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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4295

03/14/2022

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The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to data practices; requiring the commissioner of information technology
1.3 services to establish a central statewide repository for portable recording system
1.4 data; requiring the state auditor to conduct a biennial audit; appropriating money;
1.5 amending Minnesota Statutes 2021 Supplement, section 13.825, subdivision 9.

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

1.7 Section 1. Minnesota Statutes 2021 Supplement, section 13.825, subdivision 9, is amended
1.8 to read:

1.9 Subd. 9. **Central statewide repository; biennial audit.** (a) The commissioner of
1.10 information technology services shall establish a central state repository for the collection,
1.11 maintenance, use, access, and dissemination of portable recording system data for use by
1.12 law enforcement agencies. The commissioner must establish systems and protocols that
1.13 limit access to only the law enforcement agency that submitted the original portable recording
1.14 system data. The law enforcement agency must collaborate with the commissioner to comply
1.15 with this section, including retention and destruction of the data. A law enforcement agency
1.16 must maintain all portable recording system data, including all records showing the date
1.17 and time portable recording system data were collected and the applicable classification of
1.18 the data, in the central electronic system established by the commissioner. ~~The law~~
1.19 ~~enforcement agency shall arrange for an independent,~~ The state auditor shall conduct a
1.20 biennial audit of the data maintained in the central repository to determine whether data are
1.21 appropriately classified according to this section, how the data are used, and whether the
1.22 data are destroyed as required under this section, and to verify compliance with subdivisions
1.23 7 and 8. ~~If the governing body with jurisdiction over the budget of the agency determines~~
1.24 ~~that the agency is not complying with this section or other applicable law, the governing~~

2.1 ~~body may order additional independent audits. Data in the records required under this~~
 2.2 ~~paragraph are classified as provided in subdivision 2. The results of the audit are public,~~
 2.3 ~~except for data that are otherwise classified under law.~~

2.4 (b) ~~The results of the audit are public, except for data that are otherwise classified under~~
 2.5 ~~law. If the governing body with jurisdiction over the budget of the law enforcement agency~~
 2.6 ~~determines that the agency is not complying with this section or other applicable law, the~~
 2.7 ~~governing body may order an independent audit. Data in the records required under this~~
 2.8 ~~paragraph are classified as provided in subdivision 2. The governing body with jurisdiction~~
 2.9 ~~over the budget of the law enforcement agency shall review the results of the audit by the~~
 2.10 ~~state auditor and an independent audit, if ordered. If the governing body determines that~~
 2.11 ~~there is a pattern of substantial noncompliance with this section, the governing body must~~
 2.12 ~~order that operation of all portable recording systems be suspended until the governing body~~
 2.13 ~~has authorized the agency to reinstate their use. An order of suspension under this paragraph~~
 2.14 ~~may only be made following review of the results of the audit and review of the applicable~~
 2.15 ~~provisions of this chapter, and after providing the agency and members of the public a~~
 2.16 ~~reasonable opportunity to respond to the audit's findings in a public meeting.~~

2.17 (c) The state auditor shall submit a report summarizing the results of each audit ~~must~~
 2.18 ~~be provided to the governing body with jurisdiction over the budget of the law enforcement~~
 2.19 ~~agency, to the Legislative Commission on Data Practices and Personal Data Privacy, and~~
 2.20 ~~to the chairs and ranking minority members of the committees of the house of representatives~~
 2.21 ~~and the senate with jurisdiction over data practices and public safety issues no later than 60~~
 2.22 ~~days following completion of the audit.~~

2.23 Sec. 2. **APPROPRIATION; MNIT.**

2.24 \$..... in fiscal year 2023 is appropriated from the general fund to the commissioner of
 2.25 information technology services for establishing and administering the central repository
 2.26 for portable recording system data storage and maintenance pursuant to Minnesota Statutes,
 2.27 section 13.825, subdivision 9. This appropriation does not cancel and is available until June
 2.28 30, 2025.