

Sec. 9. **EFFECTIVE DATE.** Except as otherwise provided, this act shall be effective for cost reports filed after December 31, 1976.

Approved April 13, 1976.

CHAPTER 283—H.F.No.2204

[Coded in Part]

An act relating to collection and dissemination of data; providing definitions; requiring a public document on data collection; authorizing audits of data collection practices and policies; providing for emergency classification in certain situations; amending Minnesota Statutes 1974, Chapter 15, by adding a section; and Minnesota Statutes, 1975 Supplement, Sections 15.162, Subdivisions 2a, 5, 5a and 8, and by adding a subdivision; 15.163, Subdivisions 1 and 2.

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

Section 1. Minnesota Statutes 1974, Section 15.162, is amended by adding a subdivision to read:

Subd. 1a. STATE GOVERNMENT; COLLECTION; SECURITY AND DISSEMINATION OF RECORDS. "Arrest information" shall include (a) the name, age, and address of an arrested individual; (b) the nature of the charge against the arrested individual; (c) the time and place of the arrest; (d) the identity of the arresting agency; (e) information as to whether an individual has been incarcerated and the place of incarceration. "Arrest information" does not include data specifically made private, confidential or nonpublic pursuant to section 260.161 or any other statute.

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 15.162, Subdivision 2a, is amended to read:

Subd. 2a. "Confidential data on individuals" means data which is : (a) made not public but is (a) expressly made confidential by law as by statute or federal law applicable to the data and is inaccessible to the individual subject of that data; or (b) collected by a civil or criminal investigative agency as part of an active investigation undertaken for the purpose of the commencement of a legal action, provided that the burden of proof as to whether such investigation is active or in anticipation of a legal action is upon the agency ; (c) data which supplies the basis for the diagnosis of the medical or psychiatric condition of an individual as determined by a licensed physician. Confidential data on individuals does not include arrest information that is reasonably contemporaneous with an arrest or incarceration. The provision of clause (b) in this subdivision shall terminate and cease to have force and effect with regard to the state agencies, political subdivisions, statewide systems, covered by the ruling, upon the granting or refusal to grant

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an emergency classification pursuant to section 15.1642 of both criminal and civil investigative data, or on June 30, 1977, whichever occurs first .

Sec. 3. Minnesota Statutes, 1975 Supplement, Section 15.162, Subdivision 5, is amended to read:

Subd. 5. "Political subdivision" includes counties, municipalities, school districts and any boards, commissions, districts or authorities created pursuant to local ordinance. It includes any nonprofit corporation which is a community action agency organized to qualify for public funds, or any nonprofit social service agency which performs services under contract to any political subdivision, statewide system or state agency, to the extent that the nonprofit social service agency or nonprofit corporation collects, stores, disseminates, and uses data on individuals because of a contractual relationship with state agencies, political subdivisions or statewide systems .

Sec. 4. Minnesota Statutes, 1975 Supplement, Section 15.162, Subdivision 5a, is amended to read:

Subd. 5a. "Private data on individuals" means data which is made by statute or federal law applicable to the data: (a) not public but which by law; and (b) is accessible to the individual subject of that data. Private data on individuals does not include arrest information that is reasonably contemporaneous with an arrest or incarceration.

Sec. 5. Minnesota Statutes, 1975 Supplement, Section 15.162, Subdivision 8, is amended to read:

Subd. 8. "Statewide system" includes any record-keeping system in which data on individuals is collected, stored, disseminated and used by means of a system common to one or more state agencies of the state or more than one of its political subdivisions or any combination of state agencies and political subdivisions .

Sec. 6. Minnesota Statutes, 1975 Supplement, Section 15.163, Subdivision 1, is amended to read:

15.163 REPORTS TO THE LEGISLATURE. Subdivision 1. On or before August 1 ~~of each year~~, 1976, the responsible authority shall ~~document and file a report with the commissioner of administration, which shall be a public record. The report shall contain the following information:~~

(a) ~~The title, name, and address, of the responsible authority.~~

(b) ~~A statement of which records containing data on individuals maintained by the responsible authority are classified as confidential and which are classified as private. The responsible authority shall submit sample copies of any forms which will, when executed, contain~~

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data on individuals classified as private or confidential:

(c) The purposes for which private or confidential data on individuals is authorized to be used, collected, disseminated and stored:

(d) The responsible authority's policies and practices regarding storage, duration of retention, and disposal of data on individuals, including a description of the provisions for maintaining the integrity of private and confidential data on individuals: prepare a public document containing his 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 his state agency, statewide system, or political subdivision. 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 keep it accurate.

Sec. 7. Minnesota Statutes, 1975 Supplement, Section 15.163, Subdivision 2, is amended to read:

Subd. 2. ~~On or before December 1 of each year, The commissioner shall prepare a report to the legislature summarizing the information filed by may require responsible authorities pursuant to subdivision 1 and notifying the legislature of any problems relating to the administration; implementation and enforcement of sections 15.162 to 15.168 which might, in his opinion, require legislative action to submit copies of the public document required in subdivision 1, and may request additional information relevant to data collection practices, policies and procedures .~~

Sec. 8. Minnesota Statutes 1974, Chapter 15, is amended by adding a section to read:

[15.1642] EMERGENCY CLASSIFICATION. Subdivision 1. APPLICATION. The responsible authority of a state agency, political subdivision or statewide system may apply to the commissioner for permission to classify data or types of data under section 15.162, subdivision 2a or 5a, for its own use and for the use of other similar agencies, subdivisions or systems on an emergency basis until a proposed statute can be acted upon by the legislature. The application for emergency classification is public data.

Subd. 2. CONTENTS OF APPLICATION. An application for emergency classification shall include and the applicant shall have the burden of clearly establishing at least the following information:

(a) That no statute currently exists which either allows or forbids classification under section 15.162, subdivision 2a or 5a;

(b) That the data on individuals has been treated as either private or confidential by custom of long standing which has been recognized

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by other similar state agencies or other similar political subdivisions, if any, and by the public;

(c) That a compelling need exists for immediate emergency classification, which if not granted could adversely affect the public interest or the health, safety, well being or reputation of the data subject.

If the commissioner grants the emergency classification, it shall be submitted with the complete record relating to the application to the attorney general, who shall review the classification as to form and legality. The attorney general shall, within 20 days, either approve or disapprove the classification.

Subd. 3. EXPIRATION OF EMERGENCY CLASSIFICATION. All emergency classifications granted under this section and still in effect shall expire on June 30, 1977. No emergency classifications shall be granted after June 30, 1977.

Sec. 9. Section 8 of this act shall be effective the day following its final enactment. Sections 1 to 7 of this act shall be effective June 1, 1976.

Approved April 13, 1976.

CHAPTER 284—H.F.No.2215

[Not Coded]

An act relating to aeronautics; appropriating and transferring money for construction of hangars.

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

Section 1. **APPROPRIATIONS; AERONAUTICS; HANGAR CONSTRUCTION.** There is appropriated from the state airports fund to the hangar construction revolving account the sum of \$500,000.

Sec. 2. This act is effective the day following its final enactment.

Approved April 13, 1976.

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