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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 222

01/20/2015 Authored by Cornish, Hilstrom, Zerwas and Simonson

The bill was read for the first time and referred to the Committee on Civil Law and Data Practices

1.1 A bill for an act
1.2 relating to data practices; classifying data related to automated license plate
1.3 readers; requiring a log of use; requiring data to be destroyed in certain
1.4 circumstances; requiring an inventory of surveillance technology; amending
1.5 Minnesota Statutes 2014, section 13.82, by adding a subdivision; proposing
1.6 coding for new law in Minnesota Statutes, chapter 13.

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

1.8 Section 1. [13.026] INVENTORY OF SURVEILLANCE TECHNOLOGY.

1.9 Subdivision 1. **Inventory required.** The responsible authority of a government
1.10 entity shall prepare and update an inventory of surveillance technology maintained or
1.11 used by the government entity. For purposes of this section, "surveillance technology"
1.12 means technology that:

1.13 (1) can be used to track the location, personal characteristics, or activities of an
1.14 individual or the property of an individual; or

1.15 (2) is a powered, aerial vehicle that does not carry a human operator; can fly
1.16 autonomously or be piloted remotely; and can be expendable or recoverable.

1.17 Subd. 2. **Report.** By January 15 of each year, a government entity shall submit
1.18 a report to the legislature that includes an inventory of all surveillance technologies
1.19 maintained or used by the government entity during the previous calendar year and any new
1.20 surveillance technology that the government entity may maintain or use during the current
1.21 calendar year. The report must be submitted to the chairs and ranking minority members
1.22 of the policy committees of the legislature with jurisdiction over data practices issues.

1.23 Sec. 2. Minnesota Statutes 2014, section 13.82, is amended by adding a subdivision to
1.24 read:

2.1 Subd. 31. Automated license plate reader. (a) As used in this subdivision,
2.2 "automated license plate reader" means an electronic device mounted on a law
2.3 enforcement vehicle or positioned in a stationary location that is capable of recording data
2.4 on, or taking a photograph of, a vehicle or its license plate and comparing the collected
2.5 data and photographs to existing law enforcement databases for investigative purposes.

2.6 (b) Data collected by an automated license plate reader are confidential data
2.7 on individuals or protected nonpublic data if the data are or become active criminal
2.8 investigative data.

2.9 (c) The following data collected by an automated license plate reader that are not
2.10 classified under paragraph (b) are private data on individuals or nonpublic data:

2.11 (1) license plate numbers;

2.12 (2) date, time, and location data on vehicles; and

2.13 (3) pictures of license plates, vehicles, and areas surrounding the vehicles.

2.14 (d) Notwithstanding section 138.17, data collected by an automated license plate
2.15 reader must be destroyed:

2.16 (1) 90 days from the time of collection, if the data are classified under paragraph (c); or

2.17 (2) upon request of a program participant under chapter 5B, at the time of collection
2.18 or upon receipt of the request, whichever occurs later, unless the data are classified under
2.19 paragraph (b).

2.20 Data on a request of a program participant under clause (2) are private data on individuals.

2.21 If data collected by an automated license plate reader are shared with another law
2.22 enforcement agency, the agency that receives the data must comply with the data
2.23 destruction requirements of this paragraph.

2.24 (e) A law enforcement agency that installs or uses an automated license plate reader
2.25 must maintain a log of its use, including:

2.26 (1) specific times of day that the reader actively collected data;

2.27 (2) the aggregate number of vehicles or license plates on which data are collected
2.28 for each period of active use; and

2.29 (3) for a reader at a stationary location, the location at which the reader actively
2.30 collected data.

2.31 Data in a log required under this paragraph are public.

2.32 (f) In addition to the log required under paragraph (e), the law enforcement agency
2.33 must maintain records showing the date the data were collected and whether the data are
2.34 classified under paragraph (b) or (c). The Department of Public Safety shall conduct
2.35 a biennial audit of the records to determine whether data currently in the records are
2.36 classified and destroyed as required under this subdivision and to verify compliance with

3.1 paragraph (g). Data in the records required under this paragraph are classified as provided
3.2 in paragraph (b) or (c). Summary results of the audit are public.

3.3 (g) A law enforcement agency must comply with sections 13.05, subdivision 5, and
3.4 13.055 in the operation of automated license plate readers and access to the data. The
3.5 responsible authority for a law enforcement agency must establish written procedures to
3.6 ensure that law enforcement personnel have access to the data only if authorized in writing
3.7 by the chief of police, sheriff, or head of the law enforcement agency, or their designee,
3.8 to obtain access to data collected by an automated license plate reader for a specific law
3.9 enforcement purpose.

3.10 (h) Within ten days of the installation or current use of an automated license plate
3.11 reader, a law enforcement agency must notify the Bureau of Criminal Apprehension of any
3.12 fixed location of a stationary automated license plate reader and, if applicable, if the agency
3.13 uses any other automated license plate reader. The Bureau of Criminal Apprehension
3.14 must maintain a list of law enforcement agencies using automated license plate readers,
3.15 including locations of any fixed stationary automated license plate readers, except to the
3.16 extent that the location of the reader is security information, as defined in section 13.37.
3.17 This list is accessible to the public and must be available on the bureau's Web site.

3.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.
3.19 Data collected before the effective date of this section must be destroyed, if required by
3.20 this section, no later than 15 days after the date this section becomes effective.