

**1205.0100 HOW THESE RULES APPLY.**

Subpart 1. **Scope.** Parts 1205.0100 to 1205.2000 relate to and shall apply to the provisions of Minnesota Statutes, chapter 13.

Subp. 2. **Purpose.** The purpose of this chapter is to aid governmental entities in implementing and administering Minnesota Statutes, chapter 13, as those sections relate to data on individuals. This chapter is intended to guide entities so that while protection is given to individual privacy, neither necessary openness in government nor the orderly and efficient operation of government is curtailed.

Subp. 3. **Government agencies.** This chapter shall apply to those governmental entities as defined by Minnesota Statutes, section 13.02, subdivisions 11, 17, and 18, which collect, create, use, store, and disseminate data on individuals as defined in Minnesota Statutes, section 13.02, subdivision 5.

This chapter shall only apply to data on individuals, as defined by Minnesota Statutes, section 13.02, subdivision 5, which is created, collected, maintained, used, or disseminated by governmental entities.

This chapter shall not apply to any government data collected, created, used, stored, or disseminated which is not data on individuals as defined in Minnesota Statutes, section 13.02, subdivision 5, except this chapter shall apply to summary data.

Subp. 4. **Social service agencies.** Nonprofit social service agencies meeting the requirements of Minnesota Statutes, section 13.02, subdivision 11 shall include, but are not limited to, agencies providing mental health, physical health, counseling, and day-activities services.

This chapter shall only apply in the instance where such an agency is required by the terms of a written contract with a state agency, political subdivision, or statewide system to collect, create, store, use, or disseminate data on individuals.

In the event of such a contract, this chapter shall only apply to the data on individuals that is actually generated by the social service agency because of the contract.

Any data generated by activities of the social service agency that are independent of the contractually based activities shall not be subject to these rules.

This chapter shall not apply to personnel data maintained on employees of such social service agencies.

Subp. 5. **Legal proceedings.** Nothing in these rules shall limit the discovery procedures available at law to any party in a civil or criminal action or administrative proceeding as described in the Minnesota Rules of Civil Procedure and the Minnesota Rules of Criminal Procedure as adopted by the Minnesota Supreme Court or in Minnesota Statutes and rules adopted thereunder.

Nothing in this chapter shall restrict or limit the scope or operation of any judicial order or rule issued by a state or federal court.

In the event of the issuance of a subpoena duces tecum for any private or confidential data or a subpoena requiring any agent of an entity to testify concerning any private or confidential data, the court's attention shall be called, through the proper channels, to those statutory provisions, rules, or regulations which restrict the disclosure of such information.

Nothing in this chapter shall be construed to diminish the rights conferred on subjects of data by Minnesota Statutes, section 13.04, or any other statute.

**Statutory Authority:** *MS s 13.07*

**Published Electronically:** *July 13, 2007*