

ARTICLE 8

GOVERNMENT DATA PRACTICES

Section 1. [3.8844] LEGISLATIVE COMMISSION ON DATA PRACTICES.

Subdivision 1. **Established.** The Legislative Commission on Data Practices and Personal Data Privacy is created to study issues relating to government data practices and individuals' personal data privacy rights and to review legislation impacting data practices, data security, and personal data privacy. The commission is a continuation of the commission that was established by Laws 2014, chapter 193, as amended, and which expired June 30, 2019.

Subd. 2. **Membership.** The commission consists of four senators appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration, and four members of the house of representatives appointed by the speaker. Two members from each chamber must be from the majority party in that chamber and two members from each chamber must be from the minority party in that chamber. Each appointing authority must make appointments as soon as possible after the beginning of the regular legislative session in the odd-numbered year. The ranking senator from the majority party appointed to the commission must convene the first meeting of a biennium by February 15 in the odd-numbered year. The commission may elect up to four former legislators who have demonstrated an interest in, or have a history of working in, the areas of government data practices and personal data privacy to serve as nonvoting members of the commission. The former legislators must not be registered lobbyists. All commission members shall serve without compensation and without reimbursement for mileage, meals, or other expenses.

Subd. 3. **Terms; vacancies.** Members of the commission serve for terms beginning upon appointment and ending at the beginning of the regular legislative session in the next odd-numbered year. The appropriate appointing authority must fill a vacancy for a seat of a current legislator for the remainder of the unexpired term.

Subd. 4. **Officers.** The commission must elect a chair and may elect other officers as it determines are necessary. The chair alternates between a member of the senate and a member of the house of representatives in January of each odd-numbered year.

Subd. 5. **Staff.** Legislative staff must provide administrative and research assistance to the commission from existing resources. The Legislative Coordinating Commission may, if funding is available, appoint staff to provide research assistance.

Subd. 6. **Duties.** The commission shall:

(1) review and provide the legislature with research and analysis of emerging issues relating to government data practices and security and privacy of personal data;

Section 1. [3.8844] LEGISLATIVE COMMISSION ON DATA PRACTICES.

Subdivision 1. **Established.** The Legislative Commission on Data Practices and Personal Data Privacy is created to study issues relating to government data practices and individuals' personal data privacy rights and to review legislation impacting data practices, data security, and personal data privacy. The commission is a continuation of the commission that was established by Laws 2014, chapter 193, as amended, and which expired June 30, 2019.

Subd. 2. **Membership.** The commission consists of two senators appointed by the senate majority leader, two senators appointed by the minority leader in the senate, two members of the house of representatives appointed by the speaker, and two members of the house of representatives appointed by the minority leader in the house. Two members from each chamber must be from the majority party in that chamber and two members from each chamber must be from the minority party in that chamber. Each appointing authority must make appointments as soon as possible after the beginning of the regular legislative session in the odd-numbered year. The ranking senator from the majority party appointed to the commission must convene the first meeting of a biennium by February 15 in the odd-numbered year. The commission may elect up to four former legislators who have demonstrated an interest in, or have a history of working in, the areas of government data practices and personal data privacy to serve as nonvoting members of the commission. The former legislators must not be registered lobbyists and shall be compensated as provided under section 15.0575, subdivision 3.

Subd. 3. **Terms; vacancies.** Members of the commission serve for terms beginning upon appointment and ending at the beginning of the regular legislative session in the next odd-numbered year. The appropriate appointing authority must fill a vacancy for a seat of a current legislator for the remainder of the unexpired term.

Subd. 4. **Officers.** The commission must elect a chair and may elect other officers as it determines are necessary. The chair alternates between a member of the senate and a member of the house of representatives in January of each odd-numbered year.

Subd. 5. **Staff.** Legislative staff must provide administrative and research assistance to the commission. The Legislative Coordinating Commission may, if funding is available, appoint staff to provide research assistance.

Subd. 6. **Duties.** The commission shall:

(1) review and provide the legislature with research and analysis of emerging issues relating to government data practices and security and privacy of personal data;

77.20 (2) review and make recommendations on legislative proposals relating to the Minnesota
77.21 Government Data Practices Act; and

77.22 (3) review and make recommendations on legislative proposals impacting personal data
77.23 privacy rights, data security, and other related issues.

77.24 **EFFECTIVE DATE.** This section is effective the day following final enactment. Initial
77.25 members of the commission serve for a term ending in January 2023. A member of the
77.26 house of representatives shall serve as the first chair of the commission. A member of the
77.27 senate shall serve as chair of the commission beginning in January 2023.

77.28 Sec. 2. Minnesota Statutes 2020, section 13.045, subdivision 1, is amended to read:

77.29 Subdivision 1. **Definitions.** As used in this section:

77.30 (1) "program participant" has the meaning given in section 5B.02, paragraph (g);

77.31 (2) "location data" means ~~any data the participant specifies~~ that may be used to physically
77.32 locate a program participant, ~~including but not limited to~~ such as the program participant's
78.1 residential address, work address, ~~and~~ or school address, and that is collected, received, or
78.2 maintained by a government entity prior to the date a program participant's certification
78.3 expires, or the date the entity receives notice that the program participant has withdrawn
78.4 from the program, whichever is earlier;

78.5 (3) "identity data" means data that may be used to identify a program participant,
78.6 including the program participant's name, phone number, e-mail address, address designated
78.7 under chapter 5B, Social Security number, or driver's license number, and that is collected,
78.8 received, or maintained by a government entity before the date a program participant's
78.9 certification expires, or the date the entity receives notice that the program participant has
78.10 withdrawn from the program, whichever is earlier;

78.11 (4) "county recorder" means the county official who performs the functions of the county
78.12 recorder or registrar of titles to record a document as part of the county real estate document
78.13 recording system, regardless of title or office; and

78.14 (5) "real property records" means any record of data that is maintained ~~by a county~~ as
78.15 part of the county real estate document recording system for use by the public, data on
78.16 assessments, data on real or personal property taxation, and other data on real property.

78.17 Sec. 3. Minnesota Statutes 2020, section 13.045, subdivision 2, is amended to read:

78.18 Subd. 2. **Notification of certification.** (a) A program participant may ~~submit a notice,~~
78.19 ~~in writing, to notify~~ the responsible authority of any government entity other than the county
78.20 recorder in writing, on a form prescribed by the secretary of state, that the participant is
78.21 certified in the Safe at Home address confidentiality program pursuant to chapter 5B. The
78.22 notice must include the program participant's name, ~~names of other program participants~~
78.23 ~~in the household,~~ date of birth, address designated under chapter 5B, program participant
78.24 signature, signature of the participant's parent or guardian if the participant is a minor, date

29.3 (2) review and make recommendations on legislative proposals relating to the Minnesota
29.4 Government Data Practices Act; and

29.5 (3) review and make recommendations on legislative proposals impacting personal data
29.6 privacy rights, data security, and other related issues.

29.7 **EFFECTIVE DATE.** This section is effective the day following final enactment. Initial
29.8 members of the commission serve for a term ending in January 2023. A member of the
29.9 house of representatives shall serve as the first chair of the commission. A member of the
29.10 senate shall serve as chair of the commission beginning in January 2023.

78.25 the program participant's certification in the program expires, and any other information
78.26 specified by the secretary of state. A program participant may submit a subsequent notice
78.27 of certification, if the participant's certification is renewed. The contents of the notification
78.28 of certification are private data on individuals. A notice provided pursuant to this paragraph
78.29 is a request to protect location data unless the participant requests that specific identity data
78.30 also be protected.

78.31 (b) To affect real property records, ~~including but not limited to documents maintained~~
78.32 ~~in a public recording system, data on assessments and taxation, and other data on real~~
78.33 ~~property,~~ a program participant must submit a real property notice in writing to the county
78.34 recorder in the county where the property identified in the real property notice is located.

79.1 To affect real property records maintained by any other government entity, a program
79.2 participant must submit a real property notice in writing to the other government entity's
79.3 responsible authority. A real property notice must be on a form prescribed by the secretary
79.4 of state and must include:

79.5 (1) the full legal name of the program participant, including middle name;

79.6 (2) the last four digits of the program participant's Social Security number;

79.7 (3) the participant's date of birth;

79.8 ~~(3)~~ (4) the designated address of the program participant as assigned by the secretary of
79.9 state, including lot number;

79.10 ~~(4) the date the program participant's certification in the program expires;~~

79.11 (5) the legal description and street address, if any, of the real property affected by the
79.12 notice;

79.13 (6) the address of the Office of the Secretary of State; and

79.14 (7) the signature of the program participant.

79.15 Only one parcel of real property may be included in each notice, but more than one notice
79.16 may be presented ~~to the county recorder. The county recorder~~ The recipient of the notice
79.17 may require a program participant to provide additional information necessary to identify
79.18 the records of the program participant or the real property described in the notice. A program
79.19 participant must submit a subsequent real property notice for the real property if the
79.20 participant's certification is renewed legal name changes. The real property notice is private
79.21 data on individuals.

79.22 Sec. 4. Minnesota Statutes 2020, section 13.045, subdivision 3, is amended to read:

79.23 Subd. 3. **Classification of identity and location data; amendment of records; sharing**
79.24 **and dissemination.** (a) Identity and location data ~~on~~ for which a program participant who
79.25 submits a notice seeks protection under subdivision 2, paragraph (a), that are not otherwise
79.26 classified by law are private data on individuals. ~~Notwithstanding any provision of law to~~

79.27 ~~the contrary, private or confidential location data on a program participant who submits a~~
79.28 ~~notice under subdivision 2, paragraph (a), may not be shared with any other government~~
79.29 ~~entity or nongovernmental entity except as provided in paragraph (b):~~

79.30 (b) ~~Private or confidential location data on a program participant must not be shared or~~
79.31 ~~disclosed by a government entity. Notwithstanding any provision of law to the contrary,~~
79.32 private or confidential location data on a program participant who submits a notice under
80.1 subdivision 2, paragraph (a), may not be shared with any other government entity or
80.2 nongovernmental entity unless:

80.3 (1) the program participant has expressly consented in writing to sharing or dissemination
80.4 of the data for the purpose for which the sharing or dissemination will occur;

80.5 (2) the data are subject to sharing or dissemination pursuant to court order under section
80.6 13.03, subdivision 6;

80.7 (3) the data are subject to sharing pursuant to section 5B.07, subdivision 2;

80.8 (4) the location data related to county of residence are needed to provide public assistance
80.9 or other government services, or to allocate financial responsibility for the assistance or
80.10 services;

80.11 (5) the data are necessary to perform a government entity's health, safety, or welfare
80.12 functions, including the provision of emergency 911 services, the assessment and
80.13 investigation of child or vulnerable adult abuse or neglect, or the assessment or inspection
80.14 of services or locations for compliance with health, safety, or professional standards; or

80.15 (6) the data are necessary to aid an active law enforcement investigation of the program
80.16 participant.

80.17 (c) Data disclosed under paragraph (b), clauses (4) to (6), may be used only for the
80.18 purposes authorized in this subdivision and may not be further disclosed to any other person
80.19 or government entity. Government entities receiving or sharing private or confidential data
80.20 under this subdivision shall establish procedures to protect the data from further disclosure.

80.21 (d) Real property record data are governed by subdivision 4a.

80.22 (e) Notwithstanding sections 15.17 and 138.17, a government entity may amend records
80.23 to replace a participant's location data with the participant's designated address.

80.24 Sec. 5. Minnesota Statutes 2020, section 13.045, subdivision 4a, is amended to read:

80.25 Subd. 4a. **Real property records.** (a) If a program participant submits a notice ~~to a~~
80.26 ~~county recorder~~ under subdivision 2, paragraph (b), the ~~county recorder~~ government entity
80.27 must not disclose the program participant's identity data in conjunction with the property
80.28 identified in the written notice in the entity's real property records, unless:

80.29 (1) the program participant has consented to sharing or dissemination of the data for the
80.30 purpose identified in a writing acknowledged by the program participant;

81.1 (2) the data are subject to sharing or dissemination pursuant to court order under section
81.2 13.03, subdivision 6; ~~or~~

81.3 (3) the secretary of state authorizes the sharing or dissemination of the data under
81.4 subdivision 4b for the purpose identified in the authorization; or

81.5 (4) the data is shared with a government entity subject to this chapter for the purpose of
81.6 administering assessment and taxation laws.

81.7 This subdivision does not prevent ~~the~~ a county recorder from returning original documents
81.8 to the individuals that submitted the documents for recording. This subdivision does not
81.9 prevent the public disclosure of the participant's name and address designated under chapter
81.10 5B in the county reception index if the participant's name and designated address are not
81.11 disclosed in conjunction with location data. Each ~~county recorder~~ government entity shall
81.12 establish procedures for recording or filing documents to comply with this subdivision.
81.13 These procedures may include masking identity or location data and making documents or
81.14 certificates of title containing the data private and not viewable except as allowed by this
81.15 paragraph. The procedure must comply with the requirements of chapters 386, 507, 508,
81.16 and 508A and other laws as appropriate, to the extent these requirements do not conflict
81.17 with this section. The procedures must provide public notice of the existence of recorded
81.18 documents and certificates of title that are not publicly viewable and the provisions for
81.19 viewing them under this subdivision. Notice that a document or certificate is private and
81.20 viewable only under this subdivision or subdivision 4b is deemed constructive notice of the
81.21 document or certificate.

81.22 (b) A real property notice is notice only to the county recorder. A notice that does not
81.23 conform to the requirements of a real property notice under subdivision 2, paragraph (b),
81.24 is not effective as a notice to the county recorder. On receipt of a real property notice, the
81.25 ~~county recorder~~ government entity shall provide a copy of the notice to the person who
81.26 maintains the property tax records in that ~~county~~ jurisdiction, to the county's or municipality's
81.27 responsible authority, and provide a copy to the secretary of state at the address specified
81.28 by the secretary of state in the notice.

81.29 (c) Paragraph (a) applies only to the records recorded or filed concurrently with the real
81.30 property notice specified in subdivision 2, paragraph (b), and real property records affecting
81.31 the same real property created or recorded subsequent to the ~~county's~~ government entity's
81.32 receipt of the real property notice.

81.33 (d) The prohibition on disclosure in paragraph (a) continues until:

82.1 (1) the program participant has consented to the termination of the real property notice
82.2 in a writing acknowledged by the program participant. Notification under this paragraph
82.3 must be given by the government entity to the secretary of state within 90 days of the
82.4 termination;

82.5 (2) the real property notice is terminated pursuant to a court order. Notification under
82.6 this paragraph must be given by the government entity to the secretary of state within 90
82.7 days of the termination;

82.8 (3) the program participant no longer holds a record interest in the real property identified
82.9 in the real property notice. Notification under this paragraph must be given by the government
82.10 entity to the secretary of state within 90 days of the termination; or

82.11 (4) the secretary of state has given written notice to the ~~county recorder~~ government
82.12 entity who provided the secretary of state with a copy of a participant's real property notice
82.13 that the program participant's certification has terminated. Notification under this paragraph
82.14 must be given by the secretary of state within 90 days of the termination.

82.15 Upon termination of the prohibition of disclosure, the ~~county recorder~~ government entity
82.16 shall make publicly viewable all documents and certificates of title relative to the participant
82.17 that were previously partially or wholly private and not viewable.

85.2 Sec. 8. Minnesota Statutes 2020, section 13.7931, is amended by adding a subdivision to
85.3 read:

85.4 Subd. 1b. Data on individuals who are minors. Data on individuals who are minors
85.5 that are collected, created, received, maintained, or disseminated by the Department of
85.6 Natural Resources are classified under section 84.0873.

82.18 Sec. 6. Minnesota Statutes 2020, section 13.32, subdivision 3, is amended to read:

82.19 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision
82.20 5, educational data is private data on individuals and shall not be disclosed except as follows:

82.21 (a) pursuant to section 13.05;

82.22 (b) pursuant to a valid court order;

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

82.24 (d) to disclose information in health, including mental health, and safety emergencies
82.25 pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code
82.26 of Federal Regulations, title 34, section 99.36;

82.27 (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1),
82.28 (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations,
82.29 title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

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

1.6 Section 1. Minnesota Statutes 2020, section 13.7931, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 1b. Data on individuals who are minors. Except for electronic licensing system
1.9 data classified under section 84.0874, data on individuals who are minors that are collected,
1.10 created, received, maintained, or disseminated by the Department of Natural Resources are
1.11 classified under section 84.0873.

- 83.3 (g) when disclosure is required for institutions that participate in a program under title
83.4 IV of the Higher Education Act, United States Code, title 20, section 1092;
- 83.5 (h) to the appropriate school district officials to the extent necessary under subdivision
83.6 6, annually to indicate the extent and content of remedial instruction, including the results
83.7 of assessment testing and academic performance at a postsecondary institution during the
83.8 previous academic year by a student who graduated from a Minnesota school district within
83.9 two years before receiving the remedial instruction;
- 83.10 (i) to appropriate authorities as provided in United States Code, title 20, section
83.11 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the
83.12 system to effectively serve, prior to adjudication, the student whose records are released;
83.13 provided that the authorities to whom the data are released submit a written request for the
83.14 data that certifies that the data will not be disclosed to any other person except as authorized
83.15 by law without the written consent of the parent of the student and the request and a record
83.16 of the release are maintained in the student's file;
- 83.17 (j) to volunteers who are determined to have a legitimate educational interest in the data
83.18 and who are conducting activities and events sponsored by or endorsed by the educational
83.19 agency or institution for students or former students;
- 83.20 (k) to provide student recruiting information, from educational data held by colleges
83.21 and universities, as required by and subject to Code of Federal Regulations, title 32, section
83.22 216;
- 83.23 (l) to the juvenile justice system if information about the behavior of a student who poses
83.24 a risk of harm is reasonably necessary to protect the health or safety of the student or other
83.25 individuals;
- 83.26 (m) with respect to Social Security numbers of students in the adult basic education
83.27 system, to Minnesota State Colleges and Universities and the Department of Employment
83.28 and Economic Development for the purpose and in the manner described in section 124D.52,
83.29 subdivision 7;
- 83.30 (n) to the commissioner of education for purposes of an assessment or investigation of
83.31 a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request
83.32 by the commissioner of education, data that are relevant to a report of maltreatment and are
84.1 from charter school and school district investigations of alleged maltreatment of a student
84.2 must be disclosed to the commissioner, including, but not limited to, the following:
- 84.3 (1) information regarding the student alleged to have been maltreated;
- 84.4 (2) information regarding student and employee witnesses;
- 84.5 (3) information regarding the alleged perpetrator; and
- 84.6 (4) what corrective or protective action was taken, if any, by the school facility in response
84.7 to a report of maltreatment by an employee or agent of the school or school district;

84.8 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge
84.9 of a crime of violence or nonforcible sex offense to the extent authorized under United
84.10 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title
84.11 34, sections 99.31 (a)(13) and (14);

84.12 (p) when the disclosure is information provided to the institution under United States
84.13 Code, title 42, section 14071, concerning registered sex offenders to the extent authorized
84.14 under United States Code, title 20, section 1232g(b)(7); ~~or~~

84.15 (q) when the disclosure is to a parent of a student at an institution of postsecondary
84.16 education regarding the student's violation of any federal, state, or local law or of any rule
84.17 or policy of the institution, governing the use or possession of alcohol or of a controlled
84.18 substance, to the extent authorized under United States Code, title 20, section 1232g(i), and
84.19 Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution
84.20 has an information release form signed by the student authorizing disclosure to a parent.
84.21 The institution must notify parents and students about the purpose and availability of the
84.22 information release forms. At a minimum, the institution must distribute the information
84.23 release forms at parent and student orientation meetings; or

84.24 (r) with tribal nations about tribally enrolled or descendant students to the extent necessary
84.25 for the tribal nation and school district or charter school to support the educational attainment
84.26 of the student.

84.27 Sec. 7. [13.3655] ATTORNEY GENERAL DATA CODED ELSEWHERE.

84.28 Subdivision 1. Scope. The sections referred to in this section are codified outside this
84.29 chapter. Those sections classify attorney general data as other than public, place restrictions
84.30 on access to government data, or involve data sharing.

84.31 Subd. 2. Jailhouse witnesses. Data collected and maintained by the attorney general
84.32 regarding jailhouse witnesses are governed by section 634.045.

85.1 EFFECTIVE DATE. This section is effective August 1, 2021.

85.7 Sec. 9. Minnesota Statutes 2020, section 13.82, is amended by adding a subdivision to
85.8 read:

85.9 Subd. 33. Mental health care data. (a) Mental health data received from the welfare
85.10 system as described in section 13.46, subdivision 7, are classified as described in that section.

85.11 (b) Data received from a provider as described in section 144.294 are classified as
85.12 described in that section.

85.13 (c) Health records received from a provider are governed by section 144.293.

85.14 (d) The following data on individuals created or collected by law enforcement agencies
85.15 are private data on individuals, unless the data become criminal investigative data, in which
85.16 the data are classified by subdivision 7:

85.17 (1) medications taken by an individual;

85.18 (2) mental illness diagnoses;

85.19 (3) the psychological or psychosocial history of an individual;

85.20 (4) risk factors or potential triggers related to an individual's mental health;

85.21 (5) mental health or social service providers serving an individual; and

85.22 (6) data pertaining to the coordination of social service or mental health care on behalf
85.23 of an individual, including the scheduling of appointments, responses from providers, and
85.24 follow-up.

85.25 (e) Data classified as private by paragraph (d) may be shared with the welfare system,
85.26 as defined in section 13.46, subdivision 1, paragraph (c), or with a provider as defined by
85.27 section 144.291, subdivision 2, paragraph (i), to coordinate necessary services on behalf of
85.28 the subject of the data.

85.29 (f) This subdivision does not affect the classification of data made public by subdivision
85.30 2, 3, or 6 or those portions of inactive investigative data made public by subdivision 7.

86.1 Sec. 10. Minnesota Statutes 2020, section 13.824, subdivision 6, is amended to read:

86.2 Subd. 6. **Biennial audit.** (a) In addition to the log required under subdivision 5, the law
86.3 enforcement agency must maintain records showing the date and time automated license
86.4 plate reader data were collected and the applicable classification of the data. The law
86.5 enforcement agency shall arrange for an independent, biennial audit of the records to
86.6 determine whether data currently in the records are classified, how the data are used, whether
86.7 they are destroyed as required under this section, and to verify compliance with subdivision
86.8 7. If the commissioner of administration believes that a law enforcement agency is not
86.9 complying with this section or other applicable law, the commissioner may order a law
86.10 enforcement agency to arrange for additional independent audits. Data in the records required
86.11 under this paragraph are classified as provided in subdivision 2.

86.12 (b) The results of the audit are public. The commissioner of administration shall review
86.13 the results of the audit. If the commissioner determines that there is a pattern of substantial
86.14 noncompliance with this section by the law enforcement agency, the agency must
86.15 immediately suspend operation of all automated license plate reader devices until the
86.16 commissioner has authorized the agency to reinstate their use. An order of suspension under
86.17 this paragraph may be issued by the commissioner, upon review of the results of the audit,
86.18 review of the applicable provisions of this chapter, and after providing the agency a
86.19 reasonable opportunity to respond to the audit's findings.

86.20 (c) A report summarizing the results of each audit must be provided to the commissioner
86.21 of administration, to the ~~chair~~ chairs and ranking minority members of the committees of
86.22 the house of representatives and the senate with jurisdiction over data practices and public
86.23 safety issues, and to the Legislative Commission on Data Practices and Personal Data Privacy
86.24 no later than 30 days following completion of the audit.

86.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.

86.26 Sec. 11. Minnesota Statutes 2020, section 13.825, subdivision 9, is amended to read:

86.27 Subd. 9. **Biennial audit.** (a) A law enforcement agency must maintain records showing
86.28 the date and time portable recording system data were collected and the applicable
86.29 classification of the data. The law enforcement agency shall arrange for an independent,
86.30 biennial audit of the data to determine whether data are appropriately classified according
86.31 to this section, how the data are used, and whether the data are destroyed as required under
86.32 this section, and to verify compliance with subdivisions 7 and 8. If the governing body with
86.33 jurisdiction over the budget of the agency determines that the agency is not complying with
86.34 this section or other applicable law, the governing body may order additional independent
87.1 audits. Data in the records required under this paragraph are classified as provided in
87.2 subdivision 2.

87.3 (b) The results of the audit are public, except for data that are otherwise classified under
87.4 law. The governing body with jurisdiction over the budget of the law enforcement agency
87.5 shall review the results of the audit. If the governing body determines that there is a pattern
87.6 of substantial noncompliance with this section, the governing body must order that operation
87.7 of all portable recording systems be suspended until the governing body has authorized the
87.8 agency to reinstate their use. An order of suspension under this paragraph may only be made
87.9 following review of the results of the audit and review of the applicable provisions of this
87.10 chapter, and after providing the agency and members of the public a reasonable opportunity
87.11 to respond to the audit's findings in a public meeting.

87.12 (c) A report summarizing the results of each audit must be provided to the governing
87.13 body with jurisdiction over the budget of the law enforcement agency ~~and~~ to the Legislative
87.14 Commission on Data Practices and Personal Data Privacy, and to the chairs and ranking
87.15 minority members of the committees of the house of representatives and the senate with
87.16 jurisdiction over data practices and public safety issues no later than 60 days following
87.17 completion of the audit.

87.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

87.19 Sec. 12. Minnesota Statutes 2020, section 13.856, subdivision 3, is amended to read:

87.20 Subd. 3. **Public data.** The following closed case data maintained by the ombudsperson
87.21 are classified as public data pursuant to section 13.02, subdivision 15:

87.22 (1) client name;

87.23 (2) client location; and

87.24 (3) the inmate identification number assigned by the Department of Corrections.

87.25 Sec. 13. [84.0873] DATA ON INDIVIDUALS WHO ARE MINORS.

87.26 (a) When the Department of Natural Resources collects, creates, receives, maintains, or
87.27 disseminates the following data on individuals who the department knows are minors, the
87.28 data are considered private data on individuals, as defined in section 13.02, subdivision 12,
87.29 except for data classified as public data according to section 13.43:

87.30 (1) name;

87.31 (2) date of birth;

88.1 (3) Social Security number;

88.2 (4) telephone number;

88.3 (5) e-mail address;

88.4 (6) physical or mailing address;

88.5 (7) location data;

88.6 (8) online account access information;

88.7 (9) data associated with the location of electronic devices; and

88.8 (10) other data that would identify participants who have registered for events, programs,
88.9 or classes sponsored by the Department of Natural Resources.

88.10 (b) Data about minors classified under this section maintain their classification as private
88.11 data on individuals after the individual is no longer a minor.

88.12 Sec. 14. Minnesota Statutes 2020, section 144.225, subdivision 7, is amended to read:

88.13 Subd. 7. **Certified birth or death record.** (a) The state registrar or local issuance office
88.14 shall issue a certified birth or death record or a statement of no vital record found to an
88.15 individual upon the individual's proper completion of an attestation provided by the
88.16 commissioner and payment of the required fee:

88.17 (1) to a person who ~~has a tangible interest in the requested vital record. A person who~~
88.18 ~~has a tangible interest~~ is:

88.19 (i) the subject of the vital record;

88.20 (ii) a child of the subject;

1.12 Sec. 2. [84.0873] DATA ON INDIVIDUALS WHO ARE MINORS.

1.13 (a) When the Department of Natural Resources collects, creates, receives, maintains, or
1.14 disseminates the following data on individuals who the department knows are minors, the
1.15 data are considered private data on individuals, as defined in section 13.02, subdivision 12,
1.16 except for data classified as public data according to section 13.43:

1.17 (1) name;

1.18 (2) date of birth;

1.19 (3) Social Security number;

1.20 (4) telephone number;

1.21 (5) e-mail address;

2.1 (6) physical or mailing address;

2.2 (7) location data;

2.3 (8) online account access information;

2.4 (9) data associated with the location of electronic devices; and

2.5 (10) other data that would identify participants who have registered for events, programs,
2.6 or classes sponsored by the Department of Natural Resources.

2.7 (b) Access to data described in paragraph (a) is subject to Minnesota Rules, part
2.8 1205.0500. Data about minors classified under this section maintain their classification as
2.9 private data on individuals after the individual is no longer a minor.

2.10 (c) When data about minors is created, collected, stored, or maintained as part of the
2.11 electronic licensing system described in section 84.0874, the data is governed by section
2.12 84.0874 and may be disclosed pursuant to the provisions therein.

SECTION 144.225, SUBDIVISION 7, IS ALSO AMENDED IN THE HEALTH AND HUMAN SERVICES OMNIBUS BILL S2360-2, ARTICLE 2, SECTION 23

- 88.21 (iii) the spouse of the subject;
- 88.22 (iv) a parent of the subject;
- 88.23 (v) the grandparent or grandchild of the subject;
- 88.24 (vi) if the requested record is a death record, a sibling of the subject;
- 88.25 ~~(vii) the party responsible for filing the vital record;~~
- 88.26 ~~(viii)~~ (vii) the legal custodian, guardian or conservator, or health care agent of the subject;
- 88.27 ~~(ix)~~ (viii) a personal representative, by sworn affidavit of the fact that the certified copy
88.28 is required for administration of the estate;
- 89.1 ~~(x)~~ (ix) a successor of the subject, as defined in section 524.1-201, if the subject is
89.2 deceased, by sworn affidavit of the fact that the certified copy is required for administration
89.3 of the estate;
- 89.4 ~~(xi)~~ (x) if the requested record is a death record, a trustee of a trust by sworn affidavit
89.5 of the fact that the certified copy is needed for the proper administration of the trust;
- 89.6 ~~(xii)~~ (xi) a person or entity who demonstrates that a certified vital record is necessary
89.7 for the determination or protection of a personal or property right, pursuant to rules adopted
89.8 by the commissioner; or
- 89.9 ~~(xiii)~~ (xii) an adoption agency in order to complete confidential postadoption searches
89.10 as required by section 259.83;
- 89.11 (2) to any local, state, tribal, or federal governmental agency upon request if the certified
89.12 vital record is necessary for the governmental agency to perform its authorized duties;
- 89.13 (3) to an attorney representing the subject of the vital record or another person listed in
89.14 clause (1), upon evidence of the attorney's license;
- 89.15 (4) pursuant to a court order issued by a court of competent jurisdiction. For purposes
89.16 of this section, a subpoena does not constitute a court order; or
- 89.17 (5) to a representative authorized by a person under clauses (1) to (4).
- 89.18 (b) The state registrar or local issuance office shall also issue a certified death record to
89.19 an individual described in paragraph (a), clause (1), items (ii) to ~~(viii)~~ (xi), if, on behalf of
89.20 the individual, a licensed mortician furnishes the registrar with a properly completed
89.21 attestation in the form provided by the commissioner within 180 days of the time of death
89.22 of the subject of the death record. This paragraph is not subject to the requirements specified
89.23 in Minnesota Rules, part 4601.2600, subpart 5, item B.

89.24 Sec. 15. INITIAL APPOINTMENTS AND MEETINGS.

89.25 Appointing authorities for the Legislative Commission on Data Practices under Minnesota
89.26 Statutes, section 3.8844, must make initial appointments by June 1, 2021. The speaker of
89.27 the house of representatives must designate one member of the commission to convene the
89.28 first meeting of the commission by June 15, 2021.

43.3 Sec. 18. INITIAL APPOINTMENTS AND MEETINGS.

43.4 Appointing authorities for the Legislative Commission on Data Practices under Minnesota
43.5 Statutes, section 3.8844, must make initial appointments by June 1, 2021. The speaker of
43.6 the house of representatives must designate one member of the commission to convene the
43.7 first meeting of the commission by June 15, 2021.