

H. F. No. 1232

2.1 contained in the audit trail are public to the extent that the data are not otherwise classified  
2.2 by law.

2.3 Sec. 2. Minnesota Statutes 2016, section 13.825, subdivision 9, is amended to read:

2.4 Subd. 9. **Biennial audit.** (a) A law enforcement agency must maintain records showing  
2.5 the date and time portable recording system data were collected and the applicable  
2.6 classification of the data. The law enforcement agency shall arrange for an independent,  
2.7 biennial audit of the data to determine whether data are appropriately classified according  
2.8 to this section, how the data are used, and whether the data are destroyed as required under  
2.9 this section, and to verify compliance with subdivisions 7 and 8. If the ~~governing body with~~  
2.10 ~~jurisdiction over the budget of the agency determines~~ commissioner of administration  
2.11 believes that the agency is not complying with this section or other applicable law, the  
2.12 ~~governing body~~ commissioner may order a law enforcement agency to arrange for additional  
2.13 independent audits. Data in the records required under this paragraph are classified as  
2.14 provided in subdivision 2.

2.15 (b) The results of the audit are public, ~~except for data that are otherwise classified under~~  
2.16 ~~law. The governing body with jurisdiction over the budget of the law enforcement agency~~  
2.17 commissioner of administration shall review the results of the audit. If the ~~governing body~~  
2.18 commissioner determines that there is a pattern of substantial noncompliance with this  
2.19 section by the law enforcement agency, the ~~governing body~~ agency must order that  
2.20 immediately suspend operation of all portable recording systems ~~be suspended~~ until the  
2.21 ~~governing body~~ commissioner has authorized the agency to reinstate their use. An order of  
2.22 suspension under this paragraph may ~~only be made~~ be issued by the commissioner following  
2.23 review of the results of the audit and review of the applicable provisions of this chapter,  
2.24 and after providing the agency ~~and members of the public~~ a reasonable opportunity to  
2.25 respond to the audit's findings ~~in a public meeting~~.

2.26 (c) A report summarizing the results of each audit must be provided to the ~~governing~~  
2.27 ~~body with jurisdiction over the budget of the law enforcement agency~~ commissioner of  
2.28 administration, to the chairs and ranking minority members of the committees of the house  
2.29 of representatives and the senate with jurisdiction over data practices and public safety  
2.30 issues, and to the Legislative Commission on Data Practices and Personal Data Privacy no  
2.31 later than ~~60~~ 30 days following completion of the audit.