SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 385

1.1   A bill for an act

1.2   relating to data practices; classifying data related to automated license plate

1.3   readers; requiring a log of use; requiring data to be destroyed in certain

1.4   circumstances; amending Minnesota Statutes 2012, section 13.82, by adding a

1.5   subdivision.

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

1.7   Section 1. Minnesota Statutes 2012, section 13.82, is amended by adding a subdivision

1.8   to read:

1.9   Subd. 31. **Automated license plate reader.** (a) As used in this subdivision,

1.10   "automated license plate reader" means an electronic device mounted on a law

1.11   enforcement vehicle or positioned in a stationary location that is capable of recording data

1.12   on, or taking a photograph of, a vehicle or its license plate and comparing the collected

1.13   data and photographs to existing law enforcement databases for investigative purposes.

1.14   (b) Data collected by an automated license plate reader are confidential data

1.15   on individuals or protected nonpublic data if the data are or become active criminal

1.16   investigative data.

1.17   (c) Data collected by an automated license plate reader that are not classified under

1.18   paragraph (b) are private data on individuals or nonpublic data.

1.19   (d) Notwithstanding section 138.17, data collected by an automated license plate

1.20   reader must be destroyed:

1.21   (1) 90 days from the time of collection, if the data are classified under paragraph (c); or

1.22   (2) upon request of a program participant under chapter 5B, at the time of collection

1.23   or upon receipt of the request, whichever occurs later, unless the data are classified under

1.24   paragraph (b).

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

2.2   (e) A law enforcement agency that installs or uses an automated license plate reader

2.3   must maintain a log of its use, including:

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

2.5   (2) the aggregate number of vehicles or license plates on which data are collected for

2.6   each period of active use.

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

2.8   (f) In addition to the log required under paragraph (e), the law enforcement agency

2.9   must maintain records showing the date the data were collected and whether the data are

2.10   classified under paragraph (b) or (c). The Department of Public Safety shall conduct

2.11   a biennial audit of the records to determine whether data currently in the records are

2.12   classified and destroyed as required under this subdivision. Data in the records required

2.13   under this paragraph are classified as provided in paragraph (b) or (c). Summary results of

2.14   the audit are public.

2.15   (g) A law enforcement agency must comply with sections 13.05, subdivision 5; and

2.16   13.055 in the operation of automated license plate readers and access to the data.

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

2.18   Data collected before the effective date of this section must be destroyed, if required by

2.19   this section, no later than 15 days after the date this section becomes effective.