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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 2127

03/10/2025 Authored by Curran, Rarick, Liebling, Zeleznikar and Davids
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law
04/03/2025 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

- 1.1 A bill for an act
- 1.2 relating to data privacy; classifying judicial official real property records as private
- 1.3 data; limiting access to judicial official real property records; amending Minnesota
- 1.4 Statutes 2024, sections 13.991; 480.40, subdivisions 1, 3; 480.45, subdivision 2;
- 1.5 proposing coding for new law in Minnesota Statutes, chapter 480.
- 1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.7 Section 1. Minnesota Statutes 2024, section 13.991, is amended to read:
- 1.8 **13.991 JUDICIAL OFFICIAL DATA; PERSONAL INFORMATION.**
- 1.9 (a) Subject to paragraph (b), the personal information of all judicial officials collected,
- 1.10 created, or maintained by a government entity is private data on individuals. For purposes
- 1.11 of this section, the terms "personal information" and "judicial official" have the meanings
- 1.12 given in section 480.40, subdivision 1.
- 1.13 (b) If the responsible authority or government entity violates this chapter, the remedies
- 1.14 and penalties under this chapter are available only if the judicial official making a claim
- 1.15 previously provided written notification to the responsible authority confirming on a form
- 1.16 provided by the Minnesota judicial branch that they are entitled to protection under section
- 1.17 480.40. If the subject of the data is an adult child of a judicial official who does not reside
- 1.18 with the judicial official, the remedies and penalties under this chapter are available only
- 1.19 if the adult child previously provided written notification to the responsible authority
- 1.20 confirming their status as the child of a judicial official. In the case of county records, the
- 1.21 form shall be filed with the responsible authority that maintains the personal information
- 1.22 for which the judicial officer is seeking protection. A form submitted under this section is

private data on individuals. A notice filed under this paragraph expires five years following the date of filing, unless it is renewed prior to the expiration date.

~~(c) This section shall not apply to~~ Notwithstanding paragraph (a), section 480.50 shall govern personal information contained in: of all judicial officials contained in real property records, as defined in section 480.50, subdivision 1, paragraph (f).

~~(1) real property records as defined in section 13.045, subdivision 1, clause (5);~~

~~(2) Uniform Commercial Code filings and tax liens maintained by the secretary of state;~~
and

~~(3) any other records maintained by a government entity evidencing title to, or any lien, judgment, or other encumbrance on, real or personal property.~~

EFFECTIVE DATE. This section is effective January 1, 2026.

Sec. 2. Minnesota Statutes 2024, section 480.40, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For purposes of this section and section 480.45, the following terms have the meanings given.

(b) "Judicial official" means:

(1) every Minnesota district court judge, senior judge, retired judge, and every judge of the Minnesota Court of Appeals and every active, senior, recalled, or retired federal judge who resides in Minnesota;

(2) a justice of the Minnesota Supreme Court;

(3) employees of the Minnesota judicial branch;

(4) judicial referees and magistrate judges; and

(5) current and retired judges and current employees of the Office of Administrative Hearings, Workers' Compensation Court of Appeals, and Tax Court.

(c) "Personal information" does not include publicly available information. Personal information means:

(1) a residential address of a judicial official;

(2) a residential address of the spouse, domestic partner, or children of a judicial official;

(3) a nonjudicial branch issued telephone number or email address of a judicial official;

(4) the name of any child of a judicial official; and

(5) the name of any child care facility or school that is attended by a child of a judicial official if combined with an assertion that the named facility or school is attended by the child of a judicial official.

(d) "Publicly available information" means information that is lawfully made available through federal, state, or local government records or information that a business has a reasonable basis to believe is lawfully made available to the general public through widely distributed media, by a judicial official, or by a person to whom the judicial official has disclosed the information, unless the judicial official has restricted the information to a specific audience.

(e) "Law enforcement support organizations" do not include charitable organizations.

(f) "Real property records" has the meaning given in section 480.50, subdivision 1, paragraph (f).

EFFECTIVE DATE. This section is effective January 1, 2026.

Sec. 3. Minnesota Statutes 2024, section 480.40, subdivision 3, is amended to read:

Subd. 3. **Exceptions.** (a) Subdivision 2 ~~does~~ and section 480.50 do not apply to:

(1) the dissemination of personal information if the information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern;

(2) personal information that the judicial official voluntarily disseminates publicly after August 1, 2024;

(3) the dissemination of personal information made at the request of the judicial official or which is necessary to effectuate the request of a judicial official;

(4) a commercial entity using personal information internally, providing access to businesses under common ownership or affiliated by corporate control, or selling or providing data for a transaction or service requested by or concerning the individual whose personal information is being transferred;

(5) a commercial entity providing publicly available information through real-time or near real-time alert services for health or safety purposes;

(6) a commercial entity engaged in the collection, maintenance, disclosure, sale, communication, or use of any personal information bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency, furnisher, or user that provides information

for use in a consumer report, and by a user of a consumer report, but only to the extent that such activity is regulated by and authorized under the federal Fair Credit Reporting Act, United States Code, title 15, section 1681, et seq.;

(7) a consumer reporting agency subject to the federal Fair Credit Reporting Act, United States Code, title 15, section 1681, et seq.;

(8) a commercial entity using personal information collected, processed, sold, or disclosed in compliance with the federal Driver's Privacy Protection Act of 1994, United States Code, title 18, section 2721, et seq.;

(9) a commercial entity using personal information to do any of the following: prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any illegal activity; preserve the integrity or security of systems; or investigate, report, or prosecute any person responsible for any such action;

(10) a financial institution, affiliate of a financial institution, or data subject to title V of the federal Gramm-Leach-Bliley Act, United States Code, title 15, section 6801, et seq.;

(11) a covered entity or business associate for purposes of the federal privacy regulations promulgated under the federal Health Insurance Portability and Accountability Act of 1996, specifically United States Code, title 42, section 1320d-2 note;

(12) insurance and insurance support organizations;

(13) law enforcement agencies or law enforcement support organizations and vendors that provide data support services to law enforcement agencies; and

(14) the collection and sale or licensing of covered information incidental to conducting the activities described in clauses (4) to (13); ~~and.~~

~~(15) personal information contained in:~~

~~(i) real property records as defined in section 13.045, subdivision 1, clause (5);~~

~~(ii) uniform commercial code filings and tax liens maintained by the secretary of state;~~

~~and~~

~~(iii) any other records maintained by a government entity evidencing title to, or any lien, judgment, or other encumbrance on, real or personal property.~~

(b) Subdivision 2 does not apply to:

(1) personal information of judicial officials collected, created, or maintained in real property records; or

(2) the dissemination of personal information in real property records by a licensed attorney or any employees in the office of the licensed attorney, when reasonably necessary for the provision of legal services.

EFFECTIVE DATE. This section is effective January 1, 2026.

Sec. 4. Minnesota Statutes 2024, section 480.45, subdivision 2, is amended to read:

Subd. 2. **Removal of personal information; exception.** (a) Upon receipt of an affidavit requesting removal of the personal information of a judicial official that meets the requirements of subdivision 1, the person, business, association, or government entity shall remove the publicly posted personal information within 30 days. If the person, business, association, or government entity fails to remove the publicly posted personal information within 30 days after an affidavit is submitted, the judicial official may file a civil action in a court of competent jurisdiction seeking a court order compelling compliance, including injunctive and declarative relief.

(b) Paragraph (a) shall not apply to personal information disseminated directly by a government entity contained in: real property records, as defined in section 480.50, subdivision 1, paragraph (f).

~~(1) real property records as defined in section 13.045, subdivision 1, clause (5);~~

~~(2) uniform commercial code filings and tax liens maintained by the secretary of state;~~
and

~~(3) any other records maintained by a government entity evidencing title to, or any lien, judgment, or other encumbrance on, real or personal property.~~

EFFECTIVE DATE. This section is effective January 1, 2026.

Sec. 5. **[480.50] PERSONAL INFORMATION IN REAL PROPERTY RECORDS.**

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "County recorder" has the meaning given in section 13.045, subdivision 1, clause (4).

(c) "Government entity" has the meaning given in section 13.02, subdivision 7a.

(d) "Judicial official" has the meaning given in section 480.40, subdivision 1, paragraph (b), except that it does not include employees of the Minnesota judicial branch.

(e) "Personal information" has the meaning given in section 480.40, subdivision 1, paragraph (c).

(f) "Real property records" means any of the following:

(1) real property records as defined in section 13.045, subdivision 1, clause (5);

(2) Uniform Commercial Code filings and tax liens maintained by the Secretary of State;
and

(3) any other records maintained by a county recorder or other government entity evidencing title to, or any lien, judgment, or other encumbrance on, real or personal property.

(g) "Responsible authority" has the meaning given in section 13.02, subdivision 16.

Subd. 2. Classification of data. (a) Subject to the provisions of this section, the personal information of all judicial officials collected, created, or maintained in real property records is private data on individuals, as defined in section 13.02, subdivision 12.

(b) If the responsible authority or government entity violates this section, the remedies and penalties under chapter 13 are available only if the judicial official making a claim previously provided a real property notice that complies with subdivision 3. If the subject of the data is the spouse, domestic partner, or adult child of a judicial official who does not reside with the judicial official, the remedies and penalties under chapter 13 are available only if the spouse, domestic partner, or adult child previously provided a notification under subdivision 3 to the responsible authority confirming their status as the spouse, domestic partner, or adult child of a judicial official. In the case of county records, the notification shall be filed with the responsible authority that maintains the personal information for which the judicial officer is seeking protection. A notification submitted under this section is private data on individuals, as defined in section 13.02, subdivision 12.

Subd. 3. Notification. (a) For the classification in subdivision 2 to apply to personal information in real property records, a judicial official must submit a real property notice in writing to the county recorder in the county where the property identified in the real property notice is located and to the Office of the Secretary of State. To affect real property records maintained by any other government entity, a judicial official must submit a real property notice in writing to the other government entity's responsible authority. If the personal information is that of the spouse, domestic partner, or adult child of a judicial official who does not reside with the judicial official, the spouse, domestic partner, or adult child must submit a real property notice. The real property notice is classified as private

data on individuals, as defined in section 13.02, subdivision 12. A real property notice must be on a form provided by the judicial branch and must include:

(1) the full legal name of the individual submitting the form;

(2) the last four digits of the individual's Social Security number;

(3) the individual's date of birth;

(4) the individual's telephone number and email;

(5) the residential address of the individual in Minnesota;

(6) the legal description, parcel identification number, and street address, if any, of the real property affected by the notice; and

(7) a certification that the individual is a judicial official or the spouse, domestic partner, or adult child of a judicial official that contains the notarized signature of the individual.

(b) A notice submitted by a judicial official employed by the state must include the employer's business address and a verification of current employment signed by the employer's human resources office.

(c) A notice submitted pursuant to this subdivision by a spouse, domestic partner, or adult child of a judicial official not residing with the judicial official must include a notarized verification that the individual is the spouse, domestic partner, or adult child of a judicial official.

(d) Only one parcel of real property may be included in each notice, but a judicial official may submit more than one notice. A government entity may require a judicial official to provide additional information necessary to identify the records of the judicial official or the real property described in the notice. An individual submitting a notice must submit a new real property notice if their legal name changes.

Subd. 4. Access to real property records. (a) If an individual submits a notice under subdivision 3, the county recorder or other government entity must not disclose the individual's personal information in conjunction with the property identified in the written notice, unless:

(1) the individual has consented to sharing or dissemination of the personal information for the purpose identified in a writing signed by the individual and acknowledged by a notary public;

(2) the personal information is subject to dissemination pursuant to a court order under section 13.03, subdivision 6;

8.1 (3) the personal information is shared with a government entity for the purpose of
8.2 administering assessment and taxation laws;

8.3 (4) the personal information is disseminated pursuant to subdivision 5; or

8.4 (5) the personal information is shared with the examiner of titles or deputy examiner as
8.5 necessary to perform their statutory duties under chapters 508 and 508A, including the
8.6 dissemination of personal information in Reports of Examiner.

8.7 (b) This subdivision does not prevent the county recorder from returning original
8.8 documents to the person who submitted the documents for recording. Each county recorder
8.9 shall establish procedures for recording documents to comply with this subdivision. These
8.10 procedures may include masking personal information and making documents or certificates
8.11 of title containing the personal information private and not viewable except as allowed by
8.12 this paragraph. The procedure must comply with the requirements of chapters 386, 507,
8.13 508, and 508A, and other laws as appropriate, to the extent these requirements do not conflict
8.14 with this section. The procedures must provide public notice of the existence of recorded
8.15 documents and certificates of title that are not publicly viewable and the provisions for
8.16 viewing them under this subdivision. Notice that a document or certificate is private and
8.17 viewable only under this subdivision or subdivision 5 is deemed constructive notice of the
8.18 document or certificate.

8.19 (c) A real property notice submitted under subdivision 3 shall apply retroactively to all
8.20 online and digital real property records, except digitized or scanned images of tract pages
8.21 and books, but only to the extent the individual submitting the notice provides the parcel
8.22 identification number, document number, or certificate of title number of each record for
8.23 which protection is sought. Otherwise, paragraph (a) applies only to the real property records
8.24 recorded or filed concurrently with the real property notice specified in subdivision 3 and
8.25 to real property records affecting the same real property recorded subsequent to the county
8.26 recorder or other government entity's receipt of the real property notice.

8.27 (d) The county recorder or other government entity shall have 60 days from the date of
8.28 receipt of a real property notice under subdivision 3 to process the request. If the judicial
8.29 official cites exigent circumstances, the county recorder or other government entity shall
8.30 process the request as soon as practicable.

8.31 (e) The prohibition on disclosure in paragraph (a) continues until:

8.32 (1) the judicial official has consented to the termination of the real property notice in a
8.33 writing signed by the judicial official and acknowledged by a notary public;

9.1 (2) the real property notice is terminated pursuant to a court order;

9.2 (3) the judicial official no longer holds a record interest in the real property identified
9.3 in the real property notice;

9.4 (4) the judicial official is deceased and a copy of the death certificate has been filed with
9.5 the county recorder or other government entity to which a notice was given under subdivision
9.6 3; or

9.7 (5) the judicial official no longer qualifies as a judicial official. Notification that the
9.8 judicial official no longer qualifies as a judicial official must be given by the judicial official
9.9 to each county recorder or other government entity to which a notice under subdivision 3
9.10 was given within 90 days after the judicial official no longer qualifies as a judicial official.

9.11 (f) Upon termination of the prohibition of disclosure, the county recorder shall make
9.12 publicly viewable all documents and certificates of title relative to the judicial official that
9.13 were previously partially or wholly private and not viewable.

9.14 Subd. 5. Access to personal information in real property records; title
9.15 examination. (a) Upon request, the judicial official shall verify that the judicial official's
9.16 real property is the property subject to a bona fide title exam.

9.17 (b) The county recorder or other government entity shall provide a judicial official's
9.18 unredacted real property records upon request of any of the following persons:

9.19 (1) a licensed title insurance company representative, a licensed title insurance agent, a
9.20 licensed abstractor, or an attorney licensed to practice law in Minnesota;

9.21 (2) a mortgage loan originator;

9.22 (3) a real estate broker or a real estate salesperson; and

9.23 (4) an individual or entity that has made or received an offer for the purchase of real
9.24 property to or from a judicial official whose address is subject to nondisclosure, provided
9.25 the request is accompanied by a written consent from the judicial official.

9.26 (c) A request made under paragraph (a) or (b) must be made on a notarized form and
9.27 include:

9.28 (1) the full legal name, title, address, and place of employment, if applicable, of the
9.29 person requesting the real property records;

9.30 (2) the lawful purpose for requesting the real property records;

9.31 (3) the requestor's relationship, if any, to the judicial official;

10.1 (4) the legal description of the property subject to the title examination; and

10.2 (5) proof of the requestor's licensure.

10.3 (d) Personal information provided under this subdivision may be used only for the
10.4 purposes authorized in this subdivision or the lawful purposes set forth in the request for
10.5 disclosure form and may not be further disseminated to any other person. A person receiving
10.6 private data under this subdivision shall establish procedures to protect the data from further
10.7 dissemination.

10.8 Subd. 6. Service fees to county recorder or other government entity. The county
10.9 recorder or any other government entity is authorized to charge the following service fees:

10.10 (1) \$40 for each real property notice under subdivision 3;

10.11 (2) \$40 for each consent submitted under subdivision 4, paragraph (a), clause (1), and
10.12 subdivision 4, paragraph (e), clause (1); and

10.13 (3) \$40 for each request submitted under subdivision 5.

10.14 These service fees shall not be considered county recorder fees under section 357.18 or
10.15 registrar of titles fees under section 508.82 or 508A.82 and shall be deposited into the county
10.16 recorder or other government entity's general fund.

10.17 **EFFECTIVE DATE.** This section is effective January 1, 2026.