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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 798

02/07/2019 Authored by Moller, Becker-Finn, Her, Hassan, Moran and others
The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division

1.1 A bill for an act
1.2 relating to data practices; authorizing disclosure to complainant of certain personnel
1.3 data regarding status of sexual harassment investigations; amending Minnesota
1.4 Statutes 2018, section 13.43, subdivision 8.

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

1.6 Section 1. Minnesota Statutes 2018, section 13.43, subdivision 8, is amended to read:

1.7 Subd. 8. Harassment data. (a) When allegations of sexual or other types of harassment
1.8 are made against an employee, the employee ~~does~~ shall not have access to data that would
1.9 identify the complainant or other witnesses if the responsible authority determines that the
1.10 employee's access to that data would:

1.11 (1) threaten the personal safety of the complainant or a witness; or

1.12 (2) subject the complainant or witness to harassment.

1.13 If a disciplinary proceeding is initiated against the employee, data on the complainant
1.14 or witness shall be available to the employee as may be necessary for the employee to
1.15 prepare for the proceeding.

1.16 (b) In addition to data that is public under subdivision 2, the following private personnel
1.17 data regarding allegations of harassment may be disclosed to the complainant:

1.18 (1) whether the allegations were substantiated; and

1.19 (2) whether the allegations resulted in disciplinary or nondisciplinary corrective action.

1.20 A complainant who receives private personnel data under this paragraph may not further
1.21 release the data except to a court; law enforcement agency; prosecuting authority; federal,

- 2.1 state, or local civil rights enforcement authority; or an attorney representing the complainant
- 2.2 when the data is relevant to obtaining a restraining order or to enable the complainant to
- 2.3 pursue other legal remedies.