SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 2039

(SENATE AUTHORS: LATZ and Limmer)

DATE	D-PG	OFFICIAL STATUS
03/03/2025	606	Introduction and first reading Referred to Judiciary and Public Safety See HF2432

A bill for an act

relating to data privacy; classifying judicial official real property records as private data; limiting access to judicial official real property records; providing criminal penalties; amending Minnesota Statutes 2024, sections 13.991; 480.40, subdivision 3; 480.45, subdivision 2; 609.63, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 480.

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

Section 1. Minnesota Statutes 2024, section 13.991, is amended to read:

13.991 JUDICIAL OFFICIAL DATA; PERSONAL INFORMATION.

(a) Subject to paragraph (b), the personal information of all judicial officials collected, created, or maintained by a government entity is private data on individuals. For purposes of this section, the terms "personal information" and "judicial official" have the meanings given in section 480.40, subdivision 1.

(b) If the responsible authority or government entity violates this chapter, the remedies and penalties under this chapter are available only if the judicial official making a claim previously provided written notification to the responsible authority confirming on a form provided by the Minnesota judicial branch that they are entitled to protection under section 480.40. If the subject of the data is an adult child of a judicial official who does not reside with the judicial official, the remedies and penalties under this chapter are available only if the adult child previously provided written notification to the responsible authority confirming their status as the child of a judicial official. In the case of county records, the form shall be filed with the responsible authority that maintains the personal information 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:

(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.

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

Sec. 2. Minnesota Statutes 2024, section 480.40, subdivision 3, is amended to read:

Subd. 3. **Exceptions.** Subdivision 2 does 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;

(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:~~ governed by section 480.50.

~~(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.~~

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

Sec. 3. 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 county recorder or other government entity contained in:

(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. 4. **[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).

(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 an 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 adult child previously provided a notification under subdivision 3 to the responsible authority confirming their status as the 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 an adult child of a judicial official who does not reside with the judicial official, the 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 judicial official, including the judicial official's first name, middle name, and last name or surname;

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

(3) the judicial official's date of birth;

(4) the residential address of the judicial official in Minnesota;

(5) the legal description and street address, if any, of the real property affected by the notice; and

(6) a certification that the person is a judicial official as defined by section 480.40, subdivision 1, paragraph (b), that contains the notarized signature of the judicial official.

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

(c) For an adult child of a judicial official not residing with the judicial official, the notice must include the adult child and the judicial official's notarized verification that they are parent and child.

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

(1) the judicial official has consented to sharing or dissemination of the personal information for the purpose identified in a writing signed by the judicial official and acknowledged by a notary public, and the written consent includes a verification of current employment signed by the employer's human resources office if the judicial official is employed by the state;

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

(3) the data is shared with a government entity subject to chapter 13 for the purpose of administering assessment and taxation laws.

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

(c) A real property notice submitted under subdivision 3 shall apply retroactively to all indexed, online, and digital real property records but only to the extent the judicial official provides the document number or certificate of title number of each record for which protection is sought. Otherwise, paragraph (a) applies only to the real property records recorded or filed concurrently with the real property notice specified in subdivision 3 and to real property records affecting the same real property recorded subsequent to the county recorder or other government entity's receipt of the real property notice.

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

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

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

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

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

(4) the judicial official no longer qualifies as a judicial official. Notification that the judicial official no longer qualifies as a judicial official must be given by the judicial official to each county recorder or other government entity to which a notice under subdivision 3 was given within 90 days after the judicial official no longer qualifies as a judicial official. If the judicial official fails to give the required notice, they may be subject to a civil penalty payable to each county recorder or other government entity to which a notice under subdivision 3 was given, not to exceed $500.

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

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

(b) Pursuant to subdivision 4, paragraph (a), clause (1) or (2), the county recorder or other government entity shall provide a judicial official's unredacted real property records upon request of any of the following persons:

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

(2) a mortgage loan originator;

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

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

(c) A request made under paragraph (a) or (b) must be on a form provided by the state, notarized, and include:

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

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

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

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

(5) proof of the requestor's licensure.

(d) Personal information disclosed under this subdivision may be used only for the purposes authorized in this subdivision and may not be further disclosed to any other person. A person receiving private data under this subdivision shall establish procedures to protect the data from further disclosure.

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

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

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

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

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

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

Sec. 5. Minnesota Statutes 2024, section 609.63, subdivision 1, is amended to read:

Subdivision 1. **Crime defined; intent to defraud.** (a) Whoever, with intent to injure or defraud, does any of the following is guilty of forgery and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both:

(1) uses a false writing, knowing it to be false, for the purpose of identification or recommendation; ~~or~~

(2) without consent, places, or possesses with intent to place, upon any merchandise an identifying label or stamp which is or purports to be that of another craftsperson, tradesperson, packer, or manufacturer, or disposes or possesses with intent to dispose of any merchandise so labeled or stamped; ~~or~~

(3) falsely makes or alters a membership card purporting to be that of a fraternal, business, professional, or other association, or of any labor union, or possesses any such card knowing it to have been thus falsely made or altered; ~~or~~

(4) falsely makes or alters a writing, or possesses a falsely made or altered writing, evidencing a right to transportation on a common carrier; ~~or~~

(5) destroys, mutilates, or by alteration, false entry or omission, falsifies any record, account, or other document relating to a private business; ~~or~~

(6) without authority of law, destroys, mutilates, or by alteration, false entry, or omission, falsifies any record, account, or other document relating to a person, corporation, or business, or filed in the office of, or deposited with, any public office or officer; ~~or~~

(7) destroys a writing or object to prevent it from being produced at a trial, hearing, or other proceeding authorized by law; or

(8) uses a false writing, knowing it to be false, for the purpose of procuring or disseminating the personal information of a judicial official.

(b) As used in paragraph (a), "judicial official" has the meaning given in section 480.40, subdivision 1, paragraph (b), and "personal information" has the meaning given in section 480.40, subdivision 1, paragraph (c).

EFFECTIVE DATE. This section is effective January 1, 2026, and applies to crimes committed on or after that date.