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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2167

02/25/2014 Authored by Lesch, Holberg, Scott, Hilstrom and Hortman
The bill was read for the first time and referred to the Committee on Civil Law

1.1 A bill for an act
1.2 relating to data practices; clarifying application of government data practices act
1.3 to parties contracting with a government entity; amending Minnesota Statutes
1.4 2012, section 13.05, subdivision 11.

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

1.6 Section 1. Minnesota Statutes 2012, section 13.05, subdivision 11, is amended to read:

1.7 Subd. 11. **Privatization.** (a) ~~If a government entity enters into a contract with a~~
1.8 ~~private person to perform any of its functions, the government entity shall include in the~~
1.9 ~~contract terms that make it clear that all of the~~ All data created, collected, received, stored,
1.10 used, maintained, or disseminated by the private person in performing those functions
1.11 any party in performing a contract entered into with a government entity is subject to the
1.12 requirements of this chapter, ~~and that the private person~~ the contracting party must comply
1.13 with those requirements as if it were a government entity. All contracts entered into by
1.14 a government entity must include a notice making it clear that the requirements of this
1.15 subdivision apply to the contract, provided that failure to include the notice does not
1.16 invalidate the application of this subdivision. The remedies in section 13.08 apply to ~~the~~
1.17 ~~private person under~~ a contracting party subject to this subdivision.

1.18 (b) This subdivision does not create a duty on the part of ~~the private person~~ a
1.19 contracting party to provide access to public data to the public if the public data are
1.20 available from the government entity, except as required by the terms of the contract.