

(a) "Lender" means a person or entity referred to in section 47.20, subdivision 1, a credit union, or a person making a conventional loan as defined under section 47.20, subdivision 2, clause (3), or cooperative apartment loan as defined under section 47.20, subdivision 2, clause (4), except that conventional loans or cooperative apartment loans include any loan or advance of credit in an original principal balance of less than \$200,000. "Lender" also means a mortgage broker as defined in paragraph (e).

(b) "Loan" means loans and advances of credit authorized under section 47.20, subdivision 1, clauses (1) to (4), and conventional loans as defined under section 47.20, subdivision 2, clause (3), or cooperative apartment loans as defined under section 47.20, subdivision 2, clause (4), except that conventional loans or cooperative apartment loans also include all loans and advances of credit in an original principal balance of less than \$200,000. "Loan" does not include a loan or advance of credit secured by a mortgage upon real property containing more than one residential unit or secured by a security interest in shares of more than one residential unit in a building owned or leased by a cooperative apartment corporation.

(c) "Borrower" means a natural person who has submitted an application for a loan to a lender.

(d) "Interest rate or discount point agreement" or "agreement" means a contract between a lender and a borrower under which the lender agrees, subject to the lender's underwriting and approval requirements, to make a loan at a specified interest rate or number of discount points, or both, and the borrower agrees to make a loan on those terms. The term also includes an offer by a lender that is accepted by a borrower under which the lender promises to guarantee or lock in an interest rate or number of discount points, or both, for a specific period of time.

(e) "Mortgage broker" includes:

(1) a person who negotiates mortgage loans as described in section 82.17, subdivision 4, clause (b), if the person does not qualify for the exception set forth in section 82.18, clause (o);

(2) the employees of the person; or

(3) any person or firm which holds itself out to the public as a mortgage broker, regardless of whether the person or firm holds a limited broker's license pursuant to section 82.20, subdivision 13.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective on the day following final enactment.

Presented to the governor April 4, 1996

Signed by the governor April 11, 1996, 11:50 a.m.

CHAPTER 440—S.F.No. 2410

An act relating to privacy; providing for the classification of and access to government data; indexing statutes that restrict data access and are located outside chapter 13; defining criminal jus-

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lice agency; making parking space leasing data private; making directory information on persons subject to civil commitment private after their release; authorizing disclosure of certain personnel data to government entities for protection purposes; authorizing the release and disclosure of certain data to the department of children, families, and learning and the commissioner of health; classifying pawnshop data; modifying the requirements for health care provider identification numbers; authorizing disclosure of birth registration data on unwed mothers to county social services; establishing procedures for disclosing certain nonpublic data related to group purchasers; requiring the office of mental health practice to establish procedures for the exchange of information; authorizing release of health records for research purposes under certain conditions; providing that no fee or surcharge may be imposed for requests for public information concerning motor vehicle registration under certain circumstances; expanding juvenile court reporting requirements to include all felony and gross misdemeanor offenses; classifying data that identifies members of the criminal alert network; requiring the bureau of criminal apprehension to maintain the computerized juvenile criminal history record system; amending Minnesota Statutes 1994, sections 13.02, by adding a subdivision; 13.03, subdivision 4; 13.32, subdivisions 3 and 5; 13.37, subdivisions 1 and 2; 13.40, subdivision 2; 13.42, subdivisions 1 and 2; 13.43, by adding subdivisions; 13.82, subdivision 13, and by adding a subdivision; 13.99, subdivision 19c, and by adding subdivisions; 62J.51, by adding subdivisions; 62J.56, subdivision 2; 62J.60, subdivisions 2 and 3; 144.225, subdivision 2, and by adding a subdivision; 145.64, by adding a subdivision; 148B.66, by adding a subdivision; 150A.081; 168.345, subdivision 3, and by adding a subdivision; 168.346; 171.12, subdivision 7, and by adding a subdivision; 260.161, subdivisions 1 and 1a; 299C.095; and 299C.46, subdivision 2; Minnesota Statutes 1995 Supplement, sections 13.43, subdivision 2; 13.46, subdivision 2; 13.99, subdivision 38b; 62J.451, subdivisions 7, 9, and 12; 62J.54, subdivisions 1, 2, and 3; 62J.58; 62Q.03, subdivision 9; 144.335, subdivision 3a; 268.12, subdivision 12; 299A.61; and 299C.10, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 13.

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

ARTICLE 1

Section 1. Minnesota Statutes 1994, section 13.02, is amended by adding a subdivision to read:

Subd. 3a. CRIMINAL JUSTICE AGENCIES. "Criminal justice agencies" means all state and local prosecution authorities, all state and local law enforcement agencies, the sentencing guidelines commission, the bureau of criminal apprehension, the department of corrections, and all probation officers who are not part of the judiciary.

Sec. 2. Minnesota Statutes 1994, section 13.03, subdivision 4, is amended to read:

Subd. 4. CHANGE IN CLASSIFICATION OF DATA; EFFECT OF DISSEMINATION AMONG AGENCIES. (a) The classification of data in the possession of an agency shall change if it is required to do so to comply with either judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

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

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(c) To the extent that government data is disseminated to state agencies, political subdivisions, or statewide systems by another state agency, political subdivision, or statewide system, the data disseminated shall have the same classification in the hands of the agency receiving it as it had in the hands of the entity providing it.

(d) If a state agency, statewide system, or political subdivision disseminates data to another state agency, statewide system, or political subdivision, a classification provided for by law in the hands of the entity receiving the data does not affect the classification of the data in the hands of the entity that disseminates the data.

Sec. 3. Minnesota Statutes 1994, section 13.32, subdivision 3, is amended to read:

Subd. 3. **PRIVATE DATA; WHEN DISCLOSURE IS PERMITTED.** Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

(a) Pursuant to section 13.05;

(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 United States Code, title 20, section 1232g(b)(1)(I) and Code of Federal Regulations, title 34, section 99.36 which are in effect on July 1, 1993;

(e) Pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3) and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, and 99.35 which are in effect on July 1, 1993;

(f) To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;

(g) When disclosure is required for institutions that participate in a program under title IV of the Higher Education Act, United States Code, title 20, chapter 1092, in effect on July 1, 1993; or

(h) To the appropriate school district officials to the extent necessary under subdivision 6, annually to indicate the extent and content of remedial instruction, including the results of assessment testing and academic performance at a post-secondary institution during the previous academic year by a student who graduated from a Minnesota school district within two years before receiving the remedial instruction; or

(i) To volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students.

Sec. 4. Minnesota Statutes 1994, section 13.32, subdivision 5, is amended to read:

Subd. 5. **DIRECTORY INFORMATION.** Information designated as directory information pursuant to the provisions of United States Code, title 20, section 1232g and Code of Federal Regulations, title 34, section 99.37 which are in effect on July 1, 1993, is public data on individuals. When conducting the directory information designation and

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notice process required by federal law, an educational agency or institution shall give parents and students notice of the right to refuse to let the agency or institution designate any or all data about the student as directory information. This notice may be given by any means reasonably likely to inform the parents and students of the right.

Sec. 5. Minnesota Statutes 1994, section 13.37, subdivision 1, is amended to read:

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

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

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

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

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

Sec. 6. Minnesota Statutes 1994, section 13.37, subdivision 2, is amended to read:

Subd. 2. **CLASSIFICATION.** The following government data is classified as nonpublic data with regard to data not on individuals, pursuant to section 13.02, subdivision 9, and as private data with regard to data on individuals, pursuant to section 13.02, subdivision 12: Security information; trade secret information; sealed absentee ballots prior to opening by an election judge; sealed bids, including the number of bids received, prior to the opening of the bids; parking space leasing data; and labor relations information, provided that specific labor relations information which relates to a specific labor organization is classified as protected nonpublic data pursuant to section 13.02, subdivision 13.

Sec. 7. Minnesota Statutes 1994, section 13.40, subdivision 2, is amended to read:

Subd. 2. **PRIVATE DATA; LIBRARY BORROWERS.** (a) Except as provided in paragraph (b), the following data maintained by a library are private data on individuals and may not be disclosed for other than library purposes except pursuant to a court order:

(1) data that link a library patron's name with materials requested or borrowed by the patron or that link a patron's name with a specific subject about which the patron has requested information or materials; or

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(2) data in applications for borrower cards, other than the name of the borrower.

(b) A library may release reserved materials to a family member or other person who resides with a library patron and who is picking up the material on behalf of the patron. A patron may request that reserved materials be released only to the patron.

Sec. 8. Minnesota Statutes 1994, section 13.42, subdivision 1, is amended to read:

Subdivision 1. **DEFINITION.** As used in this section: (a) "Directory information" means name of the patient, date admitted, and general condition, ~~and date released.~~

(b) "Medical data" means data collected because an individual was or is a patient or client of a hospital, nursing home, medical center, clinic, health or nursing agency operated by a state agency or political subdivision including business and financial records, data provided by private health care facilities, and data provided by or about relatives of the individual.

Sec. 9. Minnesota Statutes 1994, section 13.42, subdivision 2, is amended to read:

Subd. 2. **PUBLIC HOSPITALS; DIRECTORY INFORMATION.** If (a) During the time that 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. After the person is released, the directory information is private data on individuals.

(b) 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.

(c) 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. 10. Minnesota Statutes 1995 Supplement, section 13.43, subdivision 2, is amended to read:

Subd. 2. **PUBLIC DATA.** (a) Except for employees described in subdivision 5, the following personnel data on current and former employees, volunteers, and independent contractors of a state agency, statewide system, or political subdivision and members of advisory boards or commissions is public:

(1) name; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; and the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;

(2) job title; job description; education and training background; and previous work experience;

(3) date of first and last employment;

(4) the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;

(5) the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body;

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(6) the terms of any agreement settling any dispute arising out of an employment relationship ~~or of~~, including a buyout agreement, as defined in section 123.34, subdivision 9a, paragraph (a); except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money;

(7) work location; a work telephone number; badge number; and honors and awards received; and

(8) payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data; and city and county of residence.

(b) For purposes of this subdivision, a final disposition occurs when the state agency, statewide system, or political subdivision makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. In the case of arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the state agency, statewide system, political subdivision, or arbitrator.

(c) The state agency, statewide system, or political subdivision may display a photograph of a current or former employee to a prospective witness as part of the state agency's, statewide system's, or political subdivision's investigation of any complaint or charge against the employee.

(d) A complainant has access to a statement provided by the complainant to a state agency, statewide system, or political subdivision in connection with a complaint or charge against an employee.

(e) Notwithstanding paragraph (a), clause (5), upon completion of an investigation of a complaint or charge against a public official, or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources. For purposes of this paragraph, "public official" means:

- (1) the head of a state agency and deputy and assistant state agency heads;
- (2) members of boards or commissions required by law to be appointed by the governor or other elective officers; and
- (3) executive or administrative heads of departments, bureaus, divisions, or institutions.

Sec. 11. Minnesota Statutes 1994, section 13.43, is amended by adding a subdivision to read:

Subd. 10. **PROHIBITION ON AGREEMENTS LIMITING DISCLOSURE OR DISCUSSION OF PERSONNEL DATA.** (a) A state agency, statewide system, or political subdivision may not enter into an agreement settling a dispute arising out of the

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employment relationship with the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data. An agreement or portion of an agreement that violates this paragraph is void and unenforceable.

(b) Paragraph (a) applies to the following, but only to the extent that the data or information could otherwise be made accessible to the public:

(1) an agreement not to discuss, publicize, or comment on personnel data or information;

(2) an agreement that limits the ability of the subject of personnel data to release or consent to the release of data; or

(3) any other provision of an agreement that has the effect of limiting the disclosure or discussion of information that could otherwise be made accessible to the public, except a provision that limits the ability of an employee to release or discuss private data that identifies other employees.

(c) Paragraph (a) also applies to a court order that contains terms or conditions prohibited by paragraph (a).

Sec. 12. Minnesota Statutes 1994, section 13.43, is amended by adding a subdivision to read:

Subd. 11. PROTECTION OF EMPLOYEE OR OTHERS. (a) If the responsible authority or designee of a state agency, statewide system, or political subdivision reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, data that are relevant to the concerns for safety may be released as provided in this subdivision.

(b) The data may be released:

(1) to the person who may be harmed and to an attorney representing the person when the data are relevant to obtaining a restraining order;

(2) to a prepetition screening team conducting an investigation of the employee under section 253B.07, subdivision 1; or

(3) to a court, law enforcement agency, or prosecuting authority.

(c) Section 13.03, subdivision 4, paragraph (c), applies to data released under this subdivision, except to the extent that the data have a more restrictive classification in the possession of the agency or authority that receives the data. If the person who may be harmed or the person's attorney receives data under this subdivision, the data may be used or released further only to the extent necessary to protect the person from harm.

Sec. 13. Minnesota Statutes 1995 Supplement, section 13.46, subdivision 2, is amended to read:

Subd. 2. GENERAL. (a) 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:

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- (1) pursuant to section 13.05;
- (2) pursuant to court order;
- (3) pursuant to a statute specifically authorizing access to the private data;
- (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;
- (5) 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;
- (6) to administer federal funds or programs;
- (7) between personnel of the welfare system working in the same program;
- (8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names, social security numbers, income, addresses, and other data as required, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, early refund of refundable tax credits, and the income tax. "Refundable tax credits" means the dependent care credit under section 290.067, the Minnesota working family credit under section 290.0671, the property tax refund under section 290A.04, and, if the required federal waiver or waivers are granted, the federal earned income tax credit under section 32 of the Internal Revenue Code;
- (9) to the Minnesota department of economic security for the purpose of monitoring the eligibility of the data subject for reemployment insurance, for any employment or training program administered, supervised, or certified by that agency, or for the purpose of administering any rehabilitation program, whether alone or in conjunction with the welfare system, and to verify receipt of energy assistance for the telephone assistance plan;
- (10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;
- (11) data maintained by residential programs as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state pursuant to Part C of Public Law Number 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;
- (12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person;
- (13) data on a child support obligor who makes payments to the public agency may be disclosed to the higher education services office to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5);
- (14) participant social security numbers and names collected by the telephone assistance program may be disclosed to the department of revenue to conduct an electronic

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data match with the property tax refund database to determine eligibility under section 237.70, subdivision 4a;

(15) the current address of a recipient of aid to families with dependent children may be disclosed to law enforcement officers who provide the name and social security number of the recipient and satisfactorily demonstrate that: (i) the recipient is a fugitive felon, including the grounds for this determination; (ii) the location or apprehension of the felon is within the law enforcement officer's official duties; and (iii) the request is made in writing and in the proper exercise of those duties;

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

(17) information obtained from food stamp applicant or recipient households may be disclosed to local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the food stamp act, in accordance with Code of Federal Regulations, title 7, section 272.1(c);

(18) data on a child support obligor who is in arrears may be disclosed for purposes of publishing the data pursuant to section 518.575;

(19) data on child support payments made by a child support obligor may be disclosed to the obligee; or

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

(21) to the department of children, families, and learning for the purpose of matching department of children, families, and learning student data with public assistance data to determine students eligible for free and reduced price meals, meal supplements, and free milk pursuant to United States Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to produce accurate numbers of students receiving aid to families with dependent children as required by section 124.175; and to allocate federal and state funds that are distributed based on income of the student's family; or

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

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

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

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

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Sec. 14. **[13.621] TWO HARBORS DEVELOPMENT COMMISSION DATA.**

Subdivision 1. **NONPUBLIC DATA.** The following data that are submitted to the Two Harbors development commission by businesses that are requesting financial assistance are nonpublic data: financial statements, business plans, income and expense projections, customer lists, balance sheets, net worth calculations, and market data, including feasibility studies not paid for with public funds.

Subd. 2. **PUBLIC DATA.** Data submitted to the commission under subdivision 1 become public data if the commission provides financial assistance to the business except that the following data remain nonpublic: business plans, income and expense projections, customer lists, and market data, including feasibility studies not paid for with public funds.

Sec. 15. **[13.622] MOORHEAD ECONOMIC DEVELOPMENT AUTHORITY DATA.**

Subdivision 1. **NONPUBLIC DATA.** The following data submitted to the city of Moorhead and to the Moorhead economic development authority by businesses that are requesting financial assistance are nonpublic data: financial statements, business plans, income and expense projections, customer lists, balance sheets, and market and feasibility studies not paid for with public funds.

Subd. 2. **PUBLIC DATA.** Data submitted to the city and the city's economic development authority under subdivision 1 become public data if the city provides financial assistance to the business except that the following data remain nonpublic: business plans, income and expense projections, customer lists, and market and feasibility studies not paid for with public funds.

Sec. 16. Minnesota Statutes 1994, section 13.82, subdivision 13, is amended to read:

Subd. 13. **PROPERTY DATA.** Data that uniquely describe stolen, lost, confiscated, or recovered property or property described in pawn shop transaction records are classified as either private data on individuals or nonpublic data depending on the content of the not public data.

Sec. 17. Minnesota Statutes 1994, section 13.82, is amended by adding a subdivision to read:

Subd. 18. **PAWNSHOP DATA.** Data that would reveal the identity of persons who are customers of a licensed pawnbroker or secondhand goods dealer are private data on individuals. Data describing the property in a regulated transaction with a licensed pawnbroker or secondhand goods dealer are public.

Sec. 18. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 89a. **CRIMINAL ALERT NETWORK.** Data on private sector members of the criminal alert network are classified under section 299A.61, subdivision 2.

Sec. 19. Minnesota Statutes 1995 Supplement, section 62J.451, subdivision 7, is amended to read:

Subd. 7. **DISSEMINATION OF REPORTS; OTHER INFORMATION.** (a) The health data institute shall establish a mechanism for the dissemination of reports and

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other information to consumers, group purchasers, health plan companies, providers, and the state. When applicable, the health data institute shall coordinate its dissemination of information responsibilities with those of the commissioner, to the extent administratively efficient and effective.

(b) The health data institute may require those requesting data from its databases to contribute toward the cost of data collection through the payments of fees.

(c) The health data institute shall not allow a group purchaser or health care provider ~~to use or have access to the electronic data interchange system or to access data under section 62J.452, subdivision 6 or 7, unless the group purchaser or health care provider cooperates with the data collection efforts of the health data institute by submitting or making available through the EDI system or other means all data requested by the health data institute. The health data institute shall prohibit group purchasers and health care providers from transferring, providing, or sharing data obtained from the health data institute under section 62J.452, subdivision 6 or 7, with a group purchaser or health care provider that does not cooperate with the data collection efforts of the health data institute.~~

Sec. 20. Minnesota Statutes 1995 Supplement, section 62J.451, subdivision 9, is amended to read:

Subd. 9. **BOARD OF DIRECTORS.** The health data institute is governed by a 20-member board of directors consisting of the following members:

(1) two representatives of hospitals, one appointed by the Minnesota Hospital Association and one appointed by the Metropolitan Health Care Council and Health Care Partnership, to reflect a mix of urban and rural institutions;

(2) four representatives of health carriers, two appointed by the Minnesota council of health maintenance organizations, one appointed by Blue Cross and Blue Shield of Minnesota, and one appointed by the Insurance Federation of Minnesota;

(3) two consumer members, one appointed by the commissioner, and one appointed by the AFL-CIO as a labor union representative;

(4) five group purchaser representatives appointed by the Minnesota consortium of health care purchasers to reflect a mix of urban and rural, large and small, and self-insured purchasers;

(5) two physicians appointed by the Minnesota Medical Association, to reflect a mix of urban and rural practitioners;

(6) one representative of teaching and research institutions, appointed jointly by the Mayo Foundation and the Minnesota Association of Public Teaching Hospitals;

(7) one nursing representative appointed by the Minnesota Nurses Association; and

(8) three representatives of state agencies, one member representing the department of employee relations, one member representing the department of human services, and one member representing the department of health.

Sec. 21. Minnesota Statutes 1995 Supplement, section 62J.451, subdivision 12, is amended to read:

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Subd. 12. **STAFF.** The board may hire an executive director. The executive director and other health data institute staff are not state employees but are covered by section 3.736. ~~The executive director and other health data institute staff may participate in the following plans for employees in the unclassified service until January 1, 1996: the state retirement plan, the state deferred compensation plan, and the health, dental, and life insurance plans.~~ The attorney general shall provide legal services to the board.

Sec. 22. Minnesota Statutes 1994, section 62J.51, is amended by adding a subdivision to read:

Subd. 3a. **CARD ISSUER.** “Card issuer” means the group purchaser who is responsible for printing and distributing identification cards to members or insureds.

Sec. 23. Minnesota Statutes 1994, section 62J.51, is amended by adding a subdivision to read:

Subd. 6a. **CLAIM STATUS TRANSACTION SET (ANSI ASC X12 276/277).** “Claim status transaction set (ANSI ASC X12 276/277)” means the transaction format developed and approved for implementation in December 1993 and used by providers to request and receive information on the status of a health care claim or encounter that has been submitted to a group purchaser.

Sec. 24. Minnesota Statutes 1994, section 62J.51, is amended by adding a subdivision to read:

Subd. 6b. **CLAIM SUBMISSION ADDRESS.** “Claim submission address” means the address to which the group purchaser requires health care providers, members, or insureds to send health care claims for processing.

Sec. 25. Minnesota Statutes 1994, section 62J.51, is amended by adding a subdivision to read:

Subd. 6c. **CLAIM SUBMISSION NUMBER.** “Claim submission number” means the unique identification number to identify group purchasers as described in section 62J.54, with its suffix identifying the claim submission address.

Sec. 26. Minnesota Statutes 1995 Supplement, section 62J.54, subdivision 1, is amended to read:

Subdivision 1. **UNIQUE IDENTIFICATION NUMBER FOR HEALTH CARE PROVIDER ORGANIZATIONS.** (a) On and after January 1, 1998, all group purchasers and health care providers in Minnesota shall use a unique identification number to identify health care provider organizations, except as provided in paragraph (d) (e).

(b) Following the recommendation of the workgroup for electronic data interchange, the federal tax identification number assigned to each health care provider organization by the Internal Revenue Service of the Department of the Treasury. The first eight digits of the national provider identifier maintained by the federal Health Care Financing Administration shall be used as the unique identification number for health care provider organizations.

(c) Provider organizations required to have a national provider identifier are:

(1) hospitals licensed under chapter 144;

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- (2) nursing homes and hospices licensed under chapter 144A;
- (3) subacute care facilities;
- (4) individual providers organized as a clinic or group practice;
- (5) independent laboratory, pharmacy, surgery, radiology, or outpatient facilities;
- (6) ambulance services licensed under chapter 144; and
- (7) special transportation services certified under chapter 174.

Provider organizations shall obtain a national provider identifier from the federal Health Care Financing Administration using the federal Health Care Financing Administration's prescribed process.

(d) Only the unique health care provider organization identifier shall be used for purposes of submitting and receiving claims, and in conjunction with other data collection and reporting functions.

(d) (e) The state and federal health care programs administered by the department of human services shall use the unique identification number assigned to health care providers for implementation of the Medicaid Management Information System or the uniform provider identification number (UPIN) assigned by the Health Care Financing Administration the national provider identifier maintained by the federal Health Care Financing Administration.

(f) The commissioner of health may become a subscriber to the federal Health Care Financing Administration's national provider system to implement this subdivision.

Sec. 27. Minnesota Statutes 1995 Supplement, section 62J.54, subdivision 2, is amended to read:

Subd. 2. UNIQUE IDENTIFICATION NUMBER FOR INDIVIDUAL HEALTH CARE PROVIDERS. (a) On and after January 1, 1998, all group purchasers and health care providers in Minnesota shall use a unique identification number to identify an individual health care provider, except as provided in paragraph (e) (e).

(b) The uniform provider identification number (UPIN) assigned by the Health Care Financing Administration The first eight digits of the national provider identifier maintained by the federal Health Care Financing Administration's national provider system shall be used as the unique identification number for individual health care providers. Providers who do not currently have a UPIN number shall request one from the health care financing administration.

(c) Individual providers required to have a national provider identifier are:

- (1) physicians licensed under chapter 147;
- (2) dentists licensed under chapter 150A;
- (3) chiropractors licensed under chapter 148;
- (4) podiatrists licensed under chapter 153;
- (5) physician assistants as defined under section 147A.01;

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(6) advanced practice nurses as defined under section 62A.15;

(7) doctors of optometry licensed under section 148.57;

(8) individual providers who may bill Medicare for medical and other health services as defined in United States Code, title 42, section 1395x(s); and

(9) individual providers who are providers for state and federal health care programs administered by the commissioner of human services.

Providers shall obtain a national provider identifier from the federal Health Care Financing Administration using the Health Care Financing Administration's prescribed process.

(d) Only the unique individual health care provider identifier shall be used for purposes of submitting and receiving claims, and in conjunction with other data collection and reporting functions.

(e) The state and federal health care programs administered by the department of human services shall use the unique identification number assigned to health care providers for implementation of the Medicaid Management Information System or the uniform provider identification number (UPIN) assigned by the health care financing administration national provider identifier maintained by the federal Health Care Financing Administration.

(f) The commissioner of health may become a subscriber to the federal Health Care Financing Administration's national provider system to implement this subdivision.

Sec. 28. Minnesota Statutes 1995 Supplement, section 62J.54, subdivision 3, is amended to read:

Subd. 3. UNIQUE IDENTIFICATION NUMBER FOR GROUP PURCHASERS. (a) On and after January 1, 1998, all group purchasers and health care providers in Minnesota shall use a unique identification number to identify group purchasers.

(b) The federal tax identification number assigned to each group purchaser by the Internal Revenue Service of the Department of the Treasury payer identification number assigned for the federal Health Care Financing Administration's PAYERID system shall be used as the unique identification number for group purchasers. This paragraph applies until the codes described in paragraph (e) are available and feasible to use, as determined by the commissioner.

(c) A two-part code, consisting of 11 characters and modeled after the National Association of Insurance Commissioners company code shall be assigned to each group purchaser and used as the unique identification number for group purchasers. The first six characters, or prefix, shall contain the numeric code, or company code, assigned by the National Association of Insurance Commissioners. The last five characters, or suffix, which is optional, shall contain further codes that will enable group purchasers to further route electronic transaction in their internal systems. Group purchasers shall obtain a payer identifier number from the federal Health Care Financing Administration using the Health Care Financing Administration's prescribed process.

(d) The unique group purchaser identifier, as described in this section, shall be used for purposes of submitting and receiving claims, and in conjunction with other data collection and reporting functions.

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(e) The commissioner of health may become a registry user to the federal Health Care Financing Administration's PAYERID system to implement this subdivision.

Sec. 29. Minnesota Statutes 1994, section 62J.56, subdivision 2, is amended to read:

Subd. 2. **IDENTIFICATION OF CORE TRANSACTION SETS.** (a) All category I and II industry participants in Minnesota shall comply with the standards developed by the ANSI ASC X12 for the following core transaction sets, according to the implementation plan outlined for each transaction set.

(1) ANSI ASC X12 835 health care claim payment/advice transaction set.

(2) ANSI ASC X12 837 health care claim transaction set.

(3) ANSI ASC X12 834 health care enrollment transaction set.

(4) ANSI ASC X12 270/271 health care eligibility transaction set.

(5) ANSI ASC X12 276/277 health care claims status request/notification transaction set.

(b) The commissioner, with the advice of the Minnesota health data institute and the Minnesota administrative uniformity committee, and in coordination with federal efforts, may approve the use of new ASC X12 standards, or new versions of existing standards, as they become available, or other nationally recognized standards, where appropriate ASC X12 standards are not available for use. These alternative standards may be used during a transition period while ASC X12 standards are developed.

Sec. 30. Minnesota Statutes 1995 Supplement, section 62J.58, is amended to read:

62J.58 IMPLEMENTATION OF STANDARD TRANSACTION SETS.

Subdivision 1. **CLAIMS PAYMENT.** Six months from the date the commissioner formally recommends the use of guides to implement core transaction sets pursuant to section 62J.56, subdivision 3, all category I industry participants and all category II industry participants, except pharmacists, shall be able to submit or accept, as appropriate, the ANSI ASC X12 835 health care claim payment/advice transaction set (draft standard for trial use version 3030/release 3051) for electronic submission of payment information to health care providers.

Subd. 2. **CLAIMS SUBMISSION.** Six months from the date the commissioner formally recommends the use of guides to implement core transaction sets pursuant to section 62J.56, subdivision 3, all category I and category II industry participants, except pharmacists, shall be able to accept or submit, as appropriate, the ANSI ASC X12 837 health care claim transaction set (draft standard for trial use version 3030/release 3051) for the electronic transfer of health care claim information.

Subd. 2a. **CLAIM STATUS INFORMATION.** Six months from the date the commissioner formally recommends the use of guides to implement core transaction sets under section 62J.56, subdivision 3, all category I and II industry participants, excluding pharmacists, may accept or submit the ANSI ASC X12 276/277 health care claim status transaction set (draft standard for trial use version/release 3051) for the electronic transfer of health care claim status information.

Subd. 3. **ENROLLMENT INFORMATION.** Six months from the date the commissioner formally recommends the use of guides to implement core transaction sets pur-

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suant to section 62J.56, subdivision 3, all category I and category II industry participants, excluding pharmacists, shall be able to accept or submit, as appropriate, the ANSI ASC X12 834 health care enrollment transaction set (draft standard for trial use version ~~3030~~/release 3051) for the electronic transfer of enrollment and health benefit information.

Subd. 4. **ELIGIBILITY INFORMATION.** Six months from the date the commissioner formally recommends the use of guides to implement core transaction sets pursuant to section 62J.56, subdivision 3, all category I and category II industry participants, except pharmacists, shall be able to accept or submit, as appropriate, the ANSI ASC X12 270/271 health care eligibility transaction set (draft standard for trial use version ~~3030~~/release 3051) for the electronic transfer of health benefit eligibility information.

Subd. 5. **APPLICABILITY.** This section does not require a group purchaser, health care provider, or employer to use electronic data interchange or to have the capability to do so. This section applies only to the extent that a group purchaser, health care provider, or employer chooses to use electronic data interchange.

Sec. 31. Minnesota Statutes 1994, section 62J.60, subdivision 2, is amended to read:

Subd. 2. **GENERAL CHARACTERISTICS.** (a) The Minnesota health care identification card must be a preprinted card constructed of plastic, paper, or any other medium that conforms with ANSI and ISO 7810 physical characteristics standards. The card dimensions must also conform to ANSI and ISO 7810 physical characteristics standard. The use of a signature panel is optional.

(b) The Minnesota health care identification card must have an essential information window in the front side with the following data elements left justified in the following top to bottom sequence: card issuer name, issuer claim submission number, identification number, identification name. No optional data may be interspersed between these data elements. The window must be left justified.

(c) Standardized labels are required next to human readable data elements. The card issuer may decide the location of the standardized label relative to the data element.

Sec. 32. Minnesota Statutes 1994, section 62J.60, subdivision 3, is amended to read:

Subd. 3. **HUMAN READABLE DATA ELEMENTS.** (a) The following are the minimum human readable data elements that must be present on the front side of the Minnesota health care identification card:

(1) card issuer name or logo, which is the name or logo that identifies the card issuer. The card issuer name or logo may be the card's front background. No standard label is required for this data element;

(2) issuer claim submission number, which is the unique card issuer number consisting of a base number assigned by a registry process followed by a suffix number assigned by the card issuer. The use of this element is mandatory within one year of the establishment of a process for this identifier. The standardized label for this element is "Issuer Clm Subm #";

(3) identification number, which is the unique identification number of the individual card holder established and defined under this section. The standardized label for the data element is "ID";

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(4) identification name, which is the name of the individual card holder. The identification name must be formatted as follows: first name, space, optional middle initial, space, last name, optional space and name suffix. The standardized label for this data element is "Name";

(5) account number(s), which is any other number, such as a group number, if required for part of the identification or claims process. The standardized label for this data element is "Account";

(6) care type, which is the description of the group purchaser's plan product under which the beneficiary is covered. The description shall include the health plan company name and the plan or product name. The standardized label for this data element is "Care Type";

(7) service type, which is the description of coverage provided such as hospital, dental, vision, prescription, or mental health. The standard label for this data element is "Svc Type"; and

(8) provider/clinic name, which is the name of the primary care clinic the cardholder is assigned to by the health plan company. The standard label for this field is "PCP." This information is mandatory only if the health plan company assigns a specific primary care provider to the cardholder.

(b) The following human readable data elements shall be present on the back side of the Minnesota health identification card. These elements must be left justified, and no optional data elements may be interspersed between them:

(1) claims submission name(s) and address(es), which are the name(s) and address(es) of the entity or entities to which claims should be submitted. If different destinations are required for different types of claims, this must be labeled;

(2) telephone number(s) and name(s); which are the telephone number(s) and name(s) of the following contact(s) with a standardized label describing the service function as applicable:

- (i) eligibility and benefit information;
- (ii) utilization review;
- (iii) precertification; or
- (iv) customer services.

(c) The following human readable data elements are mandatory on the back side of the card for health maintenance organizations and integrated service networks:

(1) emergency care authorization telephone number or instruction on how to receive authorization for emergency care. There is no standard label required for this information; and

(2) telephone number to call to appeal to the commissioner of health. There is no standard label required for this information.

(d) All human readable data elements not required under paragraphs (a) to (c) are optional and may be used at the issuer's discretion.

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Sec. 33. Minnesota Statutes 1995 Supplement, section 62Q.03, subdivision 9, is amended to read:

Subd. 9. **DATA COLLECTION AND DATA PRIVACY.** The association members shall not have access to unaggregated data on individuals or health plan companies. The association shall develop, as a part of the plan of operation, procedures for ensuring that data is collected by an appropriate entity. The commissioners of health and commerce shall have the authority to audit and examine data collected by the association for the purposes of the development and implementation of the risk adjustment system. Data on individuals obtained for the purposes of risk adjustment development, testing, and operation are designated as private data. Data not on individuals which is obtained for the purposes of development, testing, and operation of risk adjustment are designated as non-public data, except for that the proposed and approved plan of operation, the risk adjustment methodologies examined, the plan for testing, the plan of the risk adjustment system, minutes of meetings, and other general operating information are classified as public data. Nothing in this section is intended to prohibit the preparation of summary data under section 13.05, subdivision 7. The association, state agencies, and any contractors having access to this data shall maintain it in accordance with this classification. The commissioners of health and human services have the authority to collect data from health plan companies as needed for the purpose of developing a risk adjustment mechanism for public programs.

Sec. 34. Minnesota Statutes 1994, section 144.225, subdivision 2, is amended to read:

Subd. 2. **DATA ABOUT BIRTHS.** (a) Except as otherwise provided in this subdivision, data pertaining to the birth of a child, to a woman who was not married to the child's father when the child was conceived nor when the child was born, including the original certificate of birth and the certified copy, are confidential data. At the time of the birth of a child to a woman who was not married to the child's father when the child was conceived nor when the child was born, the mother may designate on the birth registration form whether data pertaining to the birth will be public data. Notwithstanding the designation of the data as confidential, it may be disclosed to a parent or guardian of the child, to the child when the child is 18 years of age or older, pursuant to a court order, or under paragraph (b).

(b) Unless the child is adopted, data pertaining to the birth of a child that are not accessible to the public become public data if 100 years have elapsed since the birth of the child who is the subject of the data, or as provided under section 13.10, whichever occurs first.

(c) If a child is adopted, data pertaining to the child's birth are governed by the provisions relating to adoption records, including sections 13.10, subdivision 5; 144.1761; 144.218, subdivision 1; and 259.89. The birth and death records of the commissioner of health shall be open to inspection by the commissioner of human services and it shall not be necessary for the commissioner of human services to obtain an order of the court in order to inspect records or to secure certified copies of them.

(d) The name and address of a mother under paragraph (a) and the child's date of birth may be disclosed to the county social services or public health member of a family services collaborative for purposes of providing services under section 121.8355.

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Sec. 35. Minnesota Statutes 1994, section 144.225, is amended by adding a subdivision to read:

Subd. 6. **GROUP PURCHASER IDENTITY; NONPUBLIC DATA; DISCLOSURE.** (a) Except as otherwise provided in this subdivision, the named identity of a group purchaser as defined in section 62J.03, subdivision 6, collected in association with birth registration is nonpublic data as defined in section 13.02.

(b) The commissioner may publish, or by other means release to the public, the named identity of a group purchaser as part of an analysis of information collected from the birth registration process. Analysis means the identification of trends in prenatal care and birth outcomes associated with group purchasers. The commissioner may not reveal the named identity of the group purchaser until the group purchaser has had 21 days after receipt of the analysis to review the analysis and comment on it. In releasing data under this subdivision, the commissioner shall include comments received from the group purchaser related to the scientific soundness and statistical validity of the methods used in the analysis. This subdivision does not authorize the commissioner to make public any individual identifying data except as permitted by law.

(c) A group purchaser may contest whether an analysis made public under paragraph (b) is based on scientifically sound and statistically valid methods in a contested case proceeding under sections 14.57 to 14.62, subject to appeal under sections 14.63 to 14.68. To obtain a contested case hearing, the group purchaser must present a written request to the commissioner before the end of the time period for review and comment. Within ten days of the assignment of an administrative law judge, the group purchaser must demonstrate by clear and convincing evidence the group purchaser's likelihood of succeeding on the merits. If the judge determines that the group purchaser has made this demonstration, the data may not be released during the contested case proceeding and through appeal. If the judge finds that the group purchaser has not made this demonstration, the commissioner may immediately publish, or otherwise make public, the nonpublic group purchaser data, with comments received as set forth in paragraph (b).

(d) The contested case proceeding and subsequent appeal is not an exclusive remedy and any person may seek a remedy pursuant to section 13.08, subdivisions 1 to 4, or as otherwise authorized by law.

Sec. 36. Minnesota Statutes 1995 Supplement, section 144.335, subdivision 3a, is amended to read:

Subd. 3a. **PATIENT CONSENT TO RELEASE OF RECORDS; LIABILITY.**

(a) A provider, or a person who receives health records from a provider, may not release a patient's health records to a person without a signed and dated consent from the patient or the patient's legally authorized representative authorizing the release, unless the release is specifically authorized by law. Except as provided in paragraph (c) or (d), a consent is valid for one year or for a lesser period specified in the consent or for a different period provided by law.

(b) This subdivision does not prohibit the release of health records:

(1) for a medical emergency when the provider is unable to obtain the patient's consent due to the patient's condition or the nature of the medical emergency; or

(2) to other providers within related health care entities when necessary for the current treatment of the patient.

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(c) Notwithstanding paragraph (a), if a patient explicitly gives informed consent to the release of health records for the purposes and pursuant to the restrictions in clauses (1) and (2), the consent does not expire after one year for:

(1) the release of health records to a provider who is being advised or consulted with in connection with the current treatment of the patient;

(2) the release of health records to an accident and health insurer, health service plan corporation, health maintenance organization, or third-party administrator for purposes of payment of claims, fraud investigation, or quality of care review and studies, provided that:

(i) the use or release of the records complies with sections 72A.49 to 72A.505;

(ii) further use or release of the records in individually identifiable form to a person other than the patient without the patient's consent is prohibited; and

(iii) the recipient establishes adequate safeguards to protect the records from unauthorized disclosure, including a procedure for removal or destruction of information that identifies the patient.

~~(d) Until June 1, 1996, paragraph (a) does not prohibit the release of health records to qualified personnel solely for purposes of medical or scientific research, if the patient has not objected to Notwithstanding paragraph (a), health records may be released to a researcher solely for purposes of medical or scientific research only as follows:~~

~~(1) health records generated before January 1, 1997, may be released if the patient has not objected or does not elect to object after that date;~~

~~(2) for health records generated on or after January 1, 1997, the provider must:~~

~~(i) disclose in writing to patients currently being treated by the provider that health records, regardless of when generated, may be released and that the patient may object, in which case the records will not be released; and~~

~~(ii) obtain the patient's written general authorization that describes the release of records in item (i), which does not expire but may be revoked or limited in writing at any time by the patient or the patient's authorized representative; and~~

~~(3) the provider must, at the request of the patient, provide information on how the patient may contact an external researcher to whom the health record was released and the date it was released.~~

~~In making a release for research purposes and the provider who releases the records makes shall make a reasonable effort to determine that:~~

~~(i) the use or disclosure does not violate any limitations under which the record was collected;~~

~~(ii) the use or disclosure in individually identifiable form is necessary to accomplish the research or statistical purpose for which the use or disclosure is to be made;~~

~~(iii) the recipient has established and maintains adequate safeguards to protect the records from unauthorized disclosure, including a procedure for removal or destruction of information that identifies the patient; and~~

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(iv) further use or release of the records in individually identifiable form to a person other than the patient without the patient's consent is prohibited.

(e) A person who negligently or intentionally releases a health record in violation of this subdivision, or who forges a signature on a consent form, or who obtains under false pretenses the consent form or health records of another person, or who, without the person's consent, alters a consent form, is liable to the patient for compensatory damages caused by an unauthorized release, plus costs and reasonable attorney's fees.

(f) Upon the written request of a spouse, parent, child, or sibling of a patient being evaluated for or diagnosed with mental illness, a provider shall inquire of a patient whether the patient wishes to authorize a specific individual to receive information regarding the patient's current and proposed course of treatment. If the patient so authorizes, the provider shall communicate to the designated individual the patient's current and proposed course of treatment. Paragraph (a) applies to consents given under this paragraph.

(g) In cases where a provider releases health records without patient consent as authorized by law, the release must be documented in the patient's health record.

Sec. 37. Minnesota Statutes 1994, section 145.64, is amended by adding a subdivision to read:

Subd. 3. HENNEPIN COUNTY EMERGENCY MEDICAL SERVICES DATA. Data collected, created, or maintained by the quality committee of the Hennepin county emergency medical services advisory council when conducting a health care review activity of the emergency medical services function or services are private data on individuals or nonpublic data not on individuals, as defined in section 13.02.

Sec. 38. Minnesota Statutes 1994, section 148B.66, is amended by adding a subdivision to read:

Subd. 3. EXCHANGING INFORMATION. (a) The office of mental health practice shall establish internal operating procedures for:

(1) exchanging information with state boards; agencies, including the office of ombudsman for mental health and mental retardation; health related and law enforcement facilities; departments responsible for licensing health related occupations, facilities, and programs; and law enforcement personnel in this and other states; and

(2) coordinating investigations involving matters within the jurisdiction of more than one regulatory agency.

Establishment of the operating procedures is not subject to rulemaking under chapter 14.

(b) The procedures for exchanging information must provide for the forwarding to the entities described in paragraph (a), clause (1), of information and evidence, including the results of investigations, that are relevant to matters within the regulatory jurisdiction of the organizations in paragraph (a). The data have the same classification in the hands of the agency receiving the data as they have in the hands of the agency providing the data.

(c) The office of mental health practice shall establish procedures for exchanging information with other states regarding disciplinary action against licensed and unlicensed mental health practitioners.

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(d) The office of mental health practice shall forward to another governmental agency any complaints received by the office that do not relate to the office's jurisdiction but that relate to matters within the jurisdiction of the other governmental agency. The agency to which a complaint is forwarded shall advise the office of mental health practice of the disposition of the complaint. A complaint or other information received by another governmental agency relating to a statute or rule that the office of mental health practice is empowered to enforce must be forwarded to the office to be processed in accordance with this section.

(e) The office of mental health practice shall furnish to a person who made a complaint a description of the actions of the office relating to the complaint.

Sec. 39. Minnesota Statutes 1994, section 150A.081, is amended to read:

150A.081 ACCESS TO MEDICAL DATA.

Subdivision 1. ACCESS TO DATA ON LICENSEE OR REGISTRANT. When the board has probable cause to believe that a licensee's or registrant's condition meets a ground listed in section 150A.08, subdivision 1, clause (4) or (8), it may, notwithstanding sections 13.42, 144.651, or any other law limiting access to medical data, obtain medical or health records relating to on the licensee or registrant without the person's licensee's or registrant's consent. The medical data may be requested from a provider, as defined in section 144.335, subdivision 1, paragraph (b), an insurance company, or a government agency. A provider, insurance company, or government agency shall comply with a written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released under the written request, unless the information is false and the entity providing the information knew, or had reason to believe, the information was false.

Subd. 2. ACCESS TO DATA ON PATIENTS. The board has access to medical records of a patient treated by a licensee or registrant under review if the patient signs a written consent permitting access. If the patient has not given consent, the licensee or registrant must delete data from which a patient may be identified before releasing medical records to the board.

Subd. 3. DATA CLASSIFICATION; RELEASE OF CERTAIN HEALTH DATA NOT REQUIRED. Information obtained under this subdivision section is classified as private data on individuals under chapter 13. Under this subdivision section, the commissioner of health is not required to release health data collected and maintained under section 13.38.

Sec. 40. Minnesota Statutes 1994, section 168.345, subdivision 3, is amended to read:

Subd. 3. REQUESTS FOR INFORMATION; SURCHARGE ON FEE. Except as otherwise provided in subdivision 4, the commissioner shall impose a surcharge of 50 cents on each fee charged by the commissioner under section 13.03, subdivision 3, for copies or electronic transmittal of public information concerning motor vehicle registrations. This surcharge only applies to a fee imposed in responding to a request made in person or by mail, or to a request for transmittal through a computer modem. The surcharge does not apply to the request of an individual for information concerning vehicles registered in that individual's name. The commissioner shall forward the surcharges col-

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lected under this subdivision to the commissioner of finance on a monthly basis. Upon receipt, the commissioner of finance shall credit the surcharges to the general fund.

Sec. 41. Minnesota Statutes 1994, section 168.345, is amended by adding a subdivision to read:

Subd. 4. EXCEPTION TO FEE AND SURCHARGE. Notwithstanding subdivision 3 or section 13.03, no fee or surcharge shall be imposed in responding to a request for public information concerning motor vehicle registrations if the requester gives the commissioner a signed statement that:

(1) the requester seeks the information on behalf of a community-based, nonprofit organization which has been designated by the local law enforcement agency to be a requester; and

(2) the information is needed in order to identify suspected prostitution law violators, controlled substance law violators, or health code violators.

The commissioner may not require a requester to make a certain minimum number of data requests nor limit a requester to a certain maximum number of data requests.

Sec. 42. Minnesota Statutes 1994, section 168.346, is amended to read:

168.346 PRIVACY OF NAME OR RESIDENCE ADDRESS.

(a) The registered owner of a motor vehicle may request in writing that the owner's residence address or name and residence address be classified as private data on individuals, as defined in section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the owner that the classification is required for the safety of the owner or the owner's family, if the statement also provides a valid, existing address where the owner consents to receive service of process. The commissioner shall use the mailing address in place of the residence address in all documents and notices pertaining to the motor vehicle. The residence address or name and residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518.54, subdivision 9.

(b) An individual registered owner of a motor vehicle must be informed in a clear and conspicuous manner on the forms for issuance or renewal of titles and registrations, that the owner's personal information may be disclosed to any person who makes a request for the personal information, and that, except for uses permitted by United States Code, title 18, section 2721, clause (b), the registered owner may prohibit disclosure of the personal information by so indicating on the form.

(c) At the time of registration or renewal, the individual registered owner of a motor vehicle must also be informed in a clear and conspicuous manner on forms that the owner's personal information may be used, rented, or sold solely for bulk distribution by organizations for business purposes including surveys, marketing, and solicitation. The commissioner shall implement methods and procedures that enable the registered owner to request that bulk surveys, marketing, or solicitation not be directed to the owner. If the registered owner so requests, the commissioner shall implement the request in a timely manner and the personal information may not be so used.

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(d) To the extent permitted by United States Code, title 18, section 2721, data on individuals provided to register a motor vehicle is public data on individuals and shall be disclosed as permitted by United States Code, title 18, section 2721, clause (b).

Sec. 43. Minnesota Statutes 1994, section 171.12, subdivision 7, is amended to read:

Subd. 7. PRIVACY OF RESIDENCE ADDRESS. (a) An applicant for a driver's license or a Minnesota identification card may request that the applicant's residence address be classified as private data on individuals, as defined in section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the individual that the classification is required for the safety of the applicant or the applicant's family, if the statement also provides a valid, existing address where the applicant consents to receive service of process. The commissioner shall use the mailing address in place of the residence address in all documents and notices pertaining to the driver's license or identification card. The residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518.54, subdivision 9.

(b) An applicant for a driver's license or a Minnesota identification card must be informed in a clear and conspicuous manner on the forms for the issuance or renewal that the applicant's personal information may be disclosed to any person who makes a request for the personal information, and that except for uses permitted by United States Code, title 18, section 2721, clause (b), the applicant may prohibit disclosure of the personal information by so indicating on the form.

(c) An applicant for a driver's license or a Minnesota identification card must be also informed in a clear and conspicuous manner on forms that the applicant's personal information may be used, rented, or sold solely for bulk distribution by organizations for business purposes, including surveys, marketing, or solicitation. The commissioner shall implement methods and procedures that enable the applicant to request that bulk surveys, marketing, or solicitation not be directed to the applicant. If the applicant so requests, the commissioner shall implement the request in a timely manner and the personal information may not be so used.

(d) To the extent permitted by United States Code, title 18, section 2721, data on individuals provided to obtain a Minnesota identification card or a driver's license is public data on individuals and shall be disclosed as permitted by United States Code, title 18, section 2721, clause (b).

Sec. 44. Minnesota Statutes 1994, section 171.12, is amended by adding a subdivision to read:

Subd. 7a. DISCLOSURE OF PERSONAL INFORMATION. The commissioner shall disclose personal information where the use is related to the operation of a motor vehicle or to public safety, including public dissemination. The use of personal information is related to public safety if it concerns the physical safety or security of drivers, vehicles, pedestrians, or property.

Sec. 45. Minnesota Statutes 1994, section 260.161, subdivision 1, is amended to read:

Subdivision 1. RECORDS REQUIRED TO BE KEPT. (a) The juvenile court judge shall keep such minutes and in such manner as the court deems necessary and prop-

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er. Except as provided in paragraph (b), the court shall keep and maintain records pertaining to delinquent adjudications until the person reaches the age of 28 years and shall release the records on an individual to another juvenile court that has jurisdiction of the juvenile, to a requesting adult court for purposes of sentencing, or to an adult court or juvenile court as required by the right of confrontation of either the United States Constitution or the Minnesota Constitution. The juvenile court shall provide, upon the request of any other juvenile court, copies of the records concerning adjudications involving the particular child. The court also may provide copies of records concerning delinquency adjudications, on request, to law enforcement agencies, probation officers, and corrections agents if the court finds that providing these records serves public safety or is in the best interests of the child. The records have the same data classification in the hands of the agency receiving them as they had in the hands of the court.

The court shall also keep an index in which files pertaining to juvenile matters shall be indexed under the name of the child. After the name of each file shall be shown the file number and, if ordered by the court, the book and page of the register in which the documents pertaining to such file are listed. The court shall also keep a register properly indexed in which shall be listed under the name of the child all documents filed pertaining to the child and in the order filed. The list shall show the name of the document and the date of filing thereof. The juvenile court legal records shall be deposited in files and shall include the petition, summons, notice, findings, orders, decrees, judgments, and motions and such other matters as the court deems necessary and proper. Unless otherwise provided by law, all court records shall be open at all reasonable times to the inspection of any child to whom the records relate, and to the child's parent and guardian.

(b) The court shall retain records of the court finding that a juvenile committed an act that would be a violation of, or an attempt to violate, ~~section 609.342, 609.343, 609.344, or 609.345,~~ a felony or gross misdemeanor level offense until the offender reaches the age of 28. If the offender commits another violation of ~~sections 609.342 to 609.345~~ a felony as an adult, or the court convicts a child as an extended jurisdiction juvenile, the court shall retain the juvenile records for as long as the records would have been retained if the offender had been an adult at the time of the juvenile offense. This paragraph does not apply unless the juvenile was provided counsel as required by section 260.155, subdivision 2.

Sec. 46. Minnesota Statutes 1994, section 260.161, subdivision 1a, is amended to read:

Subd. 1a. **RECORD OF ADJUDICATIONS; NOTICE TO BUREAU OF CRIMINAL APPREHENSION FINDINGS.** (a) The juvenile court shall forward to the Bureau of Criminal Apprehension the following data ~~on juveniles adjudicated delinquent for having committed felony-level criminal sexual conduct in juvenile petitions involving felony- or gross misdemeanor-level offenses:~~

(1) the name and birth date of the juvenile, including any of the juvenile's known aliases or street names;

(2) the ~~type of act for which the juvenile was adjudicated delinquent~~ petitioned and date of the offense; and

(3) the date and county of ~~the adjudication~~ where the petition was filed.

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(b) Upon completion of the court proceedings, the court shall forward the court's finding and case disposition to the bureau. Notwithstanding section 138.17, if the petition was dismissed or the juvenile was not found to have committed a gross misdemeanor or felony-level offense, the bureau and a person who received the data from the bureau shall destroy all data relating to the petition collected under paragraph (a). The bureau shall notify a person who received the data that the data must be destroyed.

(c) The bureau shall retain data on a juvenile found to have committed a felony- or gross misdemeanor-level offense until the offender reaches the age of 28. If the offender commits another a felony violation of sections 609.342 to 609.345 as an adult, the bureau shall retain the data for as long as the data would have been retained if the offender had been an adult at the time of the juvenile offense.

(e) (d) The juvenile court shall forward to the bureau, the sentencing guidelines commission, and the department of corrections the following data on individuals convicted as extended jurisdiction juveniles:

(1) the name and birthdate of the offender, including any of the juvenile's known aliases or street names;

(2) the crime committed by the offender and the date of the crime; and

(3) the date and county of the conviction; and

(4) the case disposition.

The court shall notify the bureau, the sentencing guidelines commission, and the department of corrections whenever it executes an extended jurisdiction juvenile's adult sentence under section 260.126, subdivision 5.

(d) (e) The bureau, sentencing guidelines commission, and the department of corrections shall retain the extended jurisdiction juvenile data for as long as the data would have been retained if the offender had been an adult at the time of the offense. Data retained on individuals under this subdivision are private data under section 13.02, except that extended jurisdiction juvenile data becomes public data under section 13.87, subdivision 2, when the juvenile court notifies the bureau that the individual's adult sentence has been executed under section 260.126, subdivision 5.

Sec. 47. Minnesota Statutes 1995 Supplement, section 268.12, subdivision 12, is amended to read:

Subd. 12. **INFORMATION.** Except as hereinafter otherwise provided, data gathered from any employing unit or individual pursuant to the administration of sections 268.03 to 268.231, and from any determination as to the benefit rights of any individual are private data on individuals or nonpublic data not on individuals as defined in section 13.02, subdivisions 9 and 12, and may not be disclosed except pursuant to this subdivision or a court order or section 13.05. These data may be disseminated to and used by the following agencies without the consent of the subject of the data:

(a) state and federal agencies specifically authorized access to the data by state or federal law;

(b) any agency of this or any other state; or any federal agency charged with the administration of an employment security law or the maintenance of a system of public employment offices;

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(c) local human rights groups within the state which have enforcement powers;

(d) the department of revenue shall have access to department of economic security private data on individuals and nonpublic data not on individuals only to the extent necessary for enforcement of Minnesota tax laws;

(e) public and private agencies responsible for administering publicly financed assistance programs for the purpose of monitoring the eligibility of the program's recipients;

(f) the department of labor and industry on an interchangeable basis with the department of economic security subject to the following limitations and notwithstanding any law to the contrary:

(1) the department of economic security shall have access to private data on individuals and nonpublic data not on individuals for uses consistent with the administration of its duties under sections 268.03 to 268.231; and

(2) the department of labor and industry shall have access to private data on individuals and nonpublic data not on individuals for uses consistent with the administration of its duties under state law;

(g) the department of trade and economic development may have access to private data on individual employing units and nonpublic data not on individual employing units for its internal use only; when received by the department of trade and economic development, the data remain private data on individuals or nonpublic data;

(h) local and state welfare agencies for monitoring the eligibility of the data subject for assistance programs, or for any employment or training program administered by those agencies, whether alone, in combination with another welfare agency, or in conjunction with the department of economic security;

(i) local, state, and federal law enforcement agencies for the sole purpose of ascertaining the last known address and employment location of the data subject, provided the data subject is the subject of a criminal investigation; and

(j) the department of health may have access to private data on individuals and nonpublic data not on individuals solely for the purposes of epidemiologic investigations.

Data on individuals and employing units which are collected, maintained, or used by the department in an investigation pursuant to section 268.18, subdivision 3, are confidential as to data on individuals and protected nonpublic data not on individuals as defined in section 13.02, subdivisions 3 and 13, and shall not be disclosed except pursuant to statute or court order or to a party named in a criminal proceeding, administrative or judicial, for preparation of a defense.

Tape recordings and transcripts of recordings of proceedings conducted in accordance with section 268.105 and exhibits received into evidence at those proceedings are private data on individuals and nonpublic data not on individuals and shall be disclosed only pursuant to the administration of section 268.105, or pursuant to a court order.

Aggregate data about employers compiled from individual job orders placed with the department of economic security are private data on individuals and nonpublic data not on individuals as defined in section 13.02, subdivisions 9 and 12, if the commissioner

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determines that divulging the data would result in disclosure of the identity of the employer. The general aptitude test battery and the nonverbal aptitude test battery as administered by the department are also classified as private data on individuals or nonpublic data.

Data on individuals collected, maintained, or created because an individual applies for benefits or services provided by the energy assistance and weatherization programs administered by the department of economic security is private data on individuals and shall not be disseminated except pursuant to section 13.05, subdivisions 3 and 4.

Data gathered by the department pursuant to the administration of sections 268.03 to 268.231 shall not be made the subject or the basis for any suit in any civil proceedings, administrative or judicial, unless the action is initiated by the department.

Sec. 48. Minnesota Statutes 1995 Supplement, section 299A.61, is amended to read:

299A.61 CRIMINAL ALERT NETWORK.

Subdivision 1. ESTABLISHMENT. The commissioner of public safety, in cooperation with the commissioner of administration, shall develop and maintain an integrated criminal alert network to facilitate the communication of crime prevention information by electronic means among state agencies, law enforcement officials, and the private sector. The network shall disseminate data regarding the commission of crimes, including information on missing and endangered children, and attempt to reduce theft and other crime by the use of electronic transmission of information.

Subd. 2. DATA ON MEMBERS. Data that identify individuals or businesses as members of the criminal alert network, including names, addresses, telephone and fax numbers, are private data on individuals or nonpublic data, as defined in section 13.02, subdivision 12 or 9.

Sec. 49. Minnesota Statutes 1994, section 299C.095, is amended to read:

299C.095 SYSTEM FOR IDENTIFICATION OF ADJUDICATED JUVENILES JUVENILE OFFENDERS.

(a) The bureau shall establish a system for recording the data on adjudicated juveniles received from the juvenile courts under section 260.161, subdivision 1a administer and maintain the computerized juvenile history record system based on section 260.161 and other statutes requiring the reporting of data on juveniles. The data in the system are private data as defined in section 13.02, subdivision 12, but are accessible to criminal justice agencies as defined in section 13.02, subdivision 3a, to all trial courts and appellate courts, to a person who has access to the juvenile court records as provided in section 260.161 or under court rule.

(b) Except for access authorized under paragraph (a), the bureau shall only disseminate a juvenile history record in connection with a background check required by statute or rule and performed on a licensee, license applicant, or employment applicant or performed under section 624.713. A consent for release of information from an individual who is the subject of a juvenile history is not effective and the bureau shall not release a juvenile history record and shall not release information in a manner that reveals the existence of the record.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 50. Minnesota Statutes 1995 Supplement, section 299C.10, subdivision 1, is amended to read:

Subdivision 1. **LAW ENFORCEMENT DUTY.** (a) It is hereby made the duty of the sheriffs of the respective counties ~~and~~ of the police officers in cities of the first, second, and third classes, under the direction of the chiefs of police in such cities, and of community corrections agencies operating secure juvenile detention facilities to take or cause to be taken immediately finger and thumb prints, photographs, distinctive physical mark identification data, and such other identification data as may be requested or required by the superintendent of the bureau; of all persons arrested for a felony, gross misdemeanor, of all juveniles committing felonies as distinguished from those committed by adult offenders, of all persons reasonably believed by the arresting officer to be fugitives from justice, of all persons in whose possession, when arrested, are found concealed firearms or other dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines, or appliances usable for an unlawful purpose and reasonably believed by the arresting officer to be intended for such purposes, and within 24 hours thereafter to forward such fingerprint records and other identification data on such forms and in such manner as may be prescribed by the superintendent of the bureau of criminal apprehension.

(b) Effective August 1, 1997, the identification reporting requirements shall also apply to persons committing misdemeanor offenses, including violent and enhanceable crimes, and juveniles committing gross misdemeanors. In addition, the reporting requirements shall include any known aliases or street names of the offenders.

Sec. 51. Minnesota Statutes 1994, section 299C.46, subdivision 2, is amended to read:

Subd. 2. **CRIMINAL JUSTICE AGENCY DEFINED.** For the purposes of sections 299C.46 to 299C.49, "criminal justice agency" ~~shall mean~~ means an agency of the state or an agency of a political subdivision charged with detection, enforcement, prosecution, adjudication or incarceration in respect to the criminal or traffic laws of this state. This definition also includes all sites identified and licensed as a detention facility by the commissioner of corrections under section 241.021.

Sec. 52. **EFFECTIVE DATE.**

Sections 8 and 9 and 36 are effective the day following final enactment.

Sections 46 and 50 are effective August 1, 1996, and apply to offenses occurring on or after that date.

Section 39 is effective August 1, 1997.

New language is indicated by underline, deletions by ~~strikeout~~.

ARTICLE 2

Section 1. Minnesota Statutes 1994, section 13.99, subdivision 19c, is amended to read:

Subd. 19c. **DATA ANALYSIS DATA.** Data collected by the data analysis unit are classified under section 62J.30, subdivision 7. Data collected for purposes of sections 62J.301 to 62J.42 that identify patients or providers are classified under section 62J.321, subdivision 5.

Sec. 2. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 19i. **HEALTH DATA INSTITUTE.** Health data institute data are classified under section 62J.452, subdivision 2.

Sec. 3. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 19j. **ESSENTIAL COMMUNITY PROVIDER.** Data on applications for designation as an essential community provider are classified under section 62Q.19, subdivision 2.

Sec. 4. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 20c. **SELF-INSURERS ADVISORY COMMITTEE.** Data received by the self-insurers' advisory committee from the commissioner is classified under section 79A.02, subdivision 2.

Sec. 5. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 21e. **EXCLUSION OF WASTE MATERIALS.** Data included in a document submitted by a transfer station under section 115A.84, subdivision 5, is classified under that subdivision.

Sec. 6. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 28b. **NURSING HOME RESIDENTS.** Access to certain data on assessments of care and services to nursing home residents is governed by section 144.0721, subdivision 2.

Sec. 7. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 31a. **VITAL RECORDS.** Physical access to vital records is governed by section 144.225, subdivision 1.

Sec. 8. Minnesota Statutes 1995 Supplement, section 13.99, subdivision 38b, is amended to read:

Subd. 38b. **LEAD EXPOSURE DATA.** Data on individuals exposed to lead in their residences are classified under ~~section~~ sections 144.874, subdivision 1, 144.9502, subdivision 9, and 144.9504, subdivision 2.

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Sec. 9. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 42b. **REPORT OF VIOLATIONS.** Certain reports of violations submitted to the board of medical practice are classified under section 147.121.

Sec. 10. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 85a. **CERTIFICATE OF VALUE.** Data in a real estate certificate of value filed with the county auditor is classified under section 272.115, subdivision 1.

Sec. 11. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 86a. **POLITICAL CONTRIBUTION REFUND.** Certain political contribution refund data in the revenue department are classified under section 290.06, subdivision 23.

Sec. 12. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 86b. **GROSS EARNINGS TAXES.** Certain patient data provided to the department of revenue under chapter 295 are classified under section 295.57, subdivision 2.

Sec. 13. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 92g. **LOTTERY PRIZE WINNER.** Certain data on lottery prize winners are classified under section 349A.08, subdivision 9.

Sec. 14. Minnesota Statutes 1994, section 13.99, is amended by adding a subdivision to read:

Subd. 100a. **CHILD SUPPORT ATTORNEYS.** Certain data provided by an applicant or recipient of child support enforcement services are classified under section 518.255.

Presented to the governor April 4, 1996

Signed by the governor April 11, 1996, 11:52 a.m.

CHAPTER 441—S.F.No. 315

VETOED

CHAPTER 442—S.F.No. 2340

An act relating to crimes; driving while intoxicated; expanding the prohibitions of the driving while intoxicated and criminal vehicular operation laws to include persons who operate a motor

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