

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1143

(SENATE AUTHORS: LIMMER and Ortman)

DATE	D-PG	OFFICIAL STATUS
04/11/2011	1262	Introduction and first reading Referred to Judiciary and Public Safety
05/09/2011	1805a 1846	Comm report: To pass as amended Second reading
05/16/2011	2073a 2076	Special Order: Amended Third reading Passed
03/22/2012	4680	Chief author stricken, shown as co-author Ortman Chief author added Limmer
04/18/2012	5913 5914	Returned from House with amendment Senate not concur, conference committee of 3 requested
04/24/2012	6468	Senate conferees Limmer; Newman; Hall
04/25/2012	6470	House conferees Scott; Holberg; Simon
05/07/2012	7083c 7114 7150	Conference committee report, delete everything Senate adopted CC report and repassed bill Third reading House adopted SCC report and repassed bill Presentment date 05/08/12
	7667	Governor's action Approval 05/10/12
	7667	Secretary of State Chapter 290 05/10/12 Effective date Sec. 1-23, 25-37, 39-64, 67-69, 72 08/01/12; Sec. 24, 38, 65-66, 70-71 05/11/12

A bill for an act

1.1 relating to state government; classifying and authorizing sharing of data;
1.2 making technical and clarifying changes to data practices and open meeting law
1.3 provisions; imposing a limitation on state dependent audits; repealing certain data
1.4 practices provisions; adding cross-references to open meeting law provisions
1.5 codified elsewhere; amending Minnesota Statutes 2010, sections 13.02,
1.6 subdivisions 3, 4, 8a, 9, 12, 13, 14, 15, 16; 13.03, subdivisions 2, 4; 13.072,
1.7 subdivision 2; 13.10, subdivision 1; 13.202, subdivision 3; 13.37, subdivisions 1,
1.8 2; 13.3805, subdivision 1; 13.384, subdivision 1; 13.39, by adding a subdivision;
1.9 13.43, subdivision 1, by adding subdivisions; 13.44, subdivision 3; 13.46,
1.10 subdivisions 2, 3, 4, 5, 6; 13.462, subdivision 1; 13.47, subdivision 1; 13.485,
1.11 by adding subdivisions; 13.548; 13.585, subdivisions 2, 3; 13.601, subdivision
1.12 3; 13.635, by adding a subdivision; 13.64, by adding a subdivision; 13.643,
1.13 subdivisions 5, 7; 13.6435, by adding a subdivision; 13.65, subdivisions 1, 2, 3;
1.14 13.679, subdivision 2; 13.719, subdivisions 1, 5; 13.7191, subdivisions 14, 18;
1.15 13.72, subdivision 11, by adding a subdivision; 13.7932; 13.82, subdivisions 2,
1.16 3, 6, 7, by adding a subdivision; 13.83, subdivisions 2, 4, 6; 13.87, subdivision 2;
1.17 13D.015, subdivision 5; 43A.28; 79A.16; 79A.28; 84.0874; 216C.266; 237.701,
1.18 subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 13;
1.19 13D; 43A; repealing Minnesota Statutes 2010, sections 13.05, subdivisions 1, 2,
1.20 8; 13.4967, subdivision 6a; 298.22, subdivision 12.

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

1.23 Section 1. Minnesota Statutes 2010, section 13.02, subdivision 3, is amended to read:

1.24 Subd. 3. **Confidential data on individuals.** "Confidential data on individuals"
1.25 ~~means~~ are data ~~which is~~ made not public by statute or federal law applicable to the data
1.26 and ~~is~~ are inaccessible to the individual subject of ~~that~~ those data.

1.27 Sec. 2. Minnesota Statutes 2010, section 13.02, subdivision 4, is amended to read:

1.28 Subd. 4. **Data not on individuals.** "Data not on individuals" ~~means~~ are all
1.29 government data ~~which is~~ that are not data on individuals.

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2.1 Sec. 3. Minnesota Statutes 2010, section 13.02, subdivision 8a, is amended to read:

2.2 Subd. 8a. **Not public data.** "Not public data" ~~means~~ are any government data ~~which~~
2.3 ~~is~~ classified by statute, federal law, or temporary classification as confidential, private,
2.4 nonpublic, or protected nonpublic.

2.5 Sec. 4. Minnesota Statutes 2010, section 13.02, subdivision 9, is amended to read:

2.6 Subd. 9. **Nonpublic data.** "Nonpublic data" ~~means~~ are data not on individuals ~~that~~
2.7 ~~is~~ made by statute or federal law applicable to the data: (a) not accessible to the public;
2.8 and (b) accessible to the subject, if any, of the data.

2.9 Sec. 5. Minnesota Statutes 2010, section 13.02, subdivision 12, is amended to read:

2.10 Subd. 12. **Private data on individuals.** "Private data on individuals" ~~means~~ are
2.11 data ~~which is~~ made by statute or federal law applicable to the data: (a) not public; and
2.12 (b) accessible to the individual subject of ~~that~~ those data.

2.13 Sec. 6. Minnesota Statutes 2010, section 13.02, subdivision 13, is amended to read:

2.14 Subd. 13. **Protected nonpublic data.** "Protected nonpublic data" ~~means~~ are data
2.15 not on individuals ~~which is~~ made by statute or federal law applicable to the data (a) not
2.16 public and (b) not accessible to the subject of the data.

2.17 Sec. 7. Minnesota Statutes 2010, section 13.02, subdivision 14, is amended to read:

2.18 Subd. 14. **Public data not on individuals.** "Public data not on individuals" ~~means~~
2.19 are data ~~which is~~ accessible to the public pursuant to section 13.03.

2.20 Sec. 8. Minnesota Statutes 2010, section 13.02, subdivision 15, is amended to read:

2.21 Subd. 15. **Public data on individuals.** "Public data on individuals" ~~means~~ are data
2.22 ~~which is~~ accessible to the public in accordance with the provisions of section 13.03.

2.23 Sec. 9. Minnesota Statutes 2010, section 13.02, subdivision 16, is amended to read:

2.24 Subd. 16. **Responsible authority.** (a) "Responsible authority" in a state agency or
2.25 statewide system means the state official designated by law or by the commissioner as
2.26 the individual responsible for the collection, use and dissemination of any set of data on
2.27 individuals, government data, or summary data.

2.28 (b) "Responsible authority" in any political subdivision means the individual
2.29 designated by the governing body of that political subdivision as the individual responsible
2.30 for the collection, use, and dissemination of any set of data on individuals, government

3.1 data, or summary data, unless otherwise provided by state law. Until an individual is
3.2 designated by the political subdivision's governing body, the responsible authority is:

3.3 (1) for counties, the county coordinator or administrator. If the county does not
3.4 employ a coordinator or administrator, the responsible authority is the county auditor;

3.5 (2) for statutory or home rule charter cities, the elected or appointed city clerk. If the
3.6 home rule charter does not provide for an office of city clerk, the responsible authority is
3.7 the chief clerical officer for filing and record keeping purposes;

3.8 (3) for school districts, the superintendent; and

3.9 (4) for all other political subdivisions, the chief clerical officer for filing and record
3.10 keeping purposes.

3.11 Sec. 10. **[13.025] GOVERNMENT ENTITY OBLIGATION.**

3.12 Subdivision 1. **Data inventory.** The responsible authority shall prepare an inventory
3.13 containing the authority's name, title, address, and a description of each category of record,
3.14 file, or process relating to private or confidential data on individuals maintained by the
3.15 authority's government entity. Forms used to collect private and confidential data may be
3.16 included in the inventory. The responsible authority shall update the inventory annually
3.17 and make any changes necessary to maintain the accuracy of the inventory. The inventory
3.18 must be available from the responsible authority to the public according to the provisions
3.19 of sections 13.03 and 15.17. The commissioner may require responsible authorities to
3.20 submit copies of the inventory and may request additional information relevant to data
3.21 collection practices, policies, and procedures.

3.22 Subd. 2. **Public data access policy.** The responsible authority shall prepare a
3.23 written data access policy and update it no later than August 1 of each year, and at any
3.24 other time as necessary to reflect changes in personnel, procedures, or other circumstances
3.25 that impact the public's ability to access data.

3.26 Subd. 3. **Data subject rights and access policy.** The responsible authority shall
3.27 prepare a written policy of the rights of data subjects under section 13.04 and the specific
3.28 procedures used by the government entity for access by the data subject to public or
3.29 private data on individuals. The written policy must be updated no later than August 1 of
3.30 each year, and at any other time as necessary to reflect changes in personnel, procedures,
3.31 or other circumstances that impact the public's ability to access data.

3.32 Subd. 4. **Availability.** The responsible authority shall make copies of the policies
3.33 required under subdivisions 2 and 3 easily available to the public by distributing free copies
3.34 to the public or by posting the policies in a conspicuous place within the government entity
3.35 that is easily accessible to the public or by posting it on the government entity's Web site.

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4.1 Sec. 11. Minnesota Statutes 2010, section 13.03, subdivision 2, is amended to read:

4.2 Subd. 2. **Procedures.** (a) The responsible authority in every government entity shall
4.3 establish procedures, consistent with this chapter, to insure that requests for government
4.4 data are received and complied with in an appropriate and prompt manner.

4.5 ~~(b) The responsible authority shall prepare public access procedures in written form
4.6 and update them no later than August 1 of each year as necessary to reflect any changes
4.7 in personnel or circumstances that might affect public access to government data. The
4.8 responsible authority shall make copies of the written public access procedures easily
4.9 available to the public by distributing free copies of the procedures to the public or by
4.10 posting a copy of the procedures in a conspicuous place within the government entity that
4.11 is easily accessible to the public.~~

4.12 ~~(c)~~ (b) Full convenience and comprehensive accessibility shall be allowed to
4.13 researchers including historians, genealogists and other scholars to carry out extensive
4.14 research and complete copying of all records containing government data except as
4.15 otherwise expressly provided by law.

4.16 A responsible authority may designate one or more designees.

4.17 Sec. 12. Minnesota Statutes 2010, section 13.03, subdivision 4, is amended to read:

4.18 Subd. 4. **Change in classification of data; effect of dissemination among**
4.19 **agencies.** (a) The classification of a government entity's data in the possession of an entity
4.20 shall change if it is required to do so to comply with either judicial or administrative rules
4.21 pertaining to the conduct of legal actions or with a specific statute applicable to the data
4.22 in the possession of the disseminating or receiving entity.

4.23 (b) If data on individuals ~~is~~ are classified as both private and confidential by this
4.24 chapter, or any other statute or federal law, the data ~~is~~ are private.

4.25 (c) To the extent that government data ~~is~~ are disseminated to a government entity
4.26 by another government entity, the data disseminated shall have the same classification
4.27 ~~in the hands of at~~ the entity receiving ~~it them~~ as ~~it they~~ had ~~in the hands of at~~ the entity
4.28 providing ~~it them~~.

4.29 (d) If a government entity disseminates data to another government entity, a
4.30 classification provided for by law ~~in the hands of at~~ the entity receiving the data does not
4.31 affect the classification of the data ~~in the hands of at~~ the entity that disseminates the data.

4.32 (e) To the extent that judicial branch data ~~is~~ are disseminated to government entities
4.33 by the judicial branch, the data disseminated shall have the same level of accessibility
4.34 ~~in the hands of the agency at the government entity~~ receiving ~~it them~~ as ~~it they~~ had
4.35 ~~in the hands of at~~ the judicial branch entity providing ~~it them~~. If the data have a specific

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5.1 classification in state statute or federal law, the government entity must maintain the
5.2 data according to the specific classification.

5.3 Sec. 13. Minnesota Statutes 2010, section 13.072, subdivision 2, is amended to read:

5.4 Subd. 2. **Effect.** Opinions issued by the commissioner under this section are not
5.5 binding on the government entity or members of a body subject to chapter 13D whose
5.6 data or performance of duties is the subject of the opinion, but an opinion described in
5.7 subdivision 1, paragraph (a), must be given deference by a court or other tribunal in a
5.8 proceeding involving the data. The commissioner shall arrange for public dissemination
5.9 of opinions issued under this section, and shall indicate when the principles stated in
5.10 an opinion are not intended to provide guidance to all similarly situated persons or
5.11 government entities. This section does not preclude a person from bringing any other
5.12 action under this chapter or other law in addition to or instead of requesting a written
5.13 opinion. A government entity, members of a body subject to chapter 13D, or person that
5.14 acts in conformity with a written opinion of the commissioner issued to the government
5.15 entity, members, or person or to another party is not liable for compensatory or exemplary
5.16 damages or awards of attorneys fees in actions for violations arising under section 13.08
5.17 or 13.085, or for a penalty under section 13.09 or for fines, awards of attorney fees, or
5.18 any other penalty under chapter 13D. A member of a body subject to chapter 13D is not
5.19 subject to forfeiture of office if the member was acting in reliance on an opinion.

5.20 Sec. 14. Minnesota Statutes 2010, section 13.10, subdivision 1, is amended to read:

5.21 Subdivision 1. **Definitions.** As used in this chapter:

5.22 (a) "Confidential data on decedents" ~~means~~ are data which, prior to the death of
5.23 the data subject, were classified by statute, federal law, or temporary classification as
5.24 confidential data.

5.25 (b) "Private data on decedents" ~~means~~ are data which, prior to the death of the data
5.26 subject, were classified by statute, federal law, or temporary classification as private data.

5.27 (c) "Representative of the decedent" ~~means~~ is the personal representative of the
5.28 estate of the decedent during the period of administration, or if no personal representative
5.29 has been appointed or after discharge of the personal representative, the surviving spouse,
5.30 any child of the decedent, or, if there is no surviving spouse or children, the parents of
5.31 the decedent.

5.32 Sec. 15. Minnesota Statutes 2010, section 13.202, subdivision 3, is amended to read:

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6.1 Subd. 3. **Hennepin County.** (a) Data collected by the Hennepin Healthcare System,
6.2 Inc. are governed under section ~~383B.17~~ 383B.917, subdivision 1.

6.3 (b) Records of Hennepin County board meetings permitted to be closed under
6.4 section 383B.217, subdivision 7, are classified under that subdivision.

6.5 Sec. 16. Minnesota Statutes 2010, section 13.37, subdivision 1, is amended to read:

6.6 Subdivision 1. **Definitions.** As used in this section, the following terms have the
6.7 meanings given them.

6.8 (a) "Security information" means government data the disclosure of which the
6.9 responsible authority determines would be likely to substantially jeopardize the security of
6.10 information, possessions, individuals or property against theft, tampering, improper use,
6.11 attempted escape, illegal disclosure, trespass, or physical injury. "Security information"
6.12 includes crime prevention block maps and lists of volunteers who participate in community
6.13 crime prevention programs and their home addresses and telephone numbers.

6.14 (b) "Trade secret information" means government data, including a formula, pattern,
6.15 compilation, program, device, method, technique or process (1) that was supplied by the
6.16 affected individual or organization, (2) that is the subject of efforts by the individual or
6.17 organization that are reasonable under the circumstances to maintain its secrecy, and (3)
6.18 that derives independent economic value, actual or potential, from not being generally
6.19 known to, and not being readily ascertainable by proper means by, other persons who can
6.20 obtain economic value from its disclosure or use.

6.21 (c) "Labor relations information" means management positions on economic and
6.22 noneconomic items that have not been presented during the collective bargaining process
6.23 or interest arbitration, including information specifically collected or created to prepare
6.24 the management position.

6.25 (d) "Parking space leasing data" means the following government data on an
6.26 applicant for, or lessee of, a parking space: residence address, home telephone number,
6.27 beginning and ending work hours, place of employment, work telephone number, and
6.28 location of the parking space.

6.29 Sec. 17. Minnesota Statutes 2010, section 13.37, subdivision 2, is amended to read:

6.30 Subd. 2. **Classification.** (a) The following government data is classified as nonpublic
6.31 data with regard to data not on individuals, pursuant to section 13.02, subdivision 9, and as
6.32 private data with regard to data on individuals, pursuant to section 13.02, subdivision 12:
6.33 Security information; trade secret information; sealed absentee ballots prior to opening
6.34 by an election judge; sealed bids, including the number of bids received, prior to the

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7.1 opening of the bids; parking space leasing data; and labor relations information, provided
7.2 that specific labor relations information which relates to a specific labor organization is
7.3 classified as protected nonpublic data pursuant to section 13.02, subdivision 13.

7.4 (b) If a government entity denies a data request based on a determination that the
7.5 data are security information, upon request, the government entity must provide a short
7.6 description explaining the necessity for the classification.

7.7 Sec. 18. Minnesota Statutes 2010, section 13.3805, subdivision 1, is amended to read:

7.8 Subdivision 1. **Health data generally.** (a) **Definitions.** As used in this subdivision:

7.9 (1) "Commissioner" means the commissioner of health.

7.10 (2) "Health data" ~~means~~ are data on individuals created, collected, received, or
7.11 maintained by the Department of Health, political subdivisions, or statewide systems
7.12 relating to the identification, description, prevention, and control of disease or as part of
7.13 an epidemiologic investigation the commissioner designates as necessary to analyze,
7.14 describe, or protect the public health.

7.15 (b) **Data on individuals.** (1) Health data are private data on individuals.

7.16 Notwithstanding section 13.05, subdivision 9, health data may not be disclosed except as
7.17 provided in this subdivision and section 13.04.

7.18 (2) The commissioner or a local board of health as defined in section 145A.02,
7.19 subdivision 2, may disclose health data to the data subject's physician as necessary to locate
7.20 or identify a case, carrier, or suspect case, to establish a diagnosis, to provide treatment, to
7.21 identify persons at risk of illness, or to conduct an epidemiologic investigation.

7.22 (3) With the approval of the commissioner, health data may be disclosed to the
7.23 extent necessary to assist the commissioner to locate or identify a case, carrier, or suspect
7.24 case, to alert persons who may be threatened by illness as evidenced by epidemiologic
7.25 data, to control or prevent the spread of serious disease, or to diminish an imminent threat
7.26 to the public health.

7.27 (c) **Health summary data.** Summary data derived from data collected under section
7.28 145.413 may be provided under section 13.05, subdivision 7.

7.29 Sec. 19. Minnesota Statutes 2010, section 13.384, subdivision 1, is amended to read:

7.30 Subdivision 1. **Definition.** As used in this section:

7.31 (a) "Directory information" means name of the patient, date admitted, and general
7.32 condition.

7.33 (b) "Medical data" ~~means~~ are data collected because an individual was or is a patient
7.34 or client of a hospital, nursing home, medical center, clinic, health or nursing agency

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8.1 operated by a government entity including business and financial records, data provided
8.2 by private health care facilities, and data provided by or about relatives of the individual.

8.3 Sec. 20. Minnesota Statutes 2010, section 13.39, is amended by adding a subdivision
8.4 to read:

8.5 Subd. 4. **Exclusion.** This section does not apply when the sole issue or dispute is a
8.6 government entity's timeliness in responding to a data request.

8.7 Sec. 21. Minnesota Statutes 2010, section 13.43, subdivision 1, is amended to read:

8.8 Subdivision 1. **Definition.** As used in this section, "personnel data" means
8.9 government data on individuals maintained because the individual is or was an employee
8.10 of or an applicant for employment by, performs services on a voluntary basis for, or acts
8.11 as an independent contractor with a government entity. ~~Personnel data includes data~~
8.12 ~~submitted by an employee to a government entity as part of an organized self-evaluation~~
8.13 ~~effort by the government entity to request suggestions from all employees on ways to cut~~
8.14 ~~costs, make government more efficient, or improve the operation of government. An~~
8.15 ~~employee who is identified in a suggestion shall have access to all data in the suggestion~~
8.16 ~~except the identity of the employee making the suggestion.~~

8.17 Sec. 22. Minnesota Statutes 2010, section 13.43, is amended by adding a subdivision
8.18 to read:

8.19 Subd. 7a. **Employee suggestion data.** Personnel data includes data submitted by
8.20 an employee to a government entity as part of an organized self-evaluation effort by the
8.21 government entity to request suggestions from all employees on ways to cut costs, make
8.22 government more efficient, or improve the operation of government. An employee who is
8.23 identified in a suggestion shall have access to all data in the suggestion except the identity
8.24 of the employee making the suggestion.

8.25 Sec. 23. Minnesota Statutes 2010, section 13.43, is amended by adding a subdivision
8.26 to read:

8.27 Subd. 19. **Employee of contractor or subcontractor.** The following data
8.28 maintained as a result of a contractual relationship entered on or after August 1, 2012,
8.29 between a government entity and a contractor or subcontractor are private: the personal
8.30 telephone number, home address, and e-mail address of a current or former employee
8.31 of the contractor or subcontractor. A government entity maintaining data under this
8.32 subdivision must share the data with another government entity to perform a function

9.1 authorized by law. The data must be disclosed to a government entity or any person for
9.2 prevailing wage purposes.

9.3 Sec. 24. Minnesota Statutes 2010, section 13.44, subdivision 3, is amended to read:

9.4 Subd. 3. **Real property; appraisal data.** (a) **Confidential or protected nonpublic**
9.5 **data.** Estimated or appraised values of individual parcels of real property that are made by
9.6 personnel of a government entity or by independent appraisers acting for a government
9.7 entity for the purpose of selling or acquiring land through purchase or condemnation are
9.8 classified as confidential data on individuals or protected nonpublic data.

9.9 (b) **Private or nonpublic data.** Appraised values of individual parcels of real
9.10 property that are made by appraisers working for fee owners or contract purchasers who
9.11 have received an offer to purchase their property from a government entity are classified
9.12 as private data on individuals or nonpublic data.

9.13 (c) **Public data.** The data made confidential or protected nonpublic under paragraph
9.14 (a) or made private or nonpublic under paragraph (b) become public upon the occurrence
9.15 of any of the following:

9.16 (1) the data are submitted to a court-appointed condemnation commissioner;

9.17 (2) the data are presented in court in condemnation proceedings; or

9.18 (3) the negotiating parties enter into an agreement for the purchase and sale of the
9.19 property.

9.20 The data made confidential or protected nonpublic under paragraph (a) also
9.21 become public at the discretion of the government entity, determined by majority vote
9.22 of the entity's governing body, or, in the case of a state agency, as determined by the
9.23 commissioner of the agency.

9.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

9.25 Sec. 25. Minnesota Statutes 2010, section 13.46, subdivision 2, is amended to read:

9.26 Subd. 2. **General.** (a) ~~Unless the data is summary data or a statute specifically~~
9.27 ~~provides a different classification,~~ Data on individuals collected, maintained, used, or
9.28 disseminated by the welfare system ~~is~~ are private data on individuals, and shall not be
9.29 disclosed except:

9.30 (1) according to section 13.05;

9.31 (2) according to court order;

9.32 (3) according to a statute specifically authorizing access to the private data;

10.1 (4) to an agent of the welfare system, including a law enforcement person, attorney,
10.2 or investigator acting for it in the investigation or prosecution of a criminal or civil
10.3 proceeding relating to the administration of a program;

10.4 (5) to personnel of the welfare system who require the data to verify an individual's
10.5 identity; determine eligibility, amount of assistance, and the need to provide services to
10.6 an individual or family across programs; evaluate the effectiveness of programs; assess
10.7 parental contribution amounts; and investigate suspected fraud;

10.8 (6) to administer federal funds or programs;

10.9 (7) between personnel of the welfare system working in the same program;

10.10 (8) to the Department of Revenue to assess parental contribution amounts for
10.11 purposes of section 252.27, subdivision 2a, administer and evaluate tax refund or tax credit
10.12 programs and to identify individuals who may benefit from these programs. The following
10.13 information may be disclosed under this paragraph: an individual's and their dependent's
10.14 names, dates of birth, Social Security numbers, income, addresses, and other data as
10.15 required, upon request by the Department of Revenue. Disclosures by the commissioner
10.16 of revenue to the commissioner of human services for the purposes described in this clause
10.17 are governed by section 270B.14, subdivision 1. Tax refund or tax credit programs include,
10.18 but are not limited to, the dependent care credit under section 290.067, the Minnesota
10.19 working family credit under section 290.0671, the property tax refund and rental credit
10.20 under section 290A.04, and the Minnesota education credit under section 290.0674;

10.21 (9) between the Department of Human Services, the Department of Employment
10.22 and Economic Development, and when applicable, the Department of Education, for
10.23 the following purposes:

10.24 (i) to monitor the eligibility of the data subject for unemployment benefits, for any
10.25 employment or training program administered, supervised, or certified by that agency;

10.26 (ii) to administer any rehabilitation program or child care assistance program,
10.27 whether alone or in conjunction with the welfare system;

10.28 (iii) to monitor and evaluate the Minnesota family investment program or the child
10.29 care assistance program by exchanging data on recipients and former recipients of food
10.30 support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance
10.31 under chapter 119B, or medical programs under chapter 256B, 256D, or 256L; and

10.32 (iv) to analyze public assistance employment services and program utilization,
10.33 cost, effectiveness, and outcomes as implemented under the authority established in Title
10.34 II, Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of
10.35 1999. Health records governed by sections 144.291 to 144.298 and "protected health
10.36 information" as defined in Code of Federal Regulations, title 45, section 160.103, and

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11.1 governed by Code of Federal Regulations, title 45, parts 160-164, including health care
11.2 claims utilization information, must not be exchanged under this clause;

11.3 (10) to appropriate parties in connection with an emergency if knowledge of
11.4 the information is necessary to protect the health or safety of the individual or other
11.5 individuals or persons;

11.6 (11) data maintained by residential programs as defined in section 245A.02 may
11.7 be disclosed to the protection and advocacy system established in this state according
11.8 to Part C of Public Law 98-527 to protect the legal and human rights of persons with
11.9 developmental disabilities or other related conditions who live in residential facilities for
11.10 these persons if the protection and advocacy system receives a complaint by or on behalf
11.11 of that person and the person does not have a legal guardian or the state or a designee of
11.12 the state is the legal guardian of the person;

11.13 (12) to the county medical examiner or the county coroner for identifying or locating
11.14 relatives or friends of a deceased person;

11.15 (13) data on a child support obligor who makes payments to the public agency
11.16 may be disclosed to the Minnesota Office of Higher Education to the extent necessary to
11.17 determine eligibility under section 136A.121, subdivision 2, clause (5);

11.18 (14) participant Social Security numbers and names collected by the telephone
11.19 assistance program may be disclosed to the Department of Revenue to conduct an
11.20 electronic data match with the property tax refund database to determine eligibility under
11.21 section 237.70, subdivision 4a;

11.22 (15) the current address of a Minnesota family investment program participant
11.23 may be disclosed to law enforcement officers who provide the name of the participant
11.24 and notify the agency that:

11.25 (i) the participant:

11.26 (A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after
11.27 conviction, for a crime or attempt to commit a crime that is a felony under the laws of the
11.28 jurisdiction from which the individual is fleeing; or

11.29 (B) is violating a condition of probation or parole imposed under state or federal law;

11.30 (ii) the location or apprehension of the felon is within the law enforcement officer's
11.31 official duties; and

11.32 (iii) the request is made in writing and in the proper exercise of those duties;

11.33 (16) the current address of a recipient of general assistance or general assistance
11.34 medical care may be disclosed to probation officers and corrections agents who are
11.35 supervising the recipient and to law enforcement officers who are investigating the
11.36 recipient in connection with a felony level offense;

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12.1 (17) information obtained from food support applicant or recipient households may
12.2 be disclosed to local, state, or federal law enforcement officials, upon their written request,
12.3 for the purpose of investigating an alleged violation of the Food Stamp Act, according
12.4 to Code of Federal Regulations, title 7, section 272.1 (c);

12.5 (18) the address, Social Security number, and, if available, photograph of any
12.6 member of a household receiving food support shall be made available, on request, to a
12.7 local, state, or federal law enforcement officer if the officer furnishes the agency with the
12.8 name of the member and notifies the agency that:

12.9 (i) the member:

12.10 (A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a
12.11 crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

12.12 (B) is violating a condition of probation or parole imposed under state or federal
12.13 law; or

12.14 (C) has information that is necessary for the officer to conduct an official duty related
12.15 to conduct described in subitem (A) or (B);

12.16 (ii) locating or apprehending the member is within the officer's official duties; and

12.17 (iii) the request is made in writing and in the proper exercise of the officer's official
12.18 duty;

12.19 (19) the current address of a recipient of Minnesota family investment program,
12.20 general assistance, general assistance medical care, or food support may be disclosed to
12.21 law enforcement officers who, in writing, provide the name of the recipient and notify the
12.22 agency that the recipient is a person required to register under section 243.166, but is not
12.23 residing at the address at which the recipient is registered under section 243.166;

12.24 (20) certain information regarding child support obligors who are in arrears may be
12.25 made public according to section 518A.74;

12.26 (21) data on child support payments made by a child support obligor and data on
12.27 the distribution of those payments excluding identifying information on obligees may be
12.28 disclosed to all obligees to whom the obligor owes support, and data on the enforcement
12.29 actions undertaken by the public authority, the status of those actions, and data on the
12.30 income of the obligor or obligee may be disclosed to the other party;

12.31 (22) data in the work reporting system may be disclosed under section 256.998,
12.32 subdivision 7;

12.33 (23) to the Department of Education for the purpose of matching Department of
12.34 Education student data with public assistance data to determine students eligible for free
12.35 and reduced-price meals, meal supplements, and free milk according to United States
12.36 Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and

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13.1 state funds that are distributed based on income of the student's family; and to verify
13.2 receipt of energy assistance for the telephone assistance plan;

13.3 (24) the current address and telephone number of program recipients and emergency
13.4 contacts may be released to the commissioner of health or a local board of health as
13.5 defined in section 145A.02, subdivision 2, when the commissioner or local board of health
13.6 has reason to believe that a program recipient is a disease case, carrier, suspect case, or at
13.7 risk of illness, and the data are necessary to locate the person;

13.8 (25) to other state agencies, statewide systems, and political subdivisions of this
13.9 state, including the attorney general, and agencies of other states, interstate information
13.10 networks, federal agencies, and other entities as required by federal regulation or law for
13.11 the administration of the child support enforcement program;

13.12 (26) to personnel of public assistance programs as defined in section 256.741, for
13.13 access to the child support system database for the purpose of administration, including
13.14 monitoring and evaluation of those public assistance programs;

13.15 (27) to monitor and evaluate the Minnesota family investment program by
13.16 exchanging data between the Departments of Human Services and Education, on
13.17 recipients and former recipients of food support, cash assistance under chapter 256, 256D,
13.18 256J, or 256K, child care assistance under chapter 119B, or medical programs under
13.19 chapter 256B, 256D, or 256L;

13.20 (28) to evaluate child support program performance and to identify and prevent
13.21 fraud in the child support program by exchanging data between the Department of Human
13.22 Services, Department of Revenue under section 270B.14, subdivision 1, paragraphs (a)
13.23 and (b), without regard to the limitation of use in paragraph (c), Department of Health,
13.24 Department of Employment and Economic Development, and other state agencies as is
13.25 reasonably necessary to perform these functions;

13.26 (29) counties operating child care assistance programs under chapter 119B may
13.27 disseminate data on program participants, applicants, and providers to the commissioner
13.28 of education; or

13.29 (30) child support data on the parents and the child may be disclosed to agencies
13.30 administering programs under titles IV-B and IV-E of the Social Security Act, as provided
13.31 by federal law. Data may be disclosed only to the extent necessary for the purpose of
13.32 establishing parentage or for determining who has or may have parental rights with respect
13.33 to a child, which could be related to permanency planning.

13.34 (b) Information on persons who have been treated for drug or alcohol abuse may
13.35 only be disclosed according to the requirements of Code of Federal Regulations, title
13.36 42, sections 2.1 to 2.67.

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14.1 (c) Data provided to law enforcement agencies under paragraph (a), clause (15),
14.2 (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected
14.3 nonpublic while the investigation is active. The data are private after the investigation
14.4 becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

14.5 (d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but
14.6 ~~is~~ are not subject to the access provisions of subdivision 10, paragraph (b).

14.7 For the purposes of this subdivision, a request will be deemed to be made in writing
14.8 if made through a computer interface system.

14.9 Sec. 26. Minnesota Statutes 2010, section 13.46, subdivision 3, is amended to read:

14.10 Subd. 3. **Investigative data.** (a) Data on persons, including data on vendors of
14.11 services, licensees, and applicants that is collected, maintained, used, or disseminated
14.12 by the welfare system in an investigation, authorized by statute, and relating to the
14.13 enforcement of rules or law ~~is~~ are confidential data on individuals pursuant to section
14.14 13.02, subdivision 3, or protected nonpublic data not on individuals pursuant to section
14.15 13.02, subdivision 13, and shall not be disclosed except:

14.16 (1) pursuant to section 13.05;

14.17 (2) pursuant to statute or valid court order;

14.18 (3) to a party named in a civil or criminal proceeding, administrative or judicial, for
14.19 preparation of defense; or

14.20 (4) to provide notices required or permitted by statute.

14.21 The data referred to in this subdivision shall be classified as public data upon
14.22 ~~its~~ submission to an administrative law judge or court in an administrative or judicial
14.23 proceeding. Inactive welfare investigative data shall be treated as provided in section
14.24 13.39, subdivision 3.

14.25 (b) Notwithstanding any other provision in law, the commissioner of human services
14.26 shall provide all active and inactive investigative data, including the name of the reporter
14.27 of alleged maltreatment under section 626.556 or 626.557, to the ombudsman for mental
14.28 health and developmental disabilities upon the request of the ombudsman.

14.29 Sec. 27. Minnesota Statutes 2010, section 13.46, subdivision 4, is amended to read:

14.30 Subd. 4. **Licensing data.** (a) As used in this subdivision:

14.31 (1) "licensing data" ~~means~~ are all data collected, maintained, used, or disseminated
14.32 by the welfare system pertaining to persons licensed or registered or who apply for
14.33 licensure or registration or who formerly were licensed or registered under the authority
14.34 of the commissioner of human services;

15.1 (2) "client" means a person who is receiving services from a licensee or from an
15.2 applicant for licensure; and

15.3 (3) "personal and personal financial data" ~~means~~ are Social Security numbers,
15.4 identity of and letters of reference, insurance information, reports from the Bureau of
15.5 Criminal Apprehension, health examination reports, and social/home studies.

15.6 (b)(1) Except as provided in paragraph (c), the following data on applicants, license
15.7 holders, and former licensees are public: name, address, telephone number of licensees,
15.8 date of receipt of a completed application, dates of licensure, licensed capacity, type of
15.9 client preferred, variances granted, record of training and education in child care and child
15.10 development, type of dwelling, name and relationship of other family members, previous
15.11 license history, class of license, the existence and status of complaints, and the number
15.12 of serious injuries to or deaths of individuals in the licensed program as reported to the
15.13 commissioner of human services, the local social services agency, or any other county
15.14 welfare agency. For purposes of this clause, a serious injury is one that is treated by a
15.15 physician.

15.16 When a correction order, an order to forfeit a fine, an order of license suspension,
15.17 an order of temporary immediate suspension, an order of license revocation, an order
15.18 of license denial, or an order of conditional license has been issued, or a complaint is
15.19 resolved, the following data on current and former licensees and applicants are public: the
15.20 substance and investigative findings of the licensing or maltreatment complaint, licensing
15.21 violation, or substantiated maltreatment; the record of informal resolution of a licensing
15.22 violation; orders of hearing; findings of fact; conclusions of law; specifications of the final
15.23 correction order, fine, suspension, temporary immediate suspension, revocation, denial, or
15.24 conditional license contained in the record of licensing action; whether a fine has been
15.25 paid; and the status of any appeal of these actions. If a licensing sanction under section
15.26 245A.07, or a license denial under section 245A.05, is based on a determination that the
15.27 license holder or applicant is responsible for maltreatment or is disqualified under chapter
15.28 245C, the identity of the license holder or applicant as the individual responsible for
15.29 maltreatment or as the disqualified individual ~~is~~ are public data at the time of the issuance
15.30 of the licensing sanction or denial.

15.31 (2) Notwithstanding sections 626.556, subdivision 11, and 626.557, subdivision 12b,
15.32 when any person subject to disqualification under section 245C.14 in connection with a
15.33 license to provide family day care for children, child care center services, foster care
15.34 for children in the provider's home, or foster care or day care services for adults in the
15.35 provider's home is a substantiated perpetrator of maltreatment, and the substantiated
15.36 maltreatment is a reason for a licensing action, the identity of the substantiated perpetrator

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16.1 of maltreatment is public data. For purposes of this clause, a person is a substantiated
16.2 perpetrator if the maltreatment determination has been upheld under section 256.045;
16.3 626.556, subdivision 10i; 626.557, subdivision 9d; or chapter 14, or if an individual or
16.4 facility has not timely exercised appeal rights under these sections, except as provided
16.5 under clause (1).

16.6 (3) For applicants who withdraw their application prior to licensure or denial of a
16.7 license, the following data are public: the name of the applicant, the city and county in
16.8 which the applicant was seeking licensure, the dates of the commissioner's receipt of the
16.9 initial application and completed application, the type of license sought, and the date
16.10 of withdrawal of the application.

16.11 (4) For applicants who are denied a license, the following data are public: the name
16.12 and address of the applicant, the city and county in which the applicant was seeking
16.13 licensure, the dates of the commissioner's receipt of the initial application and completed
16.14 application, the type of license sought, the date of denial of the application, the nature of
16.15 the basis for the denial, the record of informal resolution of a denial, orders of hearings,
16.16 findings of fact, conclusions of law, specifications of the final order of denial, and the
16.17 status of any appeal of the denial.

16.18 (5) The following data on persons subject to disqualification under section 245C.14
16.19 in connection with a license to provide family day care for children, child care center
16.20 services, foster care for children in the provider's home, or foster care or day care services
16.21 for adults in the provider's home, are public: the nature of any disqualification set
16.22 aside under section 245C.22, subdivisions 2 and 4, and the reasons for setting aside the
16.23 disqualification; the nature of any disqualification for which a variance was granted under
16.24 sections 245A.04, subdivision 9; and 245C.30, and the reasons for granting any variance
16.25 under section 245A.04, subdivision 9; and, if applicable, the disclosure that any person
16.26 subject to a background study under section 245C.03, subdivision 1, has successfully
16.27 passed a background study. If a licensing sanction under section 245A.07, or a license
16.28 denial under section 245A.05, is based on a determination that an individual subject to
16.29 disqualification under chapter 245C is disqualified, the disqualification as a basis for the
16.30 licensing sanction or denial is public data. As specified in clause (1), if the disqualified
16.31 individual is the license holder or applicant, the identity of the license holder or applicant
16.32 is public data. If the disqualified individual is an individual other than the license holder
16.33 or applicant, the identity of the disqualified individual shall remain private data.

16.34 (6) When maltreatment is substantiated under section 626.556 or 626.557 and the
16.35 victim and the substantiated perpetrator are affiliated with a program licensed under
16.36 chapter 245A, the commissioner of human services, local social services agency, or

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17.1 county welfare agency may inform the license holder where the maltreatment occurred of
17.2 the identity of the substantiated perpetrator and the victim.

17.3 (7) Notwithstanding clause (1), for child foster care, only the name of the license
17.4 holder and the status of the license are public if the county attorney has requested that data
17.5 otherwise classified as public data under clause (1) be considered private data based on the
17.6 best interests of a child in placement in a licensed program.

17.7 (c) The following are private data on individuals under section 13.02, subdivision
17.8 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial
17.9 data on family day care program and family foster care program applicants and licensees
17.10 and their family members who provide services under the license.

17.11 (d) The following are private data on individuals: the identity of persons who have
17.12 made reports concerning licensees or applicants that appear in inactive investigative data,
17.13 and the records of clients or employees of the licensee or applicant for licensure whose
17.14 records are received by the licensing agency for purposes of review or in anticipation of a
17.15 contested matter. The names of reporters of complaints or alleged violations of licensing
17.16 standards under chapters 245A, 245B, 245C, and applicable rules and alleged maltreatment
17.17 under sections 626.556 and 626.557, are confidential data and may be disclosed only as
17.18 provided in section 626.556, subdivision 11, or 626.557, subdivision 12b.

17.19 (e) Data classified as private, confidential, nonpublic, or protected nonpublic under
17.20 this subdivision become public data if submitted to a court or administrative law judge as
17.21 part of a disciplinary proceeding in which there is a public hearing concerning a license
17.22 which has been suspended, immediately suspended, revoked, or denied.

17.23 (f) Data generated in the course of licensing investigations that relate to an alleged
17.24 violation of law are investigative data under subdivision 3.

17.25 (g) Data that are not public data collected, maintained, used, or disseminated under
17.26 this subdivision that relate to or are derived from a report as defined in section 626.556,
17.27 subdivision 2, or 626.5572, subdivision 18, are subject to the destruction provisions of
17.28 sections 626.556, subdivision 11c, and 626.557, subdivision 12b.

17.29 (h) Upon request, not public data collected, maintained, used, or disseminated under
17.30 this subdivision that relate to or are derived from a report of substantiated maltreatment as
17.31 defined in section 626.556 or 626.557 may be exchanged with the Department of Health
17.32 for purposes of completing background studies pursuant to section 144.057 and with
17.33 the Department of Corrections for purposes of completing background studies pursuant
17.34 to section 241.021.

17.35 (i) Data on individuals collected according to licensing activities under chapters
17.36 245A and 245C, and data on individuals collected by the commissioner of human services

18.1 according to maltreatment investigations under sections 626.556 and 626.557, may be
18.2 shared with the Department of Human Rights, the Department of Health, the Department
18.3 of Corrections, the ombudsman for mental health and developmental disabilities, and
18.4 the individual's professional regulatory board when there is reason to believe that laws
18.5 or standards under the jurisdiction of those agencies may have been violated. Unless
18.6 otherwise specified in this chapter, the identity of a reporter of alleged maltreatment or
18.7 licensing violations may not be disclosed.

18.8 (j) In addition to the notice of determinations required under section 626.556,
18.9 subdivision 10f, if the commissioner or the local social services agency has determined
18.10 that an individual is a substantiated perpetrator of maltreatment of a child based on sexual
18.11 abuse, as defined in section 626.556, subdivision 2, and the commissioner or local social
18.12 services agency knows that the individual is a person responsible for a child's care in
18.13 another facility, the commissioner or local social services agency shall notify the head
18.14 of that facility of this determination. The notification must include an explanation of the
18.15 individual's available appeal rights and the status of any appeal. If a notice is given under
18.16 this paragraph, the government entity making the notification shall provide a copy of the
18.17 notice to the individual who is the subject of the notice.

18.18 (k) All not public data collected, maintained, used, or disseminated under this
18.19 subdivision and subdivision 3 may be exchanged between the Department of Human
18.20 Services, Licensing Division, and the Department of Corrections for purposes of
18.21 regulating services for which the Department of Human Services and the Department
18.22 of Corrections have regulatory authority.

18.23 Sec. 28. Minnesota Statutes 2010, section 13.46, subdivision 5, is amended to read:

18.24 Subd. 5. **Medical data; contracts.** Data relating to the medical, psychiatric, or
18.25 mental health of any individual, including diagnosis, progress charts, treatment received,
18.26 case histories, and opinions of health care providers, that ~~is collected,~~ are maintained,
18.27 used, or disseminated by any agency to the welfare system is private data on individuals
18.28 and will be available to the data subject, unless the private health care provider has clearly
18.29 requested in writing that the data be withheld pursuant to sections 144.291 to 144.298.
18.30 Data on individuals that is collected, maintained, used, or disseminated by a private health
18.31 care provider under contract to any agency of the welfare system ~~is~~ are private data on
18.32 individuals, and ~~is~~ are subject to the provisions of sections 13.02 to 13.07 and this section,
18.33 except that the provisions of section 13.04, subdivision 3, shall not apply. Access to
18.34 medical data referred to in this subdivision by the individual who is the subject of the data
18.35 is subject to the provisions of sections 144.291 to 144.298. Access to information that is

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19.1 maintained by the public authority responsible for support enforcement and that is needed
19.2 to enforce medical support is subject to the provisions of section 518A.41.

19.3 Sec. 29. Minnesota Statutes 2010, section 13.46, subdivision 6, is amended to read:

19.4 Subd. 6. **Other data.** Data collected, used, maintained, or disseminated by the
19.5 welfare system that ~~is~~ are not data on individuals ~~is~~ are public pursuant to section 13.03,
19.6 except the following data:

19.7 (a) investigative data classified by section 13.39;

19.8 (b) welfare investigative data classified by section 13.46, subdivision 3; and

19.9 (c) security information classified by section 13.37, subdivision 2.

19.10 Sec. 30. Minnesota Statutes 2010, section 13.462, subdivision 1, is amended to read:

19.11 Subdivision 1. **Definition.** As used in this section, "benefit data" ~~means~~ are data on
19.12 individuals collected or created because an individual seeks information about becoming,
19.13 is, or was an applicant for or a recipient of benefits or services provided under various
19.14 housing, home ownership, rehabilitation and community action agency, Head Start, and
19.15 food assistance programs administered by government entities. Benefit data does not
19.16 include welfare data which shall be administered in accordance with section 13.46.

19.17 Sec. 31. Minnesota Statutes 2010, section 13.47, subdivision 1, is amended to read:

19.18 Subdivision 1. **Definitions.** (a) "Employment and training data" ~~means~~ are data on
19.19 individuals collected, maintained, used, or disseminated because an individual applies for,
19.20 is currently enrolled in, or has been enrolled in employment and training programs funded
19.21 with federal, state, or local resources, including those provided under the Workforce
19.22 Investment Act of 1998, United States Code, title 29, section 2801.

19.23 (b) "Employment and training service provider" means an entity certified, or seeking
19.24 to be certified, by the commissioner of employment and economic development to
19.25 deliver employment and training services under section 116J.401, subdivision 2, or an
19.26 organization that contracts with a certified entity or the Department of Employment and
19.27 Economic Development to deliver employment and training services.

19.28 (c) "Provider of training services" means an organization or entity that provides
19.29 training under the Workforce Investment Act of 1998, United States Code, title 29,
19.30 section 2801.

19.31 Sec. 32. Minnesota Statutes 2010, section 13.485, is amended by adding a subdivision
19.32 to read:

20.1 Subd. 5. Corporations created before May 31, 1997. Government data maintained
20.2 by a corporation created by a political subdivision before May 31, 1997, are governed by
20.3 section 465.719, subdivision 14.

20.4 Sec. 33. Minnesota Statutes 2010, section 13.485, is amended by adding a subdivision
20.5 to read:

20.6 Subd. 6. Northern Technology Initiative, Inc. Government data maintained by
20.7 Northern Technology Initiative, Inc. are classified under section 116T.02, subdivisions
20.8 7 and 8.

20.9 Sec. 34. Minnesota Statutes 2010, section 13.548, is amended to read:

20.10 **13.548 SOCIAL RECREATIONAL DATA.**

20.11 The following data collected and maintained by political subdivisions for the purpose
20.12 of enrolling individuals in recreational and other social programs are ~~classified as private,~~
20.13 ~~pursuant to section 13.02, subdivision 12:~~ the name, address, telephone number, any other
20.14 data that ~~identifies~~ identify the individual, and any data which describes the health or
20.15 medical condition of the individual, family relationships and living arrangements of an
20.16 individual or which are opinions as to the emotional makeup or behavior of an individual.

20.17 Sec. 35. Minnesota Statutes 2010, section 13.585, subdivision 2, is amended to read:

20.18 Subd. 2. **Confidential data.** The following data on individuals maintained by the
20.19 housing agency are ~~classified as confidential data, pursuant to section 13.02, subdivision~~
20.20 ~~3:~~ correspondence between the agency and the agency's attorney containing data collected
20.21 as part of an active investigation undertaken for the purpose of the commencement or
20.22 defense of potential or actual litigation, including but not limited to: referrals to the Office
20.23 of the Inspector General or other prosecuting agencies for possible prosecution for fraud;
20.24 initiation of lease terminations and eviction actions; admission denial hearings concerning
20.25 prospective tenants; commencement of actions against independent contractors of the
20.26 agency; and tenant grievance hearings.

20.27 Sec. 36. Minnesota Statutes 2010, section 13.585, subdivision 3, is amended to read:

20.28 Subd. 3. **Protected nonpublic data.** The following data not on individuals
20.29 maintained by the housing agency are ~~classified as~~ protected nonpublic data, pursuant
20.30 to section 13.02, subdivision 13: correspondence between the agency and the agency's
20.31 attorney containing data collected as part of an active investigation undertaken for the
20.32 purpose of the commencement or defense of potential or actual litigation, including but

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21.1 not limited to, referrals to the Office of the Inspector General or other prosecuting bodies
21.2 or agencies for possible prosecution for fraud and commencement of actions against
21.3 independent contractors of the agency.

21.4 Sec. 37. Minnesota Statutes 2010, section 13.601, subdivision 3, is amended to read:

21.5 Subd. 3. **Applicants for appointment.** (a) Data about applicants for appointment to
21.6 a public body collected by a government entity as a result of the applicant's application for
21.7 appointment to the public body are private data on individuals except that the following
21.8 are public:

21.9 (1) name;

21.10 (2) city of residence, except when the appointment has a residency requirement that
21.11 requires the entire address to be public;

21.12 (3) education and training;

21.13 (4) employment history;

21.14 (5) volunteer work;

21.15 (6) awards and honors;

21.16 (7) prior government service; ~~and~~

21.17 (8) any data required to be provided or that ~~is~~ are voluntarily provided in an
21.18 application for appointment to a multimember agency pursuant to section 15.0597; ~~and~~

21.19 (9) veteran status.

21.20 (b) Once an individual is appointed to a public body, the following additional items
21.21 of data are public:

21.22 (1) residential address; ~~and~~

21.23 (2) either a telephone number or electronic mail address where the appointee can be
21.24 reached, or both at the request of the appointee; ~~;~~

21.25 (3) first and last dates of service on the public body;

21.26 (4) the existence and status of any complaints or charges against an appointee; and

21.27 (5) upon completion of an investigation of a complaint or charge against an

21.28 appointee, the final investigative report is public, unless access to the data would

21.29 jeopardize an active investigation.

21.30 (c) Notwithstanding paragraph (b), any electronic mail address or telephone number
21.31 provided by a public body for use by an appointee shall be public. An appointee may
21.32 use an electronic mail address or telephone number provided by the public body as the
21.33 designated electronic mail address or telephone number at which the appointee can be
21.34 reached.

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22.1 Sec. 38. Minnesota Statutes 2010, section 13.635, is amended by adding a subdivision
22.2 to read:

22.3 Subd. 4a. **Dependent eligibility audit.** Data submitted to the commissioner of
22.4 management and budget as part of a dependent eligibility audit are classified under
22.5 section 43A.28.

22.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

22.7 Sec. 39. Minnesota Statutes 2010, section 13.64, is amended by adding a subdivision
22.8 to read:

22.9 Subd. 3. **Unofficial fiscal notes.** (a) For purposes of this subdivision, "unofficial
22.10 fiscal note" means a fiscal note requested by or on behalf of a member of the legislature
22.11 on draft language for a bill that has not been introduced.

22.12 (b) This paragraph applies if a request for an unofficial fiscal note is accompanied
22.13 by a directive from the requester that the data be classified under this paragraph.
22.14 Government data on the request, the bill draft, and the unofficial fiscal note are private
22.15 data on individuals or nonpublic data, provided that the data are accessible to, and may
22.16 be disclosed by, the requester. If the unofficial fiscal note or an updated version is
22.17 subsequently used for an introduced bill, or any legislation, including an amendment or a
22.18 proposed bill, that any member of the legislature offers for consideration by a legislative
22.19 committee, the fiscal note becomes public data.

22.20 Sec. 40. Minnesota Statutes 2010, section 13.643, subdivision 5, is amended to read:

22.21 Subd. 5. **Data received from federal government.** All data received by the
22.22 Department of Agriculture from the United States Department of Health and Human
22.23 Services, the Food and Drug Administration, and the Agriculture, Food Safety, and
22.24 Inspection Service that ~~is~~ are necessary for the purpose of carrying out the Department
22.25 of Agriculture's statutory food safety regulatory and enforcement duties are classified
22.26 as nonpublic data under section 13.02, subdivision 9, and private data on individuals
22.27 under section 13.02, subdivision 12. This section does not preclude the obligation of the
22.28 Department of Agriculture to appropriately inform consumers of issues that could affect
22.29 public health.

22.30 Sec. 41. Minnesota Statutes 2010, section 13.643, subdivision 7, is amended to read:

22.31 Subd. 7. **Research, monitoring, or assessment data.** (a) Except as provided in
22.32 paragraph (b), the following data created, collected, and maintained by the Department of
22.33 Agriculture during research, monitoring, or the assessment of farm practices and related

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23.1 to natural resources, the environment, agricultural facilities, or agricultural practices are
23.2 classified as private or nonpublic:

23.3 (1) names, addresses, telephone numbers, and e-mail addresses of study participants
23.4 or cooperators; and

23.5 (2) location of research, study site, and global positioning system data.

23.6 (b) The following data ~~is~~ are public:

23.7 (1) location data and unique well numbers for wells and springs unless protected
23.8 under section 18B.10 or another statute or rule; and

23.9 (2) data from samples collected from a public water supply as defined in section
23.10 144.382, subdivision 4.

23.11 (c) The Department of Agriculture may disclose data collected under paragraph (a) if
23.12 the Department of Agriculture determines that there is a substantive threat to human health
23.13 and safety or to the environment, or to aid in the law enforcement process. The Department
23.14 of Agriculture may also disclose data with written consent of the subject of the data.

23.15 Sec. 42. Minnesota Statutes 2010, section 13.6435, is amended by adding a subdivision
23.16 to read:

23.17 Subd. 13. **Ethanol producer payments.** Audited financial statements and notes
23.18 and disclosure statements submitted to the commissioner of agriculture regarding
23.19 ethanol producer payments pursuant to section 41A.09 are governed by section 41A.09,
23.20 subdivision 3a.

23.21 Sec. 43. Minnesota Statutes 2010, section 13.65, subdivision 1, is amended to read:

23.22 Subdivision 1. **Private data.** The following data created, collected and maintained
23.23 by the Office of the Attorney General are ~~classified as~~ private data on individuals:

23.24 (a) the record, including but not limited to, the transcript and exhibits of all
23.25 disciplinary proceedings held by a state agency, board or commission, except in those
23.26 instances where there is a public hearing;

23.27 (b) communications and noninvestigative files regarding administrative or policy
23.28 matters which do not evidence final public actions;

23.29 (c) consumer complaint data, other than ~~that~~ those data classified as confidential,
23.30 including consumers' complaints against businesses and follow-up investigative materials;

23.31 (d) investigative data, obtained in anticipation of, or in connection with litigation or
23.32 an administrative proceeding where the investigation is not currently active; and

23.33 (e) data collected by the Consumer Division of the Attorney General's Office in its
23.34 administration of the home protection hot line including: the name, address, and phone

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24.1 number of the consumer; the name and address of the mortgage company; the total amount
24.2 of the mortgage; the amount of money needed to bring the delinquent mortgage current;
24.3 the consumer's place of employment; the consumer's total family income; and the history
24.4 of attempts made by the consumer to renegotiate a delinquent mortgage.

24.5 Sec. 44. Minnesota Statutes 2010, section 13.65, subdivision 2, is amended to read:

24.6 Subd. 2. **Confidential data.** The following data created, collected and maintained
24.7 by the Office of the Attorney General are ~~classified as~~ confidential, pursuant to section
24.8 13.02, subdivision 3: data acquired through communications made in official confidence
24.9 to members of the attorney general's staff where the public interest would suffer by
24.10 disclosure of the data.

24.11 Sec. 45. Minnesota Statutes 2010, section 13.65, subdivision 3, is amended to read:

24.12 Subd. 3. **Public data.** Data describing the final disposition of disciplinary
24.13 proceedings held by any state agency, board, or commission are ~~classified as~~ public,
24.14 pursuant to section 13.02, subdivision 15.

24.15 Sec. 46. Minnesota Statutes 2010, section 13.679, subdivision 2, is amended to read:

24.16 Subd. 2. **Utility or telephone company employee or customer.** (a) The following
24.17 are private data on individuals: data collected by the commissioner of commerce or the
24.18 Public Utilities Commission, including the names or any other data that would reveal the
24.19 identity of either an employee or customer of a telephone company or public utility who
24.20 files a complaint or provides information regarding a violation or suspected violation by
24.21 the telephone company or public utility of any federal or state law or rule; except ~~this~~ these
24.22 data may be released as needed to law enforcement authorities.

24.23 (b) The following are private data on individuals: data collected by the commission
24.24 or the commissioner of commerce on individual public utility or telephone company
24.25 customers or prospective customers, including copies of tax forms, needed to administer
24.26 federal or state programs that provide relief from telephone company bills, public utility
24.27 bills, or cold weather disconnection. The determination of eligibility of the customers
24.28 or prospective customers may be released to public utilities or telephone companies to
24.29 administer the programs.

24.30 Sec. 47. Minnesota Statutes 2010, section 13.719, subdivision 1, is amended to read:

24.31 Subdivision 1. **Comprehensive health insurance data.** (a) The following data
24.32 on eligible persons and enrollees of the state comprehensive health insurance plan are

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25.1 classified as private: all data collected or maintained by the Minnesota Comprehensive
25.2 Health Association, the writing carrier, and the Department of Commerce.

25.3 (b) The Minnesota Comprehensive Health Association is considered a state agency
25.4 for purposes of this chapter.

25.5 (c) The Minnesota Comprehensive Health Association may disclose data on eligible
25.6 persons and enrollees of the state comprehensive health insurance plan to conduct actuarial
25.7 and research studies, notwithstanding the classification of ~~this~~ these data, if:

25.8 (1) the board authorizes the disclosure;

25.9 (2) no individual may be identified in the actuarial or research report;

25.10 (3) materials allowing an individual to be identified are returned or destroyed as soon
25.11 as they are no longer needed; and

25.12 (4) the actuarial or research organization agrees not to disclose the information
25.13 unless the disclosure would be permitted under this chapter is made by the association.

25.14 Sec. 48. Minnesota Statutes 2010, section 13.719, subdivision 5, is amended to read:

25.15 Subd. 5. **Data on insurance companies and township mutual companies.** The
25.16 following data collected and maintained by the Department of Commerce are ~~classified~~
25.17 ~~as~~ nonpublic data:

25.18 (a) that portion of any of the following data which would identify the affected
25.19 insurance company or township mutual company: (1) any order issued pursuant to
25.20 section 60A.031, subdivision 5, or 67A.241, subdivision 4, and based in whole or in
25.21 part upon a determination or allegation by the Commerce Department or commissioner
25.22 that an insurance company or township mutual company is in an unsound, impaired, or
25.23 potentially unsound or impaired condition; or (2) any stipulation, consent agreement, letter
25.24 agreement, or similar document evidencing the settlement of any proceeding commenced
25.25 pursuant to an order of a type described in clause (1), or an agreement between the
25.26 department and an insurance company or township mutual company entered in lieu of the
25.27 issuance of an order of the type described in clause (1); and

25.28 (b) any correspondence or attachments relating to the data listed in this subdivision.

25.29 Sec. 49. Minnesota Statutes 2010, section 13.7191, subdivision 14, is amended to read:

25.30 Subd. 14. **Requirements for health plan companies.** (a) **Minnesota Risk**
25.31 **Adjustment Association.** Data privacy issues concerning the Minnesota Risk Adjustment
25.32 Association are governed by section 62Q.03, subdivision 9.

25.33 (b) **Essential community provider.** Data on applications for designation as an
25.34 essential community provider are classified under section 62Q.19, subdivision 2.

26.1 (c) **Disclosure of executive compensation.** Disclosure of certain data to consumer
26.2 advisory boards is governed by section 62Q.64.

26.3 (d) Audits conducted by independent organizations. Data provided by an
26.4 independent organization related to an audit report are governed by section 62Q.37,
26.5 subdivision 8.

26.6 Sec. 50. Minnesota Statutes 2010, section 13.7191, subdivision 18, is amended to read:

26.7 Subd. 18. **Workers' compensation self-insurance.** (a) **Self-Insurers' Advisory**
26.8 **Committee.** Data received by the Self-Insurers' Advisory Committee from the
26.9 commissioner are classified under section 79A.02, subdivision 2.

26.10 (b) **Self-insurers' security fund.** Disclosure of certain data received by the
26.11 self-insurers' security is governed by section 79A.09, subdivision 4.

26.12 (c) **Commercial self-insurers' security fund.** Disclosure of certain data received by
26.13 the commercial self-insurers' security fund is governed by section 79A.26, subdivision 4.

26.14 (d) Self-insurers' security fund and the board of trustees. The security fund and
26.15 its board of trustees are governed by section 79A.16.

26.16 (e) Commercial self-insurance group security fund. The commercial
26.17 self-insurance group security fund and its board of trustees are governed by section
26.18 79A.28.

26.19 Sec. 51. Minnesota Statutes 2010, section 13.72, subdivision 11, is amended to read:

26.20 Subd. 11. **Design-build transportation project data.** (a) This subdivision
26.21 applies to government data of the Department of Transportation when the Department
26.22 commissioner of transportation undertakes a design-build transportation project as defined
26.23 in section 161.3410, subdivision 6, the statement of qualification evaluation criteria and
26.24 scoring methodology, statement of qualification evaluations, technical proposal evaluation
26.25 criteria and scoring methodology, and technical proposal evaluations are classified as
26.26 protected nonpublic data with regard to data not on individuals and as confidential
26.27 data on individuals. The statement of qualification evaluation criteria and scoring
26.28 methodology and statement of qualification evaluations are public when the Department
26.29 of Transportation announces the short list of qualified contractors. The technical proposal
26.30 evaluation criteria, scoring methodology, and technical proposal evaluations are public
26.31 when the project is awarded.

26.32 (b) When the commissioner solicits a request for qualifications (RFQ), as defined in
26.33 section 161.3410, subdivision 9:

27.1 (1) the statement of qualifications evaluation criteria and scoring methodology,
27.2 identifying information concerning the members of the technical review committee, and
27.3 the statement of qualifications evaluations are confidential data on individuals or protected
27.4 nonpublic data; and

27.5 (2) the statement of qualifications submitted by a potential design-build firm, as
27.6 defined in section 161.3410, subdivision 4, is nonpublic data.

27.7 When the commissioner announces the short list of qualified design-build firms, the
27.8 statement of qualifications evaluation criteria and scoring methodology and the statement
27.9 of qualifications evaluations classified under clause (1) become public data.

27.10 (c) When the commissioner solicits a request for proposals (RFP), as defined in
27.11 section 161.3410, subdivision 8:

27.12 (1) the technical proposal; alternative technical concepts; preapproved elements;
27.13 price proposal; disadvantaged business enterprise and equal employment opportunity
27.14 submittal; and data used to evaluate the disadvantaged business enterprise and equal
27.15 employment opportunity submittal, are nonpublic data; and

27.16 (2) the technical proposal evaluation criteria and scoring methodology, and technical
27.17 proposal evaluations are protected nonpublic data.

27.18 (d) When the commissioner opens the price proposals under section 161.3426,
27.19 subdivision 1, paragraph (b):

27.20 (1) the technical proposal evaluation scores and the dollar amounts in the price
27.21 proposals become public data;

27.22 (2) the statement of qualifications submitted by a potential design-build firm;
27.23 the technical proposal; alternative technical concepts; preapproved elements; the
27.24 disadvantaged business enterprise and equal employment opportunity submittal; and data
27.25 used to evaluate the disadvantaged business enterprise and equal employment opportunity
27.26 submittal, remain nonpublic data until the project is awarded, with the exception of trade
27.27 secret data as defined and classified in section 13.37; and

27.28 (3) the technical proposal evaluation criteria and scoring methodology; technical
27.29 proposal evaluations, other than scores made public under clause (1); and identifying
27.30 information concerning the members of the technical review committee, remain protected
27.31 nonpublic data until the project is awarded.

27.32 (e) If all responses to a request for proposals are rejected before awarding the
27.33 project, data that do not become public under this subdivision retain their classification
27.34 until a resolicitation of the request for proposals results in award of the project or a
27.35 determination is made to abandon the project. If a resolicitation of proposals does not

28.1 occur within one year of the announcement of the short list of qualified design-build firms,
28.2 all data under this subdivision become public.

28.3 Sec. 52. Minnesota Statutes 2010, section 13.72, is amended by adding a subdivision
28.4 to read:

28.5 Subd. 17. **Adopt-a-highway data.** The following data on participants collected
28.6 by the Department of Transportation to administer the adopt-a-highway program are
28.7 classified as private data on individuals: home addresses, except for zip codes; home
28.8 e-mail addresses; and home telephone numbers.

28.9 Sec. 53. Minnesota Statutes 2010, section 13.7932, is amended to read:

28.10 **13.7932 LOGGER SAFETY AND EDUCATION PROGRAM DATA.**

28.11 The following data collected from persons who attend safety and education programs
28.12 or seminars for loggers established or approved by the commissioner under section
28.13 176.130, subdivision 11, ~~is~~ are public data:

- 28.14 (1) the names of the individuals attending the program or seminar;
28.15 (2) the names of each attendee's employer;
28.16 (3) the city where the employer is located;
28.17 (4) the date the program or seminar was held; and
28.18 (5) a description of the seminar or program.

28.19 Sec. 54. Minnesota Statutes 2010, section 13.82, subdivision 2, is amended to read:

28.20 Subd. 2. **Arrest data.** The following data created or collected by law enforcement
28.21 agencies which ~~documents~~ document any actions taken by them to cite, arrest, incarcerate
28.22 or otherwise substantially deprive an adult individual of liberty shall be public at all
28.23 times in the originating agency:

- 28.24 (a) time, date and place of the action;
28.25 (b) any resistance encountered by the agency;
28.26 (c) any pursuit engaged in by the agency;
28.27 (d) whether any weapons were used by the agency or other individual;
28.28 (e) the charge, arrest or search warrants, or other legal basis for the action;
28.29 (f) the identities of the agencies, units within the agencies and individual persons
28.30 taking the action;
28.31 (g) whether and where the individual is being held in custody or is being incarcerated
28.32 by the agency;

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29.1 (h) the date, time and legal basis for any transfer of custody and the identity of the
29.2 agency or person who received custody;

29.3 (i) the date, time and legal basis for any release from custody or incarceration;

29.4 (j) the name, age, sex and last known address of an adult person or the age and sex
29.5 of any juvenile person cited, arrested, incarcerated or otherwise substantially deprived
29.6 of liberty;

29.7 (k) whether the agency employed wiretaps or other eavesdropping techniques, unless
29.8 the release of this specific data would jeopardize an ongoing investigation;

29.9 (l) the manner in which the agencies received the information that led to the arrest
29.10 and the names of individuals who supplied the information unless the identities of those
29.11 individuals qualify for protection under subdivision 17; and

29.12 (m) response or incident report number.

29.13 Sec. 55. Minnesota Statutes 2010, section 13.82, subdivision 3, is amended to read:

29.14 Subd. 3. **Request for service data.** The following data created or collected by
29.15 law enforcement agencies which ~~documents~~ document requests by the public for law
29.16 enforcement services shall be public government data:

29.17 (a) the nature of the request or the activity complained of;

29.18 (b) the name and address of the individual making the request unless the identity of
29.19 the individual qualifies for protection under subdivision 17;

29.20 (c) the time and date of the request or complaint; and

29.21 (d) the response initiated and the response or incident report number.

29.22 Sec. 56. Minnesota Statutes 2010, section 13.82, subdivision 6, is amended to read:

29.23 Subd. 6. **Response or incident data.** The following data created or collected by
29.24 law enforcement agencies which ~~documents~~ document the agency's response to a request
29.25 for service including, but not limited to, responses to traffic accidents, or which ~~describes~~
29.26 describe actions taken by the agency on its own initiative shall be public government data:

29.27 (a) date, time and place of the action;

29.28 (b) agencies, units of agencies and individual agency personnel participating in the
29.29 action unless the identities of agency personnel qualify for protection under subdivision 17;

29.30 (c) any resistance encountered by the agency;

29.31 (d) any pursuit engaged in by the agency;

29.32 (e) whether any weapons were used by the agency or other individuals;

29.33 (f) a brief factual reconstruction of events associated with the action;

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30.1 (g) names and addresses of witnesses to the agency action or the incident unless the
30.2 identity of any witness qualifies for protection under subdivision 17;

30.3 (h) names and addresses of any victims or casualties unless the identities of those
30.4 individuals qualify for protection under subdivision 17;

30.5 (i) the name and location of the health care facility to which victims or casualties
30.6 were taken;

30.7 (j) response or incident report number;

30.8 (k) dates of birth of the parties involved in a traffic accident;

30.9 (l) whether the parties involved were wearing seat belts; and

30.10 (m) the alcohol concentration of each driver.

30.11 Sec. 57. Minnesota Statutes 2010, section 13.82, subdivision 7, is amended to read:

30.12 Subd. 7. **Criminal investigative data.** Except for the data defined in subdivisions
30.13 2, 3, and 6, investigative data collected or created by a law enforcement agency in order
30.14 to prepare a case against a person, whether known or unknown, for the commission of a
30.15 crime or other offense for which the agency has primary investigative responsibility ~~is~~ are
30.16 confidential or protected nonpublic while the investigation is active. Inactive investigative
30.17 data ~~is~~ are public unless the release of the data would jeopardize another ongoing
30.18 investigation or would reveal the identity of individuals protected under subdivision 17.
30.19 Photographs which are part of inactive investigative files and which are clearly offensive
30.20 to common sensibilities are classified as private or nonpublic data, provided that the
30.21 existence of the photographs shall be disclosed to any person requesting access to the
30.22 inactive investigative file. An investigation becomes inactive upon the occurrence of any
30.23 of the following events:

30.24 (a) a decision by the agency or appropriate prosecutorial authority not to pursue
30.25 the case;

30.26 (b) expiration of the time to bring a charge or file a complaint under the applicable
30.27 statute of limitations, or 30 years after the commission of the offense, whichever comes
30.28 earliest; or

30.29 (c) exhaustion of or expiration of all rights of appeal by a person convicted on
30.30 the basis of the investigative data.

30.31 Any investigative data presented as evidence in court shall be public. Data
30.32 determined to be inactive under clause (a) may become active if the agency or appropriate
30.33 prosecutorial authority decides to renew the investigation.

30.34 During the time when an investigation is active, any person may bring an action in
30.35 the district court located in the county where the data ~~is~~ are being maintained to authorize

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31.1 disclosure of investigative data. The court may order that all or part of the data relating to
31.2 a particular investigation be released to the public or to the person bringing the action. In
31.3 making the determination as to whether investigative data shall be disclosed, the court
31.4 shall consider whether the benefit to the person bringing the action or to the public
31.5 outweighs any harm to the public, to the agency or to any person identified in the data.
31.6 The data in dispute shall be examined by the court in camera.

31.7 Sec. 58. Minnesota Statutes 2010, section 13.82, is amended by adding a subdivision
31.8 to read:

31.9 Subd. 30. **Inactive financial transaction investigative data.** Investigative data
31.10 that become inactive under subdivision 7 that are a person's financial account number or
31.11 transaction numbers are private or nonpublic data.

31.12 Sec. 59. Minnesota Statutes 2010, section 13.83, subdivision 2, is amended to read:

31.13 Subd. 2. **Public data.** Unless specifically classified otherwise by state statute or
31.14 federal law, the following data created or collected by a medical examiner or coroner on
31.15 a deceased individual ~~is~~ are public: name of the deceased; date of birth; date of death;
31.16 address; sex; race; citizenship; height; weight; hair color; eye color; build; complexion;
31.17 age, if known, or approximate age; identifying marks, scars and amputations; a description
31.18 of the decedent's clothing; marital status; location of death including name of hospital
31.19 where applicable; name of spouse; whether or not the decedent ever served in the armed
31.20 forces of the United States; occupation; business; father's name (also birth name, if
31.21 different); mother's name (also birth name, if different); birthplace; birthplace of parents;
31.22 cause of death; causes of cause of death; whether an autopsy was performed and if so,
31.23 whether it was conclusive; date and place of injury, if applicable, including work place;
31.24 how injury occurred; whether death was caused by accident, suicide, homicide, or was
31.25 of undetermined cause; certification of attendance by physician; physician's name and
31.26 address; certification by coroner or medical examiner; name and signature of coroner
31.27 or medical examiner; type of disposition of body; burial place name and location, if
31.28 applicable; date of burial, cremation or removal; funeral home name and address; and
31.29 name of local register or funeral director.

31.30 Sec. 60. Minnesota Statutes 2010, section 13.83, subdivision 4, is amended to read:

31.31 Subd. 4. **Investigative data.** Data created or collected by a county coroner or
31.32 medical examiner which ~~is~~ are part of an active investigation mandated by chapter 390, or
31.33 any other general or local law relating to coroners or medical examiners ~~is~~ are confidential

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32.1 data or protected nonpublic data, until the completion of the coroner's or medical
32.2 examiner's final summary of findings but may be disclosed to a state or federal agency
32.3 charged by law with investigating the death of the deceased individual about whom the
32.4 medical examiner or coroner has medical examiner data. Upon completion of the coroner's
32.5 or medical examiner's final summary of findings, the data collected in the investigation
32.6 and the final summary of it are private or nonpublic data. However, if the final summary
32.7 and the record of death indicate the manner of death is homicide, undetermined, or
32.8 pending investigation and there is an active law enforcement investigation, within the
32.9 meaning of section 13.82, subdivision 7, relating to the death of the deceased individual,
32.10 the data remain confidential or protected nonpublic. Upon review by the county attorney
32.11 of the jurisdiction in which the law enforcement investigation is active, the data may be
32.12 released to persons described in subdivision 8 if the county attorney determines release
32.13 would not impede the ongoing investigation. When the law enforcement investigation
32.14 becomes inactive, the data are private or nonpublic data. Nothing in this subdivision shall
32.15 be construed to make not public the data elements identified in subdivision 2 at any point
32.16 in the investigation or thereafter.

32.17 Sec. 61. Minnesota Statutes 2010, section 13.83, subdivision 6, is amended to read:

32.18 Subd. 6. **Classification of other data.** Unless a statute specifically provides a
32.19 different classification, all other data created or collected by a county coroner or medical
32.20 examiner that ~~is~~ are not data on deceased individuals or the manner and circumstances of
32.21 their death ~~is~~ are public pursuant to section 13.03.

32.22 Sec. 62. Minnesota Statutes 2010, section 13.87, subdivision 2, is amended to read:

32.23 Subd. 2. **Firearms data.** All data pertaining to the purchase or transfer of firearms
32.24 and applications for permits to carry firearms which are collected by government entities
32.25 pursuant to sections 624.712 to 624.719 are ~~classified as~~ private, pursuant to section
32.26 13.02, subdivision 12.

32.27 Sec. 63. Minnesota Statutes 2010, section 13D.015, subdivision 5, is amended to read:

32.28 Subd. 5. **Notice.** If telephone or another electronic means is used to conduct a
32.29 regular, special, or emergency meeting, the entity shall provide notice of the regular
32.30 meeting location, of the fact that some members may participate by electronic means, and
32.31 of the provisions of subdivision 4. The timing and method of providing notice is governed
32.32 by section 13D.04. In addition, the entity must post the notice on its Web site at least ten
32.33 days before ~~the~~ any regular meeting as defined in section 13D.04, subdivision 1.

33.1 Sec. 64. 13D.08 OPEN MEETING LAW CODED ELSEWHERE.

33.2 Subdivision 1. Board of Animal Health. Certain meetings of the Board of Animal
33.3 Health are governed by section 35.0661, subdivision 1.

33.4 Subd. 2. Minnesota Life and Health Guaranty Association. Meetings of the
33.5 Minnesota Life and Health Guaranty Association Board of Directors are governed by
33.6 section 61B.22.

33.7 Subd. 3. Comprehensive Health Association. Certain meetings of the
33.8 Comprehensive Health Association are governed by section 62E.10, subdivision 4.

33.9 Subd. 4. Health Technology Advisory Committee. Certain meetings of the Health
33.10 Technology Advisory Committee are governed by section 62J.156.

33.11 Subd. 5. Health Coverage Reinsurance Association. Meetings of the Health
33.12 Coverage Reinsurance Association are governed by section 62L.13, subdivision 3.

33.13 Subd. 6. Self-insurers' security fund. Meetings of the self-insurers' security fund
33.14 and its board of trustees are governed by section 79A.16.

33.15 Subd. 7. Commercial self-insurance group security fund. Meetings of the
33.16 commercial self-insurance group security fund are governed by section 79A.28.

33.17 Subd. 8. Lessard-Sams Outdoor Heritage Council. Certain meetings of the
33.18 Lessard-Sams Outdoor Heritage Council are governed by section 97A.056, subdivision 5.

33.19 Subd. 9. Enterprise Minnesota, Inc. Certain meetings of the board of directors of
33.20 Enterprise Minnesota, Inc. are governed by section 116O.03.

33.21 Subd. 10. Minnesota Business Finance, Inc. Certain meetings of Minnesota
33.22 Business Finance, Inc. are governed by section 116S.02.

33.23 Subd. 11. Northern Technology Initiative, Inc. Certain meetings of Northern
33.24 Technology Initiative, Inc. are governed by section 116T.02.

33.25 Subd. 12. Agricultural Utilization Research Institute. Certain meetings of the
33.26 Agricultural Utilization Research Institute are governed by section 116V.01, subdivision
33.27 10.

33.28 Subd. 13. Hospital authorities. Certain meetings of hospitals established under
33.29 section 144.581 are governed by section 144.581, subdivisions 4 and 5.

33.30 Subd. 14. Advisory Council on Workers' Compensation. Certain meetings of
33.31 the Advisory Council on Workers' Compensation are governed by section 175.007,
33.32 subdivision 3.

33.33 Subd. 15. Electric cooperatives. Meetings of a board of directors of an electric
33.34 cooperative that has more than 50,000 members are governed by section 308A.327.

33.35 Subd. 16. Town boards. Certain meetings of town boards are governed by section
33.36 366.01, subdivision 11.

34.1 Subd. 17. Hennepin County Medical Center and HMO. Certain meetings of the
34.2 Hennepin County Board on behalf of the HMO or Hennepin Healthcare System, Inc. are
34.3 governed by section 383B.217.

34.4 Subd. 18. Hennepin Healthcare System, Inc. Certain meetings of the Hennepin
34.5 Healthcare System, Inc. are governed by section 383B.917.

34.6 Sec. 65. Minnesota Statutes 2010, section 43A.28, is amended to read:

34.7 **43A.28 ENROLLMENT.**

34.8 Subdivision 1. General. The time, manner, and conditions and terms of eligibility
34.9 for enrollment of persons eligible for state paid or individual paid life insurance, hospital,
34.10 medical and dental benefits, and optional coverages authorized shall be determined and
34.11 prescribed by the commissioner according to collective bargaining agreements and plans
34.12 established pursuant to section 43A.18.

34.13 Subd. 2. Audit data. Data submitted to the commissioner by individuals for the
34.14 purposes of a dependent eligibility audit conducted pursuant to Laws 2011, First Special
34.15 Session chapter 10, article 3, section 40, for life insurance and hospital, medical, and
34.16 dental benefits are private data on individuals as defined in section 13.02, subdivision 12,
34.17 provided that the data may be shared with and used by an employer if necessary to pursue
34.18 any action arising out of apparent ineligibility of a dependent.

34.19 EFFECTIVE DATE. This section is effective the day following final enactment.

34.20 Sec. 66. **[43A.281] LIMIT ON TERMINATION OF DEPENDENT COVERAGE.**

34.21 (a) The commissioner of management and budget may not terminate the enrollment
34.22 of a dependent in the state employee group insurance program as a result of a failure to
34.23 submit documentation required under a dependent eligibility verification audit unless all
34.24 of the following have occurred:

34.25 (1) at least 30 days before the proposed termination of a dependent's coverage, the
34.26 commissioner has notified the covered plan member by mail of each type of required
34.27 documentation that has not been submitted;

34.28 (2) at least 30 days before the proposed termination of a dependent's coverage, the
34.29 commissioner has notified the covered plan member of the name, telephone number,
34.30 and e-mail address of one or more employees of the Department of Management and
34.31 Budget who the covered plan member may contact regarding the proposed termination of
34.32 the dependent's coverage;

35.1 (3) at least 30 days before the proposed termination of a dependent's coverage, the
35.2 commissioner has notified the covered plan member of how the covered plan member
35.3 may appeal a finding that a dependent is not eligible to continue in the program, and the
35.4 appeal process has been completed; and

35.5 (4) if a covered plan member has demonstrated to the commissioner's satisfaction
35.6 that it is impractical for the covered plan member to submit required documentation,
35.7 the commissioner has provided the covered plan member an alternative compliance
35.8 method that the commissioner has determined is a reasonable manner of proving eligible
35.9 dependent status, and the covered plan member has not submitted documents required
35.10 under this alternative method.

35.11 (b) This section expires on January 1, 2014.

35.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

35.13 Sec. 67. Minnesota Statutes 2010, section 79A.16, is amended to read:

35.14 **79A.16 OPEN MEETING; ADMINISTRATIVE PROCEDURE ACT.**

35.15 The security fund and its board of trustees shall not be subject to (1) the Open
35.16 Meeting Law, chapter 13D, (2) the Open Appointments Law, (3) the ~~Data Privacy Law~~
35.17 Minnesota Government Data Practices Act, chapter 13, and (4) except where specifically
35.18 set forth, the Administrative Procedure Act.

35.19 The Self-Insurers' Advisory Committee shall not be subject to clauses (2) and (4).

35.20 Sec. 68. Minnesota Statutes 2010, section 79A.28, is amended to read:

35.21 **79A.28 OPEN MEETING; ADMINISTRATIVE PROCEDURE ACT.**

35.22 The commercial self-insurance group security fund and its board of trustees shall not
35.23 be subject to:

35.24 (1) the Open Meeting Law, chapter 13D;

35.25 (2) the Open Appointments Law;

35.26 (3) the ~~Data Privacy Law~~ Minnesota Government Data Practices Act, chapter 13; and

35.27 (4) except where specifically set forth, the Administrative Procedure Act.

35.28 Sec. 69. Minnesota Statutes 2010, section 84.0874, is amended to read:

35.29 **84.0874 ELECTRONIC LICENSING SYSTEM DATA.**

35.30 (a) The following data created, collected, stored, or maintained by the department
35.31 for purposes of obtaining a noncommercial game and fish license, cross-country ski pass,
35.32 horse pass, or snowmobile trail sticker; registering a recreational motor vehicle; or any

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36.1 other electronic licensing transaction are private data on individuals as defined in section
36.2 13.02, subdivision 12: name, addresses, driver's license number, and date of birth. The data
36.3 may be disclosed for law enforcement purposes. The data, other than the driver's license
36.4 number, may be disclosed to a government entity and for natural resources management
36.5 purposes, including recruitment, retention, and training certification and verification.

36.6 (b) Private data on individuals under paragraph (a) may be disclosed as follows:

36.7 (1) for use by any government agency, including a court or law enforcement agency,
36.8 in carrying out its functions, or any private person or entity acting on behalf of a federal,
36.9 state, or local agency in carrying out its functions;

36.10 (2) for use in connection with matters of vehicle or operator safety and theft,
36.11 emissions, product alterations, recalls or advisories, and performance monitoring;

36.12 (3) for use in the normal course of business by a legitimate business or its agents,
36.13 employees, or contractors, in order to verify the accuracy of personal information
36.14 submitted by an individual. If the information as submitted is not correct or is no longer
36.15 correct, correct information may be obtained only for the purpose of preventing fraud
36.16 by, pursuing legal remedies against, or recovering on a debt or security interest against
36.17 the individual. If the person requesting access is acting as the agent of a lienholder, the
36.18 requestor must submit proof of a contract with the lienholder;

36.19 (4) for use in connection with any civil, criminal, administrative, or arbitration
36.20 proceedings in any federal, state, or local court or agency or before any self-regulatory
36.21 body, including service of process, investigation in anticipation of litigation, and the
36.22 execution or enforcement of judgments and orders, or pursuant to an order of a federal,
36.23 state, or local court, provided that the requestor provides a copy of the court order;

36.24 (5) for use by any insurer or insurance support organization, or by a self-insured
36.25 entity, or its agents, employees, or contractors, in connection with claims investigation
36.26 activities or antifraud activities. If the person requesting access is an agent of an insurance
36.27 company, the requestor must provide the insurance company's name;

36.28 (6) for use in providing notice to the owners of towed or impounded recreational
36.29 vehicles or watercraft. The person requesting access must provide the name, address, and
36.30 telephone number of the entity that requested that the recreational vehicle or watercraft
36.31 be towed;

36.32 (7) for use by any licensed private investigative agency or licensed security service
36.33 for any purpose permitted under this section, provided that the person provides a copy of
36.34 a valid license; or

36.35 (8) where the use is related to the physical safety or security of operators, vehicles,
36.36 pedestrians, or property.

37.1 The commissioner must not disclose data under this paragraph if the commissioner
37.2 concludes that the requester is likely to use the data for an improper purpose or other
37.3 purpose not authorized by this paragraph.

37.4 Sec. 70. Minnesota Statutes 2010, section 216C.266, is amended to read:

37.5 **216C.266 DATA PRIVACY; ENERGY PROGRAMS.**

37.6 Subdivision 1. **Classification of application data.** Data on individuals collected,
37.7 maintained, or created because an individual applies on behalf of a household for benefits
37.8 or services provided by the energy assistance and weatherization programs ~~is~~ are private
37.9 data on individuals and must not be disseminated except pursuant to section 13.05,
37.10 subdivisions 3 and 4, or as provided in this section.

37.11 Subd. 2. **Sharing energy assistance program data.** The commissioner may
37.12 disseminate to the commissioner of human services the name, telephone number, and last
37.13 four digits of the Social Security number of any individual who applies on behalf of
37.14 a household for benefits or services provided by the energy assistance program if the
37.15 household is determined to be eligible for the energy assistance program.

37.16 Subd. 3. **Use of shared data.** Data disseminated to the commissioner of human
37.17 services under subdivision 2 may be disclosed to a person other than the subject of the data
37.18 only for the purpose of determining a household's eligibility for the telephone assistance
37.19 program pursuant to section 13.46, subdivision 2, clause (23).

37.20 Subd. 4. **Additional use of energy assistance program data.** The commissioner
37.21 may use the name, telephone number, and last four digits of the Social Security number of
37.22 any individual who applies on behalf of a household for benefits or services provided by
37.23 the energy assistance program for the purpose of determining whether the household is
37.24 eligible for the telephone assistance program if the household is determined to be eligible
37.25 for the energy assistance program.

37.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

37.27 Sec. 71. Minnesota Statutes 2010, section 237.701, subdivision 1, is amended to read:

37.28 Subdivision 1. **Fund created; authorized expenditures.** The telephone assistance
37.29 fund is created as a separate account in the state treasury to consist of amounts received
37.30 by the commissioner of public safety representing the surcharge authorized by section
37.31 237.70, subdivision 6, and amounts earned on the fund assets. Money in the fund may be
37.32 used only for:

38.1 (1) reimbursement to local service providers for expenses and credits allowed in
38.2 section 237.70, subdivision 7, paragraph (d), clause (5);

38.3 (2) reimbursement of the reasonable administrative expenses of the commission,
38.4 a portion of which may be used for periodic promotional activities, including, but not
38.5 limited to, radio or newspaper advertisements, to inform eligible households of the
38.6 availability of the telephone assistance program; ~~and~~

38.7 (3) reimbursement of the statewide indirect cost of the commission; and

38.8 (4) reimbursement of the reasonable expenses of the commissioner of commerce and
38.9 the commissioner of human services for administering section 216C.266, subdivisions
38.10 2 and 4.

38.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

38.12 Sec. 72. **REPEALER.**

38.13 (a) Minnesota Statutes 2010, section 13.05, subdivisions 1, 2, and 8, are repealed.

38.14 (b) Minnesota Statutes 2010, sections 13.4967, subdivision 6a; and 298.22,
38.15 subdivision 12, are repealed retroactively from the date of their final enactment.

13.05 DUTIES OF RESPONSIBLE AUTHORITY.

Subdivision 1. **Public document of data categories.** The responsible authority shall prepare a public document containing the authority's name, title and address, and a description of each category of record, file, or process relating to private or confidential data on individuals maintained by the authority's government entity. Forms used to collect private and confidential data shall be included in the public document. Beginning August 1, 1977 and annually thereafter, the responsible authority shall update the public document and make any changes necessary to maintain the accuracy of the document. The document shall be available from the responsible authority to the public in accordance with the provisions of sections 13.03 and 15.17.

Subd. 2. **Copies to commissioner.** The commissioner may require responsible authorities to submit copies of the public document required in subdivision 1, and may request additional information relevant to data collection practices, policies and procedures.

Subd. 8. **Publication of access procedures.** The responsible authority shall prepare a public document setting forth in writing the rights of the data subject pursuant to section 13.04 and the specific procedures in effect in the government entity for access by the data subject to public or private data on individuals.

13.4967 OTHER TAX DATA CODED ELSEWHERE.

Subd. 6a. **Iron Range resources and rehabilitation data.** Data collected by the commissioner of Iron Range resources and rehabilitation from an application filed under section 298.22 are classified under section 298.22, subdivision 12.

298.22 IRON RANGE RESOURCES AND REHABILITATION.

Subd. 12. **Data classification.** Data collected by the commissioner on any application to determine the eligibility of an applicant for any loan or equity investment made from funds that are available to the commissioner under this section or otherwise by law, and to assess or monitor the applicant's or recipient's default risk or to collect payments owed are: (1) private data on individuals as defined in section 13.02, subdivision 12; and (2) nonpublic data as defined in section 13.02, subdivision 9. The names of the recipients of the financial assistance and the amounts of financial assistance are public data.