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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 857

- 02/06/2017 Authored by Scott
- The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance
- 02/27/2017 Adoption of Report: Re-referred to the Committee on Civil Law and Data Practices Policy
- 03/13/2017 Adoption of Report: Placed on the General Register as Amended
- Read for the Second Time
- 05/22/2017 Pursuant to Rule 4.20, returned to the Committee on Civil Law and Data Practices Policy

1.1 A bill for an act

1.2 relating to corrections; ensuring inmate case planning information is private;

1.3 classifying certain data related to small business certification program; directing

1.4 the Legislative Commission on Data Practices and Personal Data Privacy to study

1.5 and recommend options for expanding public access to legislative records and

1.6 meetings; amending Minnesota Statutes 2016, sections 13.15, subdivision 1; 13.591,

1.7 by adding a subdivision; 241.065, subdivisions 2, 3.

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

1.9 ARTICLE 1

1.10 CORRECTIONS DATA

1.11 Section 1. Minnesota Statutes 2016, section 241.065, subdivision 2, is amended to read:

1.12 Subd. 2. **Establishment.** The Department of Corrections shall administer and maintain

1.13 a computerized data system for the purpose of assisting criminal justice agencies in

1.14 conducting official duties and in monitoring and enforcing the conditions of conditional

1.15 release imposed on criminal offenders by a sentencing court or the commissioner of

1.16 corrections.

1.17 Subd. 2a. **Statewide supervision system access.** (a) The adult data and juvenile data as

1.18 defined in section 260B.171 in the statewide supervision system are private data as defined

1.19 in section 13.02, subdivision 12, ~~but~~ and are accessible to:

- 1.20 (1) criminal justice agencies as defined in section 13.02, subdivision 3a, ~~to~~;
- 1.21 (2) the Minnesota sex offender program as provided in section 246B.04, subdivision 3,
- 1.22 ~~to~~;
- 1.23 (3) public defenders as provided in section 611.272, ~~to~~;

2.1 ~~(4) all trial courts and appellate courts;~~ and to
 2.2 ~~(5) criminal justice agencies in other states in the conduct of their official duties.~~

2.3 (b) Adult data in the statewide supervision system are accessible to the secretary of state
 2.4 for the purposes described in section 201.157.

2.5 Subd. 2b. **Case planning access.** Case planning data in the statewide supervision system
 2.6 are private data as defined in section 13.02, subdivision 12, and are accessible to state prison
 2.7 facility staff, correction staff in community corrections act counties and county probation
 2.8 counties, and Department of Corrections field services staff for monitoring and enforcing
 2.9 conditions as described in subdivision 2.

2.10 Sec. 2. Minnesota Statutes 2016, section 241.065, subdivision 3, is amended to read:

2.11 Subd. 3. **Authority to enter or retrieve data.** Only criminal justice agencies may submit
 2.12 data to the statewide supervision system and only persons who are authorized users under
 2.13 subdivision 2 may obtain data from the system. The commissioner of corrections may require
 2.14 that any or all information be submitted to the statewide supervision system. A consent to
 2.15 the release of data in the statewide supervision system from the individual who is the subject
 2.16 of the data is not effective. According to subdivision 2b, a finalized case plan can be provided
 2.17 to community service providers for the purposes under subdivision 2.

2.18 **ARTICLE 2**

2.19 **ELECTRONIC ACCESS DATA**

2.20 Section 1. Minnesota Statutes 2016, section 13.15, subdivision 1, is amended to read:

2.21 Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings
 2.22 given.

2.23 (a) "Electronic access data" means data created, collected, or maintained about a person's
 2.24 access to a government entity's computer by a person, other than the government entity's
 2.25 employee or independent contractor, for the purpose of:

- 2.26 (1) gaining access to data or information;
- 2.27 (2) transferring data or information; or
- 2.28 (3) using government services.

2.29 (b) "Cookie" means any data that a government-operated computer electronically places
 2.30 on the computer of a person who has gained access to a government computer.

3.1 **ARTICLE 3**

3.2 **BUSINESS DATA**

3.3 Section 1. Minnesota Statutes 2016, section 13.591, is amended by adding a subdivision
3.4 to read:

3.5 Subd. 2a. **Small business certification program data.** Subdivisions 1 and 2 apply to
3.6 financial information about a business submitted to a government entity as part of the
3.7 business' application for certification as a small, small minority-owned, small woman-owned,
3.8 or veteran-owned business, or for certification under sections 16C.16 to 16C.21.

3.9 **ARTICLE 4**

3.10 **STUDY BY LEGISLATIVE COMMISSION**

3.11 Section 1. **EXPANDED PUBLIC ACCESS TO LEGISLATIVE RECORDS AND**
3.12 **MEETINGS; STUDY AND RECOMMENDATIONS.**

3.13 (a) No later than December 15, 2017, the Legislative Commission on Data Practices and
3.14 Personal Data Privacy must study and recommend options for expanding public access to
3.15 legislative records and meetings. The recommendations must facilitate increased public
3.16 access, participation, and accountability in the legislative process, while also preserving the
3.17 rights and duties of the legislature and its members to function as a constitutional coequal
3.18 branch of government.

3.19 (b) The study and recommendations should consider:

3.20 (1) current laws, rules, and customs and practices of the legislature that provide public
3.21 access to legislative records and meetings;

3.22 (2) the experiences of other state legislatures in providing public access to their records
3.23 and meetings;

3.24 (3) the potential benefits and risks to the legislative process in expanded public access
3.25 to records and meetings;

3.26 (4) the potential benefits and risks to constituents and other individual members of the
3.27 public in expanded access to legislative records and meetings; and

3.28 (5) impacts on the administrative operations of the legislature in implementing any
3.29 recommended change, including the potential for increased costs or staffing needs.

APPENDIX
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