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**CHAPTER 328—H.F.No.738**

*An act relating to collection and dissemination of data; establishing a presumption that government data is public; classifying data; extending the period of time during which emergency classifications of data may be made; clarifying the duties of the responsible authority; providing for temporary classification of data; providing remedies; amending Minnesota Statutes 1978, Sections 15.162, Subdivisions 1, 2a, 6, and by adding subdivisions; 15.163; 15.1642, Subdivisions 1, 2, 3, 5, and by adding a subdivision; 15.166; 15.17, Subdivision 4; and Chapter 15, by adding sections; repealing Minnesota Statutes 1978, Sections 15.1641; 15.1642, Subdivision 4; and 15.169.*

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

Section 1. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

**[15.1611] GOVERNMENT DATA.** Subdivision 1. All state agencies, political subdivisions and statewide systems shall be governed by sections 15.1611 to 15.1698.

Subd. 2. Sections 15.1611 to 15.1698 may be cited as the "Minnesota government data practices act."

Sec. 2. Minnesota Statutes 1978, Section 15.162, Subdivision 1, is amended to read:

**15.162 COLLECTION, SECURITY AND DISSEMINATION OF RECORDS; DEFINITIONS.** Subdivision 1. As used in sections ~~15.162 to 15.167~~ 15.1611 to 15.1698, the terms defined in this section have the meanings given them.

Sec. 3. Minnesota Statutes 1978, Section 15.162, Subdivision 2a, is amended to read:

Subd. 2a. "Confidential data on individuals" means data which is: (a) made not public 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. Confidential data on individuals does not include arrest information that is reasonably contemporaneous with an arrest or incarceration. The provision of clause (b) 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 an emergency a temporary classification pursuant to section 15.1642 of both criminal and civil investigative data, or on July 31, ~~1979~~ 1980, whichever occurs first.

Sec. 4. Minnesota Statutes 1978, Section 15.162, Subdivision 6, is amended to read:

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Subd. 6. "Responsible authority" in a state agency or statewide system means the state official designated by law or by the commissioner as the individual responsible for the collection, use and dissemination of any set of data on individuals, government data, or summary data. "Responsible authority" in any political subdivision means the individual designated by the governing body of that political subdivision as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law.

Sec. 4a. Minnesota Statutes 1978, Section 15.162, is amended by adding a subdivision to read:

Subd. 10. "Designee" means any person designated by a responsible authority to be in charge of individual files or systems containing government data and to receive and comply with requests for government data.

Sec. 5. Minnesota Statutes 1978, Section 15.162, is amended by adding a subdivision to read:

Subd. 11. "Government data" means all data collected, created, received, maintained or disseminated by any state agency, political subdivision, or statewide system regardless of its physical form, storage media or conditions of use.

Sec. 6. Minnesota Statutes 1978, Section 15.162, is amended by adding a subdivision to read:

Subd. 12. "Person" means any individual, partnership, corporation, association, business trust, or a legal representative of an organization.

Sec. 7. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

**[15.162] ACCESS TO GOVERNMENT DATA. Subdivision 1. PUBLIC DATA.** All government data collected, created, received, maintained or disseminated by a state agency, political subdivision, or statewide system shall be public unless classified by statute, or temporary classification pursuant to section 15.1642, or federal law, as not public, or with respect to data on individuals, as private or confidential. The responsible authority in every state agency, political subdivision and statewide system shall keep records containing government data in such an arrangement and condition as to make them easily accessible for convenient use. Photographic, photostatic, microphotographic, or microfilmed records shall be considered as accessible for convenient use regardless of the size of such records.

Subd. 2. PROCEDURES. The responsible authority in every state agency, political subdivision, and statewide system shall establish procedures, consistent with sections 15.1611 to 15.1698, to insure that requests for government data are received and complied with in an appropriate and prompt manner. Full convenience and comprehensive accessibility shall be allowed to researchers including historians, genealogists and other scholars to carry out extensive research and complete copying of all records containing

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government data except as otherwise expressly provided by law.

A responsible authority may designate one or more designees.

Subd. 3. REQUEST FOR DATA. Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy government data at reasonable times and places, and if the person requests, he shall be informed of the data's meaning. The responsible authority or designee shall provide copies of government data upon request. The responsible authority may require the requesting person to pay the actual costs of making, certifying and compiling the copies. If the responsible authority or designee is not able to provide copies at the time a request is made he shall supply copies as soon as reasonably possible.

If the responsible authority or designee determines that the requested data is classified so as to deny the requesting person access, the responsible authority or designee shall so inform the requesting person orally at the time of the request, and in writing as soon thereafter as possible, and shall cite the statute, temporary classification, or federal law on which the determination is based.

Sec. 8. Minnesota Statutes 1978, Section 15.163, is amended to read:

**15.163 DUTIES OF RESPONSIBLE AUTHORITY.** Subdivision 1. **ANNUAL INVENTORY OF RECORDS.** ~~On or before August 1, 1976,~~ The responsible authority shall 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~~ 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 7 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. 3. STANDARDS FOR COLLECTION AND STORAGE. Collection and storage of public, private or confidential data on individuals and use and dissemination of private and confidential data on individuals shall be limited to that necessary for the administration and management of programs specifically authorized by the legislature, local governing body or mandated by the federal government.

Subd. 4. COLLECTION AND USE OF DATA; GENERAL RULE. Private or confidential data on an individual shall not be collected, stored, used or disseminated by political subdivisions, statewide systems or state agencies for any purposes other than those stated to the individual at the time of collection in accordance with section 15.165,

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except as provided in this subdivision.

(a) Data collected prior to August 1, 1975, and which have not been treated as public data, may be used and disseminated for the purposes for which the data was originally collected or for purposes which are specifically approved by the commissioner as necessary to public health, safety, or welfare.

(b) Private or confidential data may be used and disseminated to individuals or agencies specifically authorized access to that data by state or federal law subsequent to the collection of the data.

(c) Private or confidential data may be used and disseminated to individuals or agencies subsequent to the collection of the data when specifically approved by the commissioner as necessary to carry out a function assigned by law.

(d) Private data may be used by and disseminated to any person or agency if the individual subject or subjects of the data have given their informed consent. Whether a data subject has given informed consent shall be determined by rules of the commissioner. Informed consent shall not be deemed to have been given by an individual subject of the data by the signing of any statement authorizing any person or agency to disclose information about him or her to an insurer or its authorized representative, unless the statement is:

(1) In plain language

(2) Dated;

(3) Specific in designating the particular persons or agencies the data subject is authorizing to disclose information about him or her;

(4) Specific as to the nature of the information he or she is authorizing to be disclosed;

(5) Specific as to the persons or agencies to whom he or she is authorizing information to be disclosed;

(6) Specific as to the purpose or purposes for which the information may be used by any of the parties named in clause (5), both at the time of the disclosure and at any time in the future;

(7) Specific as to its expiration date which should be within a reasonable period of time, not to exceed one year except in the case of authorizations given in connection with applications for life insurance or noncancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

Subd. 5. DATA PROTECTION. The responsible authority shall (1) establish procedures to assure that all data on individuals is accurate, complete, and current for the purposes for which it was collected; and (2) establish appropriate security safeguards for

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all records containing data on individuals.

Subd. 6. CONTRACTS. Except as provided in section 15, subdivision 5, in any contract between a governmental unit subject to sections 15.1611 to 15.1698 and any person, when the contract requires that data on individuals be made available to the contracting parties by the governmental unit, that data shall be administered consistent with sections 15.1611 to 15.1698. A contracting party shall maintain the data on individuals which it received according to the statutory provisions applicable to the data.

Subd. 7. PREPARATION OF SUMMARY DATA. The use of summary data derived from private or confidential data on individuals under the jurisdiction of one or more responsible authorities shall be permitted. Unless classified pursuant to section 15.1642, summary data is public. The responsible authority shall prepare summary data from private or confidential data on individuals upon the request of any person, provided that the request is in writing and the cost of preparing the summary data is borne by the requesting person. The responsible authority may delegate the power to prepare summary data (1) to the administrative officer responsible for any central repository of summary data; or (2) to a person outside of its agency if the person, in writing, sets forth his purpose and agrees not to disclose, and the agency reasonably determines that the access will not compromise private or confidential data on individuals.

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 15.165 and the specific procedures in effect in the state agency, statewide system or political subdivision for access by the data subject to public or private data on individuals.

Subd. 9. INTERGOVERNMENTAL ACCESS OF DATA. A responsible authority shall allow another responsible authority access to data classified as not public only when the access is authorized or required by statute or federal law. An agency that supplies government data under this subdivision may require the requesting agency to pay the actual cost of supplying the data.

Data shall have the same classification in the hands of the agency receiving it as it had in the agency providing it.

Sec. 9. Minnesota Statutes 1978, Section 15.1642, Subdivision 1, is amended to read:

15.1642 TEMPORARY 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 on individuals as private or confidential, or data not on individuals as non-public, for its own use and for the use of other similar agencies, political subdivisions or statewide systems on ~~an~~ emergency a temporary basis until a proposed statute can be acted upon by the legislature. The application for ~~emergency~~ temporary classification is public.

Upon the filing of an application for ~~emergency~~ temporary classification, the data  
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which is the subject of the application shall be deemed to be classified as set forth in the application for a period of ~~30~~ 45 days, or until the application is disapproved or granted by the commissioner, whichever is earlier.

Sec. 10. Minnesota Statutes 1978, Section 15.1642, Subdivision 2, is amended to read:

**Subd. 2. CONTENTS OF APPLICATION FOR PRIVATE OR CONFIDENTIAL DATA.** An application for ~~emergency temporary~~ classification of data on individuals 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 as private or confidential; and either

~~(b)~~ (a) That data similar to that for which the ~~emergency temporary~~ classification is sought has been treated as either private or confidential by other state agencies or political subdivisions, and by the public; ~~and or~~

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

Sec. 11. Minnesota Statutes 1978, Section 15.1642, is amended by adding a subdivision to read:

**Subd. 2a. CONTENTS OF APPLICATION FOR NON-PUBLIC DATA.** An application for temporary classification of government data not on individuals shall include and the applicant shall have the burden of clearly establishing that no statute currently exists which either allows or forbids classification as non-public; and either

(a) That data similar to that for which the temporary classification is sought has been treated as non-public by other state agencies or political subdivisions, and by the public; or

(b) Public access to the data would render unworkable a program authorized by law; or

(c) That a compelling need exists for immediate temporary classification, which if not granted could adversely affect the health, safety or welfare of the public.

Sec. 12. Minnesota Statutes 1978, Section 15.1642, Subdivision 3, is amended to read:

**Subd. 3. DETERMINATION.** The commissioner shall either grant or disapprove the application for ~~emergency temporary~~ classification within ~~30~~ 45 days after it is filed. If the commissioner disapproves the application, he shall set forth in detail his reasons for the disapproval, and shall include a statement of what classification he believes is appropriate for the data which is the subject of the application. ~~For~~ Twenty days after the date of the commissioner's disapproval of an application, the data which is the subject of

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the application shall become public data ~~on individuals~~, unless the responsible authority submits an amended application for emergency temporary classification which requests the classification deemed appropriate by the commissioner in his statement of disapproval or which sets forth additional information relating to the original proposed classification. Upon the filing of an amended application, the data which is the subject of the amended application shall be deemed to be classified as set forth in the amended application for a period of ~~15~~ 20 days or until the amended application is granted or disapproved by the commissioner, whichever is earlier. The commissioner shall either grant or disapprove the amended application within ~~15~~ 20 days after it is filed. Five working days after the date of the commissioner's disapproval of the amended application, the data which is the subject of the application shall become public data ~~on individuals~~. No more than one amended application may be submitted for any single file or system ~~which contains data on individuals~~.

If the commissioner grants an application for emergency temporary classification, it shall become effective immediately, and the complete record relating to the application shall be submitted to the attorney general, who shall review the classification as to form and legality. Within ~~20~~ 25 days, the attorney general shall approve the classification, disapprove a classification as confidential but approve a classification as private, or disapprove the classification. If the attorney general disapproves a classification, the data which is the subject of the classification shall become public data five working days after the date of the attorney general's disapproval.

Sec. 13. Minnesota Statutes 1978, Section 15.1642, Subdivision 5, is amended to read:

Subd. 5. EXPIRATION OF TEMPORARY CLASSIFICATION. Emergency classifications granted before the effective date of this section are redesignated as temporary classifications. All emergency temporary classifications granted under this section prior to the effective date of this section and still in effect shall expire on July 31, 1979 1980. No emergency classifications shall be granted after July 31, 1979. For purposes of this section, all temporary classifications granted prior to December 1, 1979, shall be treated as if they were granted in 1979.

Subd. 5a. On or before January 15 of each year, the commissioner shall submit all temporary classifications granted in the prior year in bill form for legislative consideration. Unless enacted by law, each temporary classification so submitted shall expire 18 months after being granted and may not be renewed more than once.

Sec. 14. Minnesota Statutes 1978, Section 15.166, is amended to read:

15.166 CIVIL PENALTIES. Subdivision 1. Notwithstanding section 466.03, a political subdivision, responsible authority or state agency which violates any provision of sections ~~15.162 to 15.167~~ 15.1611 to 15.1698 is liable to a person who suffers any damage as a result of the violation, and the person damaged may bring an action against the political subdivision, responsible authority, statewide system or state agency to cover any damages sustained, plus costs and reasonable attorney fees. In the case of a willful violation, the political subdivision, statewide system or state agency shall, in addition, be

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liable to exemplary damages of not less than \$100, nor more than ~~\$1,000~~ \$10,000 for each violation. The state is deemed to have waived any immunity to a cause of action brought under sections ~~15.162 to 15.1674~~ 15.1611 to 15.1698.

Subd. 2. A political subdivision, responsible authority, statewide system or state agency which violates or proposes to violate sections ~~15.162 to 15.1674~~ 15.1611 to 15.1698 may be enjoined by the district court. The court may make any order or judgment as may be necessary to prevent the use or employment by any person of any practices which violate sections ~~15.162 to 15.1674~~ 15.1611 to 15.1698.

Subd. 3. An action filed pursuant to this section may be commenced in the county in which the individual alleging damage or seeking relief resides, or in the county wherein the political subdivision exists, or, in the case of the state, any county.

Subd. 4. In addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person may bring an action in district court to compel compliance with sections 15.1611 to 15.1698 and sections 10 to 12 and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that a request for government data is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. The matter shall be heard as soon as possible. In an action involving a request for government data under section 7 or 15.165, the court may inspect in camera the government data in dispute, but shall conduct its hearing in public and in a manner that protects the security of data classified as not public.

Sec. 15. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

**[15.1691] WELFARE DATA. Subdivision 1. DEFINITIONS. As used in this section:**

(a) "Individual" means an individual pursuant to section 15.162, subdivision 4, but does not include a vendor of services.

(b) "Program" includes all programs for which authority is vested in a component of the welfare system pursuant to statute or federal law.

(c) "Welfare system" includes the department of public welfare, county welfare boards, human services boards, community mental health boards, state hospitals, state nursing homes, and persons, agencies, institutions, organizations and other entities under contract to any of the above agencies to the extent specified in the contract.

**Subd. 2. GENERAL. Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:**

(a) Pursuant to section 15.163;

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(b) Pursuant to a valid court order;

(c) Pursuant to a statute specifically authorizing access to the private data;

(d) To an agent of the welfare system, including appropriate law enforcement personnel, who are acting in the investigation, prosecution, criminal or civil proceeding relating to the administration of a program;

(e) To personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;

(f) To administer federal funds or programs; or

(g) Between personnel of the welfare system working in the same program.

Subd. 3. INVESTIGATIVE DATA. Data collected, maintained, used or disseminated by the welfare system in an investigation, authorized by statute and relating to the enforcement of rules or law, is confidential pursuant to section 15.162, subdivision 2a, and shall not be disclosed except:

(a) Pursuant to section 15.163;

(b) Pursuant to statute or valid court order;

(c) To a party named in a civil or criminal proceeding, administrative or judicial, for preparation of defense.

After presentation in court, the data shall be public data on individuals to the extent reflected in court records.

Subd. 4. LICENSING DATA. All data pertaining to persons licensed or registered under the authority of the commissioner of public welfare, except for personal and personal financial data submitted by applicants and licensees under the home day care program and the family foster care program, is public data. Personal and personal financial data on home day care program and family foster care program applicants and licensees is private data pursuant to section 15.162, subdivision 5a.

Subd. 5. MEDICAL DATA; CONTRACTS. Data relating to the medical, psychiatric or mental health of any person, including diagnosis, progress charts, treatment received, case histories, and opinions of health care providers, which is collected, maintained, used or disseminated by a private health care provider under contract to any agency of the welfare system is private data on individuals, and is subject to the provisions of sections 15.162 to 15.1671, and this section, except that the provisions of section 15.165, subdivision 3, shall not apply. Access to medical data referred to in this subdivision by the individual who is the subject of the data is subject to the provisions of section 144.335.

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Subd. 6. OTHER DATA. Data collected, used, maintained or disseminated by the welfare system that is not data on individuals is public pursuant to sections 7 and 15.17.

Sec. 16. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1698] MEDICAL DATA. Subdivision 1. DEFINITION. As used in this section, "directory information" means name of the patient, date admitted, general condition, and date released.

Subd. 2. ACCESS TO RECORDS. Access to medical data in the possession of a political subdivision, state agency, or statewide system, by the individual who is the subject of the data is subject to the provisions of section 144.335.

Subd. 3. PUBLIC HOSPITALS; DIRECTORY INFORMATION. If a person is a patient in a hospital operated by a state agency or political subdivision pursuant to legal commitment, directory information is public data. If a person is a patient other than pursuant to commitment in a hospital controlled by a state agency or political subdivision, directory information is public data unless the patient requests otherwise, in which case it is private data on individuals.

Directory information about an emergency patient who is unable to communicate which is public under this subdivision shall not be released until a reasonable effort is made to notify the next of kin. Although an individual has requested that directory information be private, the hospital may release directory information to a law enforcement agency pursuant to a lawful investigation pertaining to that individual.

Sec. 17. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1692] PERSONNEL DATA. Subdivision 1. As used in this section, "personnel data" means data on individuals collected because the individual is or was an employee of or an applicant for employment by a state agency, statewide system or political subdivision.

Subd. 2. Except for employees described in subdivision 6, the following personnel data on current and former employees of a state agency, statewide system or political subdivision is public: name; actual gross salary; salary range; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; job title; job description; education and training background; previous work experience; date of first and last employment; the status of any complaints or charges against the employee, whether or not the complaint or charge resulted in a disciplinary action; and the final disposition of any disciplinary action and supporting documentation.

Subd. 3. Except for applicants described in subdivision 6, the following personnel data on current and former applicants for employment by a state agency, statewide system or political subdivision is public: veteran status; relevant test scores; rank on

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eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy.

Subd. 4. Personnel examinations and answer keys are confidential, except pursuant to a valid court order.

Subd. 5. All other personnel data is private data on individuals, except pursuant to a valid court order.

Subd. 6. All personnel data maintained by any state agency, statewide system or political subdivision relating to an individual employed as or an applicant for employment as an undercover law enforcement officer is private data on individuals.

Sec. 18. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1693] EDUCATIONAL DATA. Subdivision 1. As used in this section:

(a) "Educational data" means data on individuals maintained by a public educational agency or institution or by a person acting for the agency or institution which relates to a student.

Records of instructional personnel which are in the sole possession of the maker thereof and are not accessible or revealed to any other individual except a substitute teacher, and are destroyed at the end of the school year, shall not be deemed to be government data.

Records of a law enforcement unit of a public educational agency or institution which are maintained apart from education data and are maintained solely for law enforcement purposes, and are not disclosed to individuals other than law enforcement officials of the jurisdiction are confidential; provided, that education records maintained by the educational agency or institution are not disclosed to the personnel of the law enforcement unit.

Records relating to a student who is employed by a public educational agency or institution which are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose are classified pursuant to section 17.

(b) "Student" includes a person currently or formerly enrolled or registered, and applicants for enrollment or registration at a public educational agency or institution.

(c) "Substitute teacher" means an individual who performs on a temporary basis the duties of the individual who made the record, but does not include an individual who permanently succeeds the maker of the record in his position.

Subd. 2. Except as provided in subdivision 4, educational data is private data on  
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individuals and shall not be disclosed except as follows:

(a) Pursuant to section 15.163;

(b) Pursuant to a valid court order;

(c) Pursuant to a statute specifically authorizing access to the private data;

(d) To disclose information in health and safety emergencies pursuant to the provisions of 20 U.S.C., Section 1232g(b)(1)(I) and 45 C.F.R., Section 99.36 which are in effect on the effective date of this section; or

(e) Pursuant to the provisions of 20 U.S.C., Sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3) and 45 C.F.R., Sections 99.31, 99.32, 99.33, 99.34 and Sec. 99.35 which are in effect on the effective date of this section.

Subd. 3. A student shall not have the right of access to private data provided in section 15.165, subdivision 3, as to financial records and statements of his parents or any information contained therein.

Subd. 4. Information designated as directory information pursuant to the provisions of 20 U.S.C., Section 1232g and regulations adopted pursuant thereto which are in effect on the effective date of this section is public data on individuals.

Sec. 19. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1694] ATTORNEYS. Notwithstanding the provisions of sections 15.162 to 15.17, the use, collection, storage, and dissemination of data by an attorney acting in his professional capacity for the state, a state agency or a political subdivision shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility; provided that this section shall not be construed to affect the applicability of any statute, other than sections 15.162 to 15.17, which specifically requires or prohibits disclosure of specific information by the attorney, nor shall this section be construed to relieve any responsible authority, other than the attorney, from his duties and responsibilities pursuant to sections 15.1611 to 15.17.

Sec. 20. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1695] LAW ENFORCEMENT DATA. Subdivision 1. When collected, created, or maintained by law enforcement agencies including municipal police departments, county sheriff departments, the bureau of criminal apprehension, the Minnesota state patrol, the peace officers standards and training board, or public prosecutors or defenders:

(a) Data on participants in crime prevention programs including lists of property

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with identification numbers or evaluations or recommendations related to structural security against unauthorized entry is private; and

(b) Data contained on incident complaint reports, variously called logs or docket, comprising a chronological record of events, shall be public; provided that data on individuals which could reasonably be used to determine the identity of an undercover agent, informant, or victim of criminal sexual conduct shall be private data on individuals; provided further that any other data classified by law as private or confidential contained in incident complaint reports shall remain private or confidential data.

Subd. 2. Nothing in this chapter shall prohibit the exchange of information by law enforcement agencies provided the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing an investigation.

Subd. 3. Information reflecting deliberative processes or investigative techniques of law enforcement agencies is confidential; provided that information, reports, or memoranda which have been adopted as the final opinion or justification for decision of a law enforcement agency are public.

Subd. 4. Nothing in this section shall be held to expand or limit the scope of discovery available at law to any party in a civil, criminal, or administrative proceeding.

Sec. 21. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1696] DATA ACCESS FOR CRIME VICTIMS. The prosecuting authority shall release investigative data collected by a law enforcement agency to the victim of a criminal act or his legal representative upon written request unless the prosecuting authority reasonably believes:

(a) That the release of that data will interfere with the investigation; or

(b) That the request is prompted by a desire on the part of the requestor to engage in unlawful activities.

Sec. 22. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1697] ELECTED OFFICIALS; CORRESPONDENCE; PRIVATE DATA. Correspondence between individuals and elected officials is private data on individuals, but may be made public by either the sender or the recipient.

Sec. 23. Minnesota Statutes 1978, Section 15.17, Subdivision 4, is amended to read:

Subd. 4. ACCESSIBLE TO PUBLIC. Every custodian of public records shall keep them in such arrangement and condition as to make them easily accessible for convenient use. Photographic, photostatic, microphotographic, or microfilmed records shall be

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considered as accessible for convenient use regardless of the size of such records. Except as otherwise expressly provided by law, he shall permit all public records in his custody to be inspected, examined, abstracted, or copied at reasonable times and under his supervision and regulation by any person; and he shall, upon the demand of any person, furnish certified copies thereof on payment in advance of fees not to exceed the fees prescribed by law. Full convenience and comprehensive accessibility shall be allowed to researchers including historians, genealogists and other scholars to carry out extensive research and complete copying of all public records except as otherwise expressly provided by law. Access to records containing government data is governed by section 7.

Sec. 24. **REPEALER.** Minnesota Statutes 1978, Sections 15.1641; 15.1642, Subdivision 4; and 15.169 are repealed.

Sec. 25. **EFFECTIVE DATE.** Sections 1 to 6, 8 to 22, and 24 are effective July 1, 1979. Sections 7 and 23 are effective January 1, 1980.

Approved June 5, 1979.

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#### CHAPTER 329—H.F.No.810

*An act relating to motor vehicles; providing for taxing and registering modified vehicles manufactured prior to 1949; regulating storage of modified vehicles and requiring certain equipment; providing for use of original plates on certain vehicles; providing that private motor vehicle mileage allowances be set locally; authorizing county auditor to appoint deputy registrar without regard to registrar's county of residence; providing for revocation of dishonored instrument; amending Minnesota Statutes 1978, Sections 168.10; 168.33, Subdivision 2; and 471.665, Subdivision 1.*

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

Section 1. Minnesota Statutes 1978, Section 168.10, is amended to read:

168.10 **REGISTRATION; CLASSIC CARS.** Subdivision 1. **APPLICATION.** Except as provided in subdivisions 1a, 1b, ~~and 1c,~~ 1d and 1g, every owner of any motor vehicle in this state, not exempted by section 168.012 or 168.26, shall as soon as ownership of a motor vehicle is acquired and annually thereafter during the period November 15 to March 1 following, both dates inclusive, file with the commissioner of public safety on a blank provided by him a listing for taxation and application for the registration of such vehicle, stating the first, middle and last names, the dates of birth, and addresses of all owners thereof who are natural persons, the full names and addresses of all other owners, the name and address of the person from whom purchased, make of motor vehicle, year and number of the model, manufacturer's identification number or serial number, type of body, the weight of the vehicle in pounds, for trailers only, its rated load carrying capacity and for buses only, its seating capacity, and such other information as the commissioner may require. Any false statement wilfully and knowingly made in regard thereto shall be deemed perjury and punished accordingly. The listing and application for registration by

Changes or additions indicated by underline deletions by ~~strikeout~~