanced Budget Act of 1997, Code of Federal Regulations, title 42, part 438-managed care, subpart E-external quality review. Any federal money received for managed care oversight is appropriated to the commissioner for this purpose. The commissioner may expend the federal money received in either year of the biennium.

(b) Effective July 1, 2009, or upon federal approval, whichever is later, the commissioner shall develop and implement a patient incentive health program to provide incentives and rewards to patients who are enrolled in health care programs administered by the commissioner under chapters 256B, 256D, and 256L, and who have agreed to and have met personal health goals established with the patients' primary care providers to manage a chronic disease or condition, including but not limited to diabetes, high blood pressure, and coronary artery disease.

(c) The commissioner, in consultation with the Health Services Policy Committee, shall develop and provide to the legislature by December 15, 2008, a methodology and any draft legislation necessary to allow for the release, upon request, of summary data as defined in section 13.02, subdivision 19, on claims and utilization for medical assistance, general assistance medical care, and MinnesotaCare enrollees at no charge to the University of Minnesota Medical School, the Mayo Medical School, Northwestern Health Sciences University, the Institute for Clinical Systems Improvement, and other research institutions, to conduct analyses of health care outcomes and treatment effectiveness, provided the research institutions do not release private or nonpublic data, or data for which dissemination is prohibited by law.

Sec. 18. 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.

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

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

11.12 (c) A photograph may be taken of a child taken into custody pursuant to section
11.13 260B.175, subdivision 1, clause (b), provided that the photograph must be destroyed when
11.14 the child reaches the age of 19 years. The commissioner of corrections may photograph
11.15 juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles
11.16 authorized by this paragraph may be used only for institution management purposes,
11.17 case supervision by parole agents, and to assist law enforcement agencies to apprehend
11.18 juvenile offenders. The commissioner shall maintain photographs of juveniles in the same
11.19 manner as juvenile court records and names under this section.

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

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

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

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

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

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

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

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

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

12.22 (2) the prosecuting authority reasonably believes:

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

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

12.26 Sec. 19. Minnesota Statutes 2007 Supplement, section 268.19, subdivision 1, is
12.27 amended to read:

12.28 Subdivision 1. **Use of data.** (a) Except as provided by this section, data gathered
12.29 from any person under the administration of the Minnesota Unemployment Insurance Law
12.30 are private data on individuals or nonpublic data not on individuals as defined in section
12.31 13.02, subdivisions 9 and 12, and may not be disclosed except according to a district court
12.32 order or section 13.05. A subpoena is not considered a district court order. These data
12.33 may be disseminated to and used by the following agencies without the consent of the
12.34 subject of the data:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14.1 ~~custody of the commissioner of corrections~~ committed offenders for the purpose of case
14.2 planning.

14.3 (b) Notwithstanding paragraph (a), the following is public data and must be compiled
14.4 by the commissioner and submitted to the Department of Immigration Customs and
14.5 Enforcement: the identities of any inmate whose immigration status cannot be determined.

14.6 ~~(b)~~ (c) Data on individuals and employers that are collected, maintained, or used
14.7 by the department in an investigation under section 268.182 are confidential as to data
14.8 on individuals and protected nonpublic data not on individuals as defined in section
14.9 13.02, subdivisions 3 and 13, and must not be disclosed except under statute or district
14.10 court order or to a party named in a criminal proceeding, administrative or judicial, for
14.11 preparation of a defense.

14.12 ~~(c)~~ (d) Data gathered by the department in the administration of the Minnesota
14.13 unemployment insurance program must not be made the subject or the basis for any
14.14 suit in any civil proceedings, administrative or judicial, unless the action is initiated by
14.15 the department.

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

14.17 Sec. 20. Minnesota Statutes 2006, section 299F.28, is amended to read:

14.18 **299F.28 RECORDS ARE PUBLIC, EXCEPTIONS.**

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

14.25 Sec. 21. Minnesota Statutes 2006, section 299F.75, is amended by adding a subdivision
14.26 to read:

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

Sec. 22. Minnesota Statutes 2006, section 325E.59, is amended by adding a subdivision to read:

Subd. 1a. Prohibiting the use of Social Security numbers on the face of mailings.

A government entity shall not send or cause to be sent or delivered any mailing either by letter, envelope, postcard, or package that displays a Social Security number on the face of the letter, envelope, postcard, or package, or from which a Social Security number is visible, whether on the outside or inside of the mailing. A government entity shall not require or request that a person send any mailing either by letter, envelope, postcard, or package that displays a Social Security number on the face of the mailing, or from which a Social Security number is visible, whether on the outside or inside of the mailing.

Sec. 23. Minnesota Statutes 2006, section 383B.917, subdivision 1, is amended to read:

Subdivision 1. **Data Practices Act.** (a) The corporation is subject to chapter 13, the 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. 24. **[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: (1) data contained in applications for an electronic tag or device that provides access to airport parking facilities and which assesses charges for a vehicle's use of those facilities; (2) personal and vehicle information data; (3) financial and credit data; and (4) parking usage data. Nothing in this section prohibits the production of summary data as defined in section 13.02, subdivision 19.

Sec. 25. Minnesota Statutes 2006, section 518.10, is amended to read:

518.10 REQUISITES OF PETITION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 26. **REPEALER.**

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