ARTICLE 10

GOVERNMENT DATA PRACTICES AND PRIVACY

Section 1. Minnesota Statutes 2020, section 5B.02, is amended to read:

5B.02 DEFINITIONS.

(a) For purposes of this chapter and unless the context clearly requires otherwise, the definitions in this section have the meanings given them.

(b) "Address" means an individual's work address, school address, or residential street address, as specified on the individual's application to be a program participant under this chapter.

(c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible minor, or a guardian acting on behalf of an incapacitated person, as defined in section 524.5-102.

(d) "Domestic violence" means an act as defined in section 518B.01, subdivision 2, paragraph (a), and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

(e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in section 524.5-102 for whom there is good reason to believe (1) that the eligible person is a victim of domestic violence, sexual assault, or harassment or stalking, or (2) that the eligible person fears for the person's safety, the safety of another person who resides in the same household, or the safety of persons on whose behalf the application is made. An individual must reside in Minnesota in order to be an eligible person. A person registered or required to register as a predatory offender under section 243.166 or 243.167, or the law of another jurisdiction, is not an eligible person.

(f) "Mail" means first class letters and flats delivered via the United States Postal Service, including priority, express, and certified mail, and excluding packages, parcels, and periodicals, catalogues, and packages and parcels unless they are clearly identifiable as nonrefrigerated pharmaceuticals or clearly indicate that they are sent by the federal government or a state or county government agency of the continental United States, Hawaii, District of Columbia, or United States territories.

(g) "Program participant" means an individual certified as a program participant under section 5B.03.

(h) "Harassment" or "stalking" means acts criminalized under section 609.749 and includes a threat of such acts committed against an individual, regardless of whether these acts or threats have been reported to law enforcement officers.
Sec. 2. Minnesota Statutes 2020, section 5B.05, is amended to read:

5B.05 USE OF DESIGNATED ADDRESS.

(a) When a program participant presents the address designated by the secretary of state to any person or entity, that address must be accepted as the address of the program participant. The person may not require the program participant to submit any address that could be used to physically locate the participant either as a substitute or in addition to the designated address, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the program participant's physical location. Notwithstanding a person's or entity's knowledge of a program participant's physical location, the person or entity must use the program participant's designated address for all mail correspondence with the program participant.

(b) A program participant may use the address designated by the secretary of state as the program participant's work address.

(c) The Office of the Secretary of State shall forward all mail sent to the designated address to the proper program participants.

(d) If a program participant has notified a person in writing, on a form prescribed by the program, that the individual is a program participant and of the requirements of this section, the person must not knowingly disclose the participant's name or address identified by the participant on the notice. If identified on the notice, the individual receiving the notice must not knowingly disclose the program participant's name, home address, work address, or school address, unless the person to whom the address is disclosed also lives, works, or goes to school at the address disclosed, or the participant has provided written consent to disclosure of the participant's name, home address, work address, or school address for the purpose for which the disclosure will be made. This paragraph applies to the actions and reports of guardians ad litem, except that guardians ad litem may disclose the program participant's name. This paragraph does not apply to records of the judicial branch governed by rules adopted by the supreme court or government entities governed by section 13.045.

Sec. 3. Minnesota Statutes 2020, section 5B.10, subdivision 1, is amended to read:

Subdivision 1. Display by landlord. If a program participant has notified the program participant's landlord in writing that the individual is a program participant and of the requirements of this section, a local ordinance or the landlord must not require the display of, and the landlord shall not display, the program participant's name at an address otherwise protected under this chapter.

Sec. 4. Minnesota Statutes 2020, section 13.045, subdivision 1, is amended to read:

Subdivision 1. Definitions. As used in this section:

(1) “program participant” has the meaning given in section 5B.02, paragraph (g);
(2) "location data" means any data the participant specifies that may be used to physically locate a program participant, including but not limited to such as the program participant's residential address, work address, and school address, and that is collected, received, or maintained by a government entity prior to the date a program participant's certification expires, or the date the entity receives notice that the program participant has withdrawn from the program, whichever is earlier;

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

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

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

Sec. 5. Minnesota Statutes 2020, section 13.045, subdivision 2, is amended to read:

Subd. 2. Notification of certification. (a) A program participant may submit a notice in writing, to the responsible authority of any government entity other than the county recorder in writing, on a form prescribed by the secretary of state, that the participant is certified in the Safe at Home address confidentiality program pursuant to chapter 5B. The notice must include the program participant's name, names of other program participants in the household, date of birth, address designated under chapter 5B, program participant signature, signature of the participant's parent or guardian if the participant is a minor, date the program participant's certification in the program expires, and any other information specified by the secretary of state. A program participant may submit a subsequent notice of certification, if the participant's certification is renewed. The contents of the notification of certification are private data on individuals. A notice provided pursuant to this paragraph is a request to protect location data unless the participant requests that specific identity data also be protected.

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

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

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REVISOR FULL-TEXT SIDE-BY-SIDE
(1) the full legal name of the program participant, including middle name;
(2) the last four digits of the program participant's Social Security number;
(3) the participant's date of birth;
(4) the designated address of the program participant as assigned by the secretary of state, including lot number;
(5) the date the program participant's certification in the program expires;
(6) the address of the Office of the Secretary of State; and
(7) the signature of the program participant.

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

Sec. 6. Minnesota Statutes 2020, section 13.045, subdivision 3, is amended to read:

Subd. 3. Classification of identity and location data; amendment of records; sharing and dissemination. (a) Identity and location data on which a program participant who submits a notice seeks protection under subdivision 2, paragraph (a), that are not otherwise classified by law are private data on individuals. Notwithstanding any provision of law to the contrary, private or confidential location data on a program participant who submits a notice under subdivision 2, paragraph (a), may not be shared with any other government entity or nongovernmental entity except as provided in paragraph (b).

(1) the program participant has expressly consented in writing to sharing or dissemination of the data for the purpose for which the sharing or dissemination will occur;
(2) the data are subject to sharing or dissemination pursuant to court order under section 13.03, subdivision 6;
(3) the data are subject to sharing pursuant to section 5B.07, subdivision 2;
(4) the location data related to county of residence are needed to provide public assistance or other government services, or to allocate financial responsibility for the assistance or services;

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

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

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

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

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

Sec. 7. Minnesota Statutes 2020, section 13.045, subdivision 4a, is amended to read:

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

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

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

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

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

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

(b) A real property notice is notice only to the county recorder. A notice that does not conform to the requirements of a real property notice under subdivision 2, paragraph (b), is not effective as notice to the county recorder. On receipt of a real property notice, the county recorder shall provide a copy of the notice to the person who maintains the property tax records in that county, and if the recipient of the real property notice is the county recorder, the county recorder shall notify the county's responsible authority and provide a copy to the secretary of state at the address specified in the notice. If the recipient of the notice is the responsible authority, the responsible authority shall provide a copy to the secretary of state at the address specified by the secretary of state in the notice.

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

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

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

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

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

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

Upon termination of the prohibition of disclosure, the county government entity shall make publicly viewable all documents and certificates of title relative to the participant that were previously partially or wholly private and not viewable.
Sec. 8. [13.204] POLITICAL SUBDIVISIONS LICENSING DATA.

(a) The following data submitted to a political subdivision by a person seeking to obtain a license are classified as private data on individuals or nonpublic data:

1. a tax return, as defined by section 270B.01, subdivision 2; and
2. a bank account statement.

(b) Notwithstanding section 138.17, data collected by a political subdivision as part of a license application and classified under paragraph (a) must be destroyed no later than 90 days after a final decision on the license application.

Sec. 9. Minnesota Statutes 2020, section 13.32, subdivision 1, is amended to read:

Subdivision 1. Definitions. As used in this section:

(a) "Educational data" means data on individuals maintained by a public educational agency or institution or by a person acting for the agency or institution which relates to a student. Records of instructional personnel which are in the sole possession of the maker thereof and are destroyed at the end of the school year, shall not be deemed to be government data.

(b) "Juvenile justice system" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

(c) "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

(d) "School-issued device" means hardware or software that a public educational agency or institution, acting independently or with a technology provider, provides to an individual.
student for that student's dedicated personal use. A school-issued device includes a device
issued through a one-to-one program.

(c) "Student" means an individual currently or formerly enrolled or registered, applicants for enrollment or registration at a public educational agency or institution, or individuals who receive shared time educational services from a public agency or institution.

(f) "Substitute teacher" means an individual who performs on a temporary basis the duties of the individual who made the record, but does not include an individual who permanently succeeds to the position of the maker of the record.

(g) "Technology provider" means a person who:

(1) contracts with a public educational agency or institution, as part of a one-to-one program or otherwise, to provide a school-issued device for student use; and

(2) creates, receives, or maintains educational data pursuant or incidental to a contract with a public educational agency or institution.

EFFECTIVE DATE. This section is effective for the 2022-2023 school year and later.

Sec. 10. Minnesota Statutes 2020, section 13.32, subdivision 3, is amended to read:

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, including mental 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;

(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)(33), (b)(6), (b)(7), and (i), and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

(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, section 1092;

(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 postsecondary institution during the
previous academic year by a student who graduated from a Minnesota school district within
two years before receiving the remedial instruction;

(i) to appropriate authorities as provided in United States Code, title 20, section
1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the
system to effectively serve, prior to adjudication, the student whose records are released;
provided that the authorities to whom the data are released submit a written request for the
data that certifies that the data will not be disclosed to any other person except as authorized
by law without the written consent of the parent of the student and the request and a record
of the release are maintained in the student's file;

(j) 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;

(k) to provide student recruiting information, from educational data held by colleges
and universities, as required by and subject to Code of Federal Regulations, title 32, section
216;

(l) to the juvenile justice system if information about the behavior of a student who poses
a risk of harm is reasonably necessary to protect the health or safety of the student or other
individuals;

(m) with respect to Social Security numbers of students in the adult basic education
system, to Minnesota State Colleges and Universities and the Department of Employment
and Economic Development for the purpose and in the manner described in section 124D.52,
subsection 7;

(n) to the commissioner of education for purposes of an assessment or investigation of
a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request
by the commissioner of education, data that are relevant to a report of maltreatment and are
from charter school and school district investigations of alleged maltreatment of a student
must be disclosed to the commissioner, including, but not limited to, the following:

(1) information regarding the student alleged to have been maltreated;

(2) information regarding student and employee witnesses;

(3) information regarding the alleged perpetrator; and

(4) what corrective or protective action was taken, if any, by the school facility in response
to a report of maltreatment by an employee or agent of the school or school district;

(o) when the disclosure is of the final results of a disciplinary proceeding on a charge
of a crime of violence or nonforcible sex offense to the extent authorized under United
States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title
34, sections 99.31(a)(13) and (14);
(p) when the disclosure is information provided to the institution under United States Code, title 42, section 14071, concerning registered sex offenders to the extent authorized under United States Code, title 20, section 1232g(b)(7); or

(q) when the disclosure is to a parent of a student at an institution of postsecondary education regarding the student's violation of any federal, state, or local law or of any rule or policy of the institution, governing the use or possession of alcohol or of a controlled substance, to the extent authorized under United States Code, title 20, section 1232g(i), and Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution has an information release form signed by the student authorizing disclosure to a parent.

(r) with Tribal Nations about Tribally enrolled or descendant students to the extent necessary for the Tribal Nation and school district or charter school to support the educational attainment of the student; or

(s) a student's name, home address, telephone number, e-mail address, or other personal contact information may be disclosed to a government entity that is determined to have a legitimate educational interest in the data and that is conducting a service, activity, or event sponsored by or endorsed by the educational agency or institution for students or former students.

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

Sec. 11. Minnesota Statutes 2020, section 13.32, subdivision 5, is amended to read:

Subd. 5. Directory information. Information designated as directory information is public data on individuals to the extent required under federal law. Directory information must be designated pursuant to the provisions of:

(1) this subdivision; and

(2) United States Code, title 20, section 1232g, and Code of Federal Regulations, title 34, section 99.37, which were in effect on January 3, 2012, is public data on individuals, to the extent required under federal law.

(b) When conducting the directory information designation and 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 specified 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.

(c) An educational agency or institution may not designate a student's home address, telephone number, e-mail address, or other personal contact information as directory information.
information under this subdivision. This paragraph does not apply to a postsecondary institution.

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

Beginning upon the effective date of this section, a student’s personal contact information subject to this section must be treated by an educational agency or institution as private educational data under Minnesota Statutes, section 13.32, regardless of whether that contact information was previously designated as directory information under Minnesota Statutes, section 13.32, subdivision 5.

Sec. 12. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to read:

Subd. 13. **Technology providers.**

(a) A technology provider is subject to the provisions of section 13.05, subdivision 11.

(b) All educational data created, received, maintained, or disseminated by a technology provider pursuant or incidental to a contract with a public educational agency or institution are not the technology provider's property.

(c) If educational data maintained by the technology provider are subject to a breach of the security of the data, as defined in section 13.055, the technology provider must, following discovery of the breach, disclose to the public educational agency or institution all information necessary to fulfill the requirements of section 13.055.

(d) Unless renewal of the contract is reasonably anticipated, within 30 days of the expiration of the contract, a technology provider must destroy or return to the appropriate public educational agency or institution all educational data created, received, or maintained pursuant or incidental to the contract.

(e) A technology provider must not sell, share, or disseminate educational data, except as provided by this section or as part of a valid delegation or assignment of its contract with a public educational agency or institution. An assignee or deleegee that creates, receives, or maintains educational data is subject to the same restrictions and obligations under this section as the technology provider.

(f) A technology provider must not use educational data for any commercial purpose, including but not limited to marketing or advertising to a student or parent.

(g) A technology provider must establish written procedures to ensure appropriate security safeguards for educational data. These procedures must require that:

1. the technology provider’s employees or contractors have access to educational data only if authorized; and
(2) the technology provider’s employees or contractors may be authorized to access educational data only if access is necessary to fulfill the official duties of the employee or contractor.

These written procedures are public data.

(h) Within 30 days of the start of each school year, a public educational agency or institution must give parents and students direct, timely notice, by United States mail, e-mail, or other direct form of communication, of any curriculum, testing, or assessment technology provider contract affecting a student's educational data. The notice must:

1. identify each curriculum, testing, or assessment technology provider with access to educational data;

2. identify the educational data affected by the curriculum, testing, or assessment technology provider contract; and

3. include information about the contract inspection and, if applicable, the parent or student's ability to opt out of any program or activity that allows a curriculum, testing, or assessment technology provider to access a student's educational data.

(i) A public educational agency or institution must provide parents and students an opportunity to inspect a complete copy of any contract with a technology provider.

(j) A public educational agency or institution must not penalize or withhold an educational benefit from a parent or student who opts out of any program or activity that allows a technology provider to access a student's educational data.

EFFECTIVE DATE. This section is effective for the 2022-2023 school year and later.

Sec. 13. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to read:

Subd. 14. School-issued devices. (a) Except as provided in paragraph (b), a government entity or technology provider must not electronically access or monitor:

1. any location-tracking feature of a school-issued device;

2. any audio or visual receiving, transmitting, or recording feature of a school-issued device; or

3. student interactions with a school-issued device, including but not limited to keystrokes and web-browsing activity.

(b) A government entity or technology provider may only engage in activities prohibited by paragraph (a) if:

1. the activity is limited to a noncommercial educational purpose for instruction by district employees, technical support by district employees, or exam-proctoring by staff.
contracted by a district, a vendor, or the Department of Education and notice is provided in advance;

(2) the activity is permitted under a judicial warrant;

(3) the public educational agency or institution is notified or becomes aware that the device is missing or stolen;

(4) the activity is necessary to respond to an imminent threat to life or safety and the access is limited to that purpose;

(5) the activity is necessary to comply with federal or state law; or

(6) the activity is necessary to participate in federal or state funding programs, including but not limited to the E-Rate program.

(c) If a government entity or technology provider interacts with a school-issued device as provided in paragraph (b), clause (4), it must, within 72 hours of the access, notify the student to whom the school-issued device was issued or that student's parent and provide a written description of the interaction, including which features of the device were accessed and a description of the threat. This notice is not required at any time when the notice itself would pose an imminent threat to life or safety, but must instead be given within 72 hours after that imminent threat has ceased.

EFFECTIVE DATE. This section is effective for the 2022-2023 school year and later.

Sec. 14. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to read:

Subd. 15. Application to postsecondary institutions; exemption. (a) A postsecondary institution is exempt from subdivisions 13 and 14. This exemption extends to a technology provider for purposes of a contract with a postsecondary institution.

(b) Subdivisions 13 and 14 shall not apply to a nonprofit national assessment provider solely for purposes of providing access to employment, educational scholarships and programs, financial aid, or postsecondary educational opportunities, if the provider secures express digital or written consent of the student or the student's parent or guardian, in response to clear and conspicuous notice.

EFFECTIVE DATE. This section is effective for the 2022-2023 school year and later.

Sec. 15. [13.463] EDUCATION SUPPORT SERVICES DATA.

Subdivision 1. Definition. As used in this section, "education support services data" means data on individuals collected, created, maintained, used, or disseminated relating to programs administered by a government entity or entity under contract with a government entity designed to eliminate disparities and advance equities in educational achievement for youth by coordinating services available to participants, regardless of the youth’s
222.24 involvement with other government services. Education support services data does not 
222.25 include welfare data under section 13.46.

222.26 Subd. 2. Classification. (a) Unless otherwise provided by law, all education support 
222.27 services data are private data on individuals and must not be disclosed except according to 
222.28 section 13.05 or a court order.

222.29 (b) The responsible authority for a government entity maintaining education support 
222.30 services data must establish written procedures to ensure that only individuals authorized 
222.31 by law may enter, update, or access not public data collected, created, or maintained by the 
222.32 driver and vehicle services information system. An authorized individual's ability to enter, 
222.33 update, or access data in the system must correspond to the official duties or training level 
222.34 of the individual and to the statutory authorization granting access for that purpose. All 
222.35 queries and responses, and all actions in which education support services data are entered, 
222.36 updated, accessed, shared, or disseminated, must be recorded in a data audit trail. Data 
222.37 contained in the audit trail have the same classification as the underlying data tracked by 
222.38 the audit trail.

223.7 Sec. 16. Minnesota Statutes 2021 Supplement, section 299C.72, subdivision 2, is amended 
223.8 to read:

223.9 Subd. 2. Criminal history check authorized. (a) The criminal history check authorized 
223.10 by this section shall not be used in place of a statutorily mandated or authorized background 
223.11 check.

223.12 (b) An authorized law enforcement agency may conduct a criminal history check of an 
223.13 individual who is an applicant for employment, current employee, applicant for licensure, 
223.14 or current licensee. Prior to conducting the criminal history check, the authorized law 
223.15 enforcement agency must receive the informed consent of the individual.

223.16 (c) The authorized law enforcement agency shall not may disseminate criminal history 
223.17 data and to either the hiring or licensing authority of the city or county requesting checks 
223.18 for applicants, licensees, or current employees. The authorized law enforcement agency 
223.19 and the hiring or licensing authority of the city or county must maintain a criminal history 
223.20 data securely with the agency's office and act consistently with section 364.05. The authorized 
223.21 law enforcement agency can indicate whether the applicant for employment or applicant 
223.22 for licensure has a criminal history that would prevent hire, acceptance as a volunteer to a 
223.23 hiring authority, or would prevent the issuance of a license to the department that issues the 
223.24 license.