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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **4340**

03/11/2020

Authored by Hansen

The bill was read for the first time and referred to the Transportation Finance and Policy Division

1.1 A bill for an act
1.2 relating to transportation; providing for an investigation prior to revoking access
1.3 to the driver and vehicle services information system; allowing an appeal after
1.4 revocation; amending Minnesota Statutes 2018, section 171.12, subdivision 1a.

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

1.6 Section 1. Minnesota Statutes 2018, section 171.12, subdivision 1a, is amended to read:

1.7 Subd. 1a. **Driver and vehicle services information system; security and auditing.** (a)

1.8 The commissioner must establish written procedures to ensure that only individuals
1.9 authorized by law may enter, update, or access not public data collected, created, or
1.10 maintained by the driver and vehicle services information system. An authorized individual's
1.11 ability to enter, update, or access data in the system must correspond to the official duties
1.12 or training level of the individual and to the statutory authorization granting access for that
1.13 purpose. All queries and responses, and all actions in which data are entered, updated,
1.14 accessed, shared, or disseminated, must be recorded in a data audit trail. Data contained in
1.15 the audit trail are public to the extent the data are not otherwise classified by law.

1.16 (b) If the commissioner has reason to believe that an individual willfully entered, updated,
1.17 accessed, shared, or disseminated data in violation of state or federal law, the commissioner
1.18 must conduct an investigation to determine if state or federal law has been violated. The
1.19 commissioner must give the individual who is the subject of the investigation notice of the
1.20 investigation and provide an opportunity for the individual to participate in the investigation.
1.21 If the commissioner determines that the investigation shows that the individual willfully
1.22 entered, updated, accessed, shared, or disseminated data in violation of state or federal law,
1.23 the commissioner must immediately and permanently revoke the authorization of any that

individual ~~who willfully entered, updated, accessed, shared, or disseminated data in violation of state or federal law.~~ An individual who has had authorization revoked may initiate a contested case proceeding under chapter 14 within 60 days of the revocation. An individual aggrieved by a final decision in the contested case regarding revocation is entitled to judicial review of the decision as provided in sections 14.63 to 14.68. If ~~an~~ the commissioner determines that the investigation shows that the individual willfully gained access to data without authorization by law, the commissioner must forward the matter to the appropriate prosecuting authority for prosecution.

(c) The commissioner must arrange for an independent biennial audit of the driver and vehicle services information system to determine whether data currently in the system are classified correctly, how the data are used, and to verify compliance with this subdivision. The results of the audit are public. No later than 30 days following completion of the audit, the commissioner must provide a report summarizing the audit results to the commissioner of administration; the chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over transportation policy and finance, public safety, and data practices; and the Legislative Commission on Data Practices and Personal Data Privacy. The report must be submitted as required under section 3.195, except that printed copies are not required.