

Data Practices

CHAPTER 13

GOVERNMENT DATA PRACTICES

	GENERAL REQUIREMENTS		EMPLOYMENT ECONOMIC SECURITY DATA
13 01	Government data	13 47	Employment and training data
13 02	Collection security and dissemination of records definitions	13 475	Department of economic security data coded elsewhere
13 03	Access to government data		BUSINESS ORGANIZATION AND TRADE REGULATION DATA
13 04	Rights of subjects of data	13 48	Award data
13 05	Duties of responsible authority	13 485	Corporation data coded elsewhere
13 06	Temporary classification	13 487	Trade regulation and consumer data coded elsewhere
13 07	Duties of the commissioner		TAXATION AND ASSESSMENT DATA
13 072	Opinions by the commissioner	13 49	Social security numbers
13 073	Public information policy training program	13 495	Lodging tax data
13 08	Civil remedies	13 4961	General tax data coded elsewhere
13 081	Administrative remedies	13 4963	Classification and disclosure tax data coded elsewhere
13 09	Penalties	13 4965	Property tax data coded elsewhere
13 10	Data on decedents	13 4967	Other tax data coded elsewhere
	POLITICAL SUBDIVISION DATA	13 51	Assessor's data
13 201	Rideshare data	13 52	Deferred assessment data
13 202	Political subdivision data coded elsewhere		HOUSING DATA
	CHILDREN FAMILIES AND LEARNING EDUCATIONAL DATA	13 54	Housing agency data
13 319	Children families and learning data coded elsewhere	13 5401	Housing data coded elsewhere
13 32	Educational data	13 541	Emergency services for homeless persons private data
13 321	Prekindergarten grade 12 educational data coded elsewhere		CONVENTION DATA
13 322	Post secondary education data coded elsewhere	13 55	Convention center data
	EXAMINATION DATA		HUMAN RIGHTS DATA
13 34	Examination data	13 552	Human rights data coded elsewhere
	GENERAL DATA		SOCIAL RECREATIONAL DATA
13 35	Federal contracts data	13 57	Social recreational data
13 37	General nonpublic data		HOUSING PORT AND REDEVELOPMENT AUTHORITIES TRADE AND ECONOMIC DEVELOPMENT DATA
	HEALTH AND MEDICAL DATA	13 59	Redevelopment data
13 3805	Public health data	13 592	Saint Paul port authority
13 3806	Public health data coded elsewhere	13 5921	St Paul housing and redevelopment authority data
13 381	Health regulatory data coded elsewhere	13 5922	St Paul economic assistance data
13 383	Health occupations investigative data coded elsewhere	13 593	Red Wing port authority
13 384	Medical data	13 594	Economic assistance data
	ATTORNEY AUDIT AND INVESTIGATIVE DATA	13 5951	Two Harbors development commission data
13 39	Civil investigation	13 5952	Moorhead economic development authority data
13 392	Internal auditing data	13 5953	Iron range resources and rehabilitation board data
13 393	Attorneys	13 596	Department of trade and economic development data
	LIBRARY DATA	13 5965	Minnesota export authority data
13 40	Library and historical data	13 598	Development data coded elsewhere
13 401	Library and historical data coded elsewhere		ELECTED AND APPOINTED OFFICIALS LEGISLATIVE DATA
	LICENSING DATA	13 601	Elected and appointed officials
13 41	Licensing data	13 602	Elected and appointed official data coded elsewhere
13 411	Licensing data coded elsewhere	13 605	Legislative data
	PERSONNEL SALARY BENEFIT DATA	13 606	Legislative data coded elsewhere
13 43	Personnel data		ETHICS AND ELECTION DATA
13 435	Salary benefit survey data	13 607	Ethics and election data coded elsewhere
	PROPERTY DATA		RETIREMENT DATA
13 44	Property data	13 63	Retirement data
13 441	Property data coded elsewhere	13 631	Retirement data coded elsewhere
	FAMILY WELFARE AND BENEFIT DATA		
13 46	Welfare data		
13 461	Human services data coded elsewhere		
13 462	Benefit data		
13 465	Domestic relations data coded elsewhere		
13 467	Foster care data		

	STATE AGENCY DATA		ENVIRONMENTAL PROTECTION DATA
13 635	General state agency data coded elsewhere	13 741	Pollution control environmental quality data
	ADMINISTRATION AND FINANCE DATA	13 7411	Pollution control and environmental quality data coded elsewhere
13 64	Department of administration data		RACING GAMING DATA
13 6401	Administration and finance data coded elsewhere	13 745	Pari mutuel horse racing coded elsewhere
	AGRICULTURAL DATA	13 746	Gaming data coded elsewhere
13 643	Agricultural data		VETERANS DATA
13 6435	Agricultural data coded elsewhere	13 785	Veterans data coded elsewhere
	ATTORNEY GENERAL		LABOR AND INDUSTRY DATA
13 65	Attorney general data	13 79	Department of labor and industry data
	EMPLOYEE RELATIONS DATA	13 7905	Labor and industry data coded elsewhere
13 67	Employee relations data	13 791	Rehabilitation data
13 6705	Employee relations data coded elsewhere		GIFT DATA
	UTILITIES AND PUBLIC SERVICE DATA	13 792	Private donor gift data
13 679	Department of public service data		NATURAL RESOURCE DATA
13 68	Energy and financial data and statistics	13 793	Natural resource data mineral data
13 681	Energy and utilities data coded elsewhere	13 7931	Natural resource data coded elsewhere
13 685	Municipal utility customer data		LAW ENFORCEMENT JUDICIAL CORRECTIONS CRIMINAL JUSTICE DATA
	PUBLIC SAFETY DATA	13 80	Domestic abuse data
13 69	Public safety department data	13 82	Comprehensive law enforcement data
13 6905	Public safety data coded elsewhere	13 821	Videotapes of child abuse victims
	COMMERCE BANKING AND INSURANCE DATA	13 822	Sexual assault data
13 711	Department of commerce data release of complaint to respondent	13 83	Medical examiner data
13 712	Commerce data coded elsewhere	13 84	Court services data
13 713	Banking data coded elsewhere	13 841	Court services data coded elsewhere
13 714	Insurance trust data private and nonpublic data	13 85	Corrections and detention data
13 715	General insurance powers data surplus lme insurance	13 851	Corrections and detention data coded elsewhere
13 716	General insurance powers data coded elsewhere	13 855	Corrections ombudsman data
13 717	Insurance health care cost containment data coded elsewhere	13 86	Investigative detention data
13 719	Miscellaneous insurance data	13 861	Security service data
13 7191	Miscellaneous insurance data coded elsewhere	13 87	Criminal justice data
	TRANSPORTATION DATA	13 871	Criminal justice data coded elsewhere
13 72	Transportation department data	13 875	Juvenile justice data coded elsewhere
13 721	Transportation data coded elsewhere	13 88	Community dispute resolution center data
		13 89	Dissemination of data to protection and advocacy systems
		13 90	Judiciary exempt
		13 99	Other government data provisions

GENERAL REQUIREMENTS

13 01 GOVERNMENT DATA

Subdivision 1 **Applicability** All state agencies, political subdivisions and statewide systems shall be governed by this chapter

Subd 2 **Citation** This chapter may be cited as the "Minnesota Government Data Practices Act"

Subd 3 **Scope** This chapter regulates the collection, creation, storage, maintenance, dissemination, and access to government data in state agencies, statewide systems, and political subdivisions. It establishes a presumption that government data are public and are accessible by the public for both inspection and copying unless there is federal law, a state statute, or a temporary classification of data that provides that certain data are not public.

Subd 4 **Headnotes** The headnotes printed in boldface type before paragraphs in this chapter are mere catchwords to indicate the content of a paragraph and are not part of the statute.

Subd 5 **Provisions coded in other chapters** (a) The sections referenced in this chapter that are codified outside this chapter classify government data as other than public, place restrictions on access to government data, or involve data sharing.

(b) Those sections are governed by the definitions and general provisions in sections 13 01 to 13 07 and the remedies and penalties provided in sections 13 08 and 13 09, except

(1) for records of the judiciary, as provided in section 13 90, or

(2) as specifically provided otherwise by law

History 1979 c 328 s 1, 1981 c 311 s 1,39, 1Sp1981 c 4 art 1 s 4,5, 1982 c 545 s 24, 1991 c 319 s 1, 1999 c 227 s 22, 2000 c 468 s 1,2

13 02 COLLECTION, SECURITY, AND DISSEMINATION OF RECORDS, DEFINITIONS

Subdivision 1 **Applicability** As used in this chapter, the terms defined in this section have the meanings given them

Subd 2 **Commissioner** "Commissioner" means the commissioner of the department of administration

Subd 3 **Confidential data on individuals** "Confidential data on individuals" means data which is made not public by statute or federal law applicable to the data and is inaccessible to the individual subject of that data

Subd 3a **Criminal justice agencies** "Criminal justice agencies" means all state and local prosecution authorities, all state and local law enforcement agencies, the sentencing guidelines commission, the bureau of criminal apprehension, the department of corrections, and all probation officers who are not part of the judiciary

Subd 4 **Data not on individuals** "Data not on individuals" means all government data which is not data on individuals

Subd 5 **Data on individuals** "Data on individuals" means all government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual

Subd 6 **Designee** "Designee" means any person designated by a responsible authority to be in charge of individual files or systems containing government data and to receive and comply with requests for government data

Subd 7 **Government data** "Government data" means all data collected, created, received, maintained or disseminated by any state agency, political subdivision, or statewide system regardless of its physical form, storage media or conditions of use

Subd 7a **Government entity** "Government entity" means a state agency, statewide system, or political subdivision

Subd 8 **Individual** "Individual" means a natural person In the case of a minor or an individual adjudged mentally incompetent, "individual" includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor

Subd 8a **Not public data** "Not public data" means any government data which is classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic

Subd 9 **Nonpublic data** "Nonpublic data" means data not on individuals that is made by statute or federal law applicable to the data (a) not accessible to the public, and (b) accessible to the subject, if any, of the data

Subd 10 **Person** "Person" means any individual, partnership, corporation, association, business trust, or a legal representative of an organization

Subd 11 **Political subdivision** "Political subdivision" means any county, statutory or home rule charter city, school district special district and any board commission, district or authority created pursuant to law, local ordinance or charter provision It includes any nonprofit corporation which is a community action agency organized pursuant to the Economic Opportunity Act of 1964 (Public Law Number 88 452) as

amended, to qualify for public funds, or any nonprofit social service agency which performs services under contract to any political subdivision, statewide system or state agency, to the extent that the nonprofit social service agency or nonprofit corporation collects, stores, disseminates, and uses data on individuals because of a contractual relationship with state agencies, political subdivisions or statewide systems

Subd 12 **Private data on individuals** "Private data on individuals" means data which is made by statute or federal law applicable to the data (a) not public, and (b) accessible to the individual subject of that data

Subd 13 **Protected nonpublic data** "Protected nonpublic data" means data not on individuals which is made by statute or federal law applicable to the data (a) not public and (b) not accessible to the subject of the data

Subd 14 **Public data not on individuals** "Public data not on individuals" means data which is accessible to the public pursuant to section 13 03

Subd 15 **Public data on individuals** "Public data on individuals" means data which is accessible to the public in accordance with the provisions of section 13 03

Subd 16 **Responsible authority** "Responsible authority" in a state agency or statewide system means the state official designated by law or by the commissioner as the individual responsible for the collection, use and dissemination of any set of data on individuals, government data, or summary data "Responsible authority" in any political subdivision means the individual designated by the governing body of that political subdivision as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law

Subd 17 **State agency** "State agency" means the state, the University of Minnesota, and any office, officer, department, division, bureau, board, commission, authority, district or agency of the state

Subd 18 **Statewide system** "Statewide system" includes any record keeping system in which government data is collected, stored, disseminated and used by means of a system common to one or more state agencies or more than one of its political subdivisions or any combination of state agencies and political subdivisions

Subd 19 **Summary data** "Summary data" means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable

History 1974 c 479 s 1, 1975 c 401 s 1, 1976 c 239 s 2, 1976 c 283 s 1 5 1977 c 375 s 1 5, 1978 c 790 s 1, 1979 c 328 s 2 6, 1980 c 603 s 1 6, 1980 c 618 s 25, 1981 c 311 s 2 6,39, 1982 c 545 s 1,24, 1984 c 436 s 1, 1989 c 351 s 2, 1996 c 440 art 1 s 1, 1999 c 227 s 22, 2000 c 468 s 3

13 03 ACCESS TO GOVERNMENT DATA

Subdivision 1 **Public data** All government data collected, created, received, maintained or disseminated by a state agency, political subdivision, or statewide system shall be public unless classified by statute, or temporary classification pursuant to section 13 06, or federal law, as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential The responsible authority in every state agency, political subdivision and statewide system shall keep records containing government data in such an arrangement and condition as to make them easily accessible for convenient use Photographic, photostatic, microphotographic, or microfilmed records shall be considered as accessible for convenient use regardless of the size of such records

Subd 2 **Procedures** (a) The responsible authority in every state agency, political subdivision, and statewide system shall establish procedures, consistent with this chapter, to insure that requests for government data are received and complied with in an appropriate and prompt manner

(b) The responsible authority shall prepare public access procedures in written form and update them no later than August 1 of each year as necessary to reflect any changes in personnel or circumstances that might affect public access to government data. The responsible authority shall make copies of the written public access procedures easily available to the public by distributing free copies of the procedures to the public or by posting a copy of the procedures in a conspicuous place within the government entity that is easily accessible to the public.

(c) Full convenience and comprehensive accessibility shall be allowed to researchers including historians, genealogists and other scholars to carry out extensive research and complete copying of all records containing government data except as otherwise expressly provided by law.

A responsible authority may designate one or more designees.

Subd 3 Request for access to data (a) Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and places, and, upon request, shall be informed of the data's meaning. If a person requests access for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee to inspect data.

(b) For purposes of this section, 'inspection' includes, but is not limited to, the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the government entity, unless printing a copy is the only method to provide for inspection of the data. In the case of data stored in electronic form and made available in electronic form on a remote access basis to the public by the government entity, inspection includes remote access to the data by the public and the ability to print copies of or download the data on the public's own computer equipment. Nothing in this section prohibits a government entity from charging a reasonable fee for remote access to data under a specific statutory grant of authority. A government entity may charge a fee for remote access to data where either the data or the access is enhanced at the request of the person seeking access.

(c) The responsible authority or designee shall provide copies of public data upon request. If a person requests copies or electronic transmittal of the data to the person, the responsible authority may require the requesting person to pay the actual costs of searching for and retrieving government data, including the cost of employee time, and for making, certifying, compiling, and electronically transmitting the copies of the data or the data, but may not charge for separating public from not public data. If the responsible authority or designee is not able to provide copies at the time a request is made, copies shall be supplied as soon as reasonably possible.

(d) When a request under this subdivision involves any person's receipt of copies of public government data that has commercial value and is a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, database, or system developed with a significant expenditure of public funds by the agency, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, certifying, and compiling the copies. Any fee charged must be clearly demonstrated by the agency to relate to the actual development costs of the information. The responsible authority, upon the request of any person, shall provide sufficient documentation to explain and justify the fee being charged.

(e) The responsible authority of a state agency, statewide system, or political subdivision that maintains public government data in a computer storage medium shall provide to any person making a request under this section a copy of any public data contained in that medium, in electronic form, if the government entity can reasonably make the copy or have a copy made. This does not require a government entity to provide the data in an electronic format or program that is different from the format or program in which the data are maintained by the government entity. The entity may require the requesting person to pay the actual cost of providing the copy.

(f) If the responsible authority or designee determines that the requested data is classified so as to deny the requesting person access the responsible authority or designee shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible, and shall cite the specific statutory section, temporary classification or specific provision of federal law on which the determination is based. Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

Subd 4 Change in classification of data, effect of dissemination among agencies

(a) The classification of data in the possession of an agency shall change if it is required to do so to comply with either judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

(b) If data on individuals is classified as both private and confidential by this chapter, or any other statute or federal law, the data is private.

(c) To the extent that government data is disseminated to state agencies, political subdivisions, or statewide systems by another state agency, political subdivision, or statewide system, the data disseminated shall have the same classification in the hands of the agency receiving it as it had in the hands of the entity providing it.

(d) If a state agency, statewide system, or political subdivision disseminates data to another state agency, statewide system, or political subdivision, a classification provided for by law in the hands of the entity receiving the data does not affect the classification of the data in the hands of the entity that disseminates the data.

Subd 5 Copyright or patent of government data A state agency, statewide system, or political subdivision may enforce a copyright or acquire a patent for a computer software program or components of a program created by that government agency without statutory authority. In the event that a government agency acquires a patent to a computer software program or component of a program, the data shall be treated as trade secret information pursuant to section 13.37.

Subd 6 Discoverability of not public data If a state agency, political subdivision, or statewide system opposes discovery of government data or release of data pursuant to court order on the grounds that the data are classified as not public, the party that seeks access to the data may bring before the appropriate presiding judicial officer, arbitrator, or administrative law judge an action to compel discovery or an action in the nature of an action to compel discovery.

The presiding officer shall first decide whether the data are discoverable or releasable pursuant to the rules of evidence and of criminal, civil, or administrative procedure appropriate to the action.

If the data are discoverable the presiding officer shall decide whether the benefit to the party seeking access to the data outweighs any harm to the confidentiality interests of the agency maintaining the data or of any person who has provided the data or who is the subject of the data, or to the privacy interest of an individual identified in the data. In making the decision, the presiding officer shall consider whether notice to the subject of the data is warranted and, if warranted, what type of notice must be given. The presiding officer may fashion and issue any protective orders necessary to assure proper handling of the data by the parties. If the data are a videotape of a child victim or alleged victim alleging, explaining, denying, or describing an act of physical or sexual abuse, the presiding officer shall consider the provisions of section 611A.90, subdivision 2, paragraph (b).

Subd 7 Data transferred to archives When government data that is classified as not public by this chapter or any other statute, including private data on decedents and confidential data on decedents, is physically transferred to the state archives, the data shall no longer be classified as not public and access to and use of the data shall be governed by section 138.17.

Subd 8 Change to classification of data not on individuals Except for security information nonpublic and protected nonpublic data shall become public either ten years after the creation of the data by the government agency or ten years after the data was received or collected by any governmental agency unless the responsible authority for the originating or custodial agency for the data reasonably determines that, if the data were made available to the public or to the data subject, the harm to the public or to a data subject would outweigh the benefit to the public or to the data subject. If the responsible authority denies access to the data, the person denied access may challenge the denial by bringing an action in district court seeking release of the data. The action shall be brought in the district court located in the county where the data are being maintained, or, in the case of data maintained by a state agency, in any county. The data in dispute shall be examined by the court in camera. In deciding whether or not to release the data, the court shall consider the benefits and harms in the same manner as set forth above. The court shall make a written statement of findings in support of its decision.

Subd 9 Effect of changes in classification of data Unless otherwise expressly provided by a particular statute, the classification of data is determined by the law applicable to the data at the time a request for access to the data is made, regardless of the data's classification at the time it was collected, created, or received.

Subd 10 Costs for providing copies of data Money collected by a responsible authority in a state agency for the actual cost to the agency of providing copies or electronic transmittal of government data is appropriated to the agency and added to the appropriations from which the costs were paid.

Subd 11 Treatment of data classified as not public, public meetings Not public data may be discussed at a meeting open to the public to the extent provided in section 13D 05.

History 1979 c 328 s 7, 1980 c 603 s 7, 1981 c 311 s 39, 1Sp1981 c 4 art 1 s 6, 1982 c 545 s 2,24, 1984 c 436 s 2 4, 1985 c 298 s 1-4, 1987 c 351 s 1, 1990 c 573 s 1, 1991 c 319 s 2, 1991 c 345 art 1 s 44, 1992 c 569 s 1,2, 1994 c 618 art 1 s 1,2, 1995 c 259 art 4 s 1, 1996 c 440 art 1 s 2, 1999 c 227 s 1,2,2, 1999 c 250 art 1 s 41, 2000 468 s 4,5

13 04 RIGHTS OF SUBJECTS OF DATA

Subdivision 1 Type of data The rights of individuals on whom the data is stored or to be stored shall be as set forth in this section.

Subd 2 Information required to be given individual An individual asked to supply private or confidential data concerning the individual shall be informed of (a) the purpose and intended use of the requested data within the collecting state agency, political subdivision, or statewide system, (b) whether the individual may refuse or is legally required to supply the requested data, (c) any known consequence arising from supplying or refusing to supply private or confidential data, and (d) the identity of other persons or entities authorized by state or federal law to receive the data. This requirement shall not apply when an individual is asked to supply investigative data, pursuant to section 13 82, subdivision 5, to a law enforcement officer.

Subd 3 Access to data by individual Upon request to a responsible authority, an individual shall be informed whether the individual is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data on individuals shall be shown the data without any charge and, if desired, shall be informed of the content and meaning of that data. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to that individual for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created. The responsible authority shall provide copies of the private or public data upon request by the individual subject of the data. The responsible authority may require the requesting person to pay the actual costs of making, certifying, and compiling the copies.

The responsible authority shall comply immediately, if possible, with any request made pursuant to this subdivision, or within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible

Subd 4 Procedure when data is not accurate or complete (a) An individual subject of the data may contest the accuracy or completeness of public or private data. To exercise this right, an individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within 30 days either (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual, or (2) notify the individual that the authority believes the data to be correct. Data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.

The determination of the responsible authority may be appealed pursuant to the provisions of the Administrative Procedure Act relating to contested cases. Upon receipt of an appeal by an individual, the commissioner shall, before issuing the order and notice of a contested case hearing required by chapter 14, try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties consent, the commissioner may refer the matter to mediation. Following these efforts, the commissioner shall dismiss the appeal or issue the order and notice of hearing.

(b) Data on individuals that have been successfully challenged by an individual must be completed, corrected, or destroyed by a state agency, political subdivision, or statewide system without regard to the requirements of section 138 17.

After completing, correcting, or destroying successfully challenged data, a state agency, political subdivision, or statewide system may retain a copy of the commissioner of administration's order issued under chapter 14 or, if no order were issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

Subd 5 Education records, child with a disability Nothing in this chapter shall be construed as limiting the frequency of inspection of the educational records of a child with a disability by the child's parent or guardian or by the child upon the child reaching the age of majority. An agency or institution may not charge a fee to search for or to retrieve the educational records. An agency or institution that receives a request for copies of the educational records of a child with a disability may charge a fee that reflects the costs of reproducing the records except when to do so would impair the ability of the child's parent or guardian, or the child who has reached the age of majority to exercise their right to inspect and review those records.

History 1974 c 479 s 4, 1975 c 401 s 4, 1977 c 375 s 7, 1980 c 603 s 12, 1981 c 311 s 9,39, 1982 c 545 s 4,24, 1984 c 436 s 5, 1Sp1985 c 14 art 1 s 3, 1986 c 444, 1987 c 351 s 2, 1988 c 670 s 1, 1994 c 647 art 3 s 1, 1999 c 227 s 2

13 05 DUTIES OF RESPONSIBLE AUTHORITY

Subdivision 1 Public document of data categories The responsible authority shall prepare a public document containing the authority's name, title and address, and a description of each category of record, file, or process relating to private or confidential data on individuals maintained by the authority's state agency, statewide system, or political subdivision. Forms used to collect private and confidential data shall be included in the public document. Beginning August 1, 1977 and annually thereafter, the responsible authority shall update the public document and make any changes necessary to maintain the accuracy of the document. The document shall be available from the responsible authority to the public in accordance with the provisions of sections 13 03 and 15 17.

Subd 2 Copies to commissioner The commissioner may require responsible authorities to submit copies of the public document required in subdivision 1, and may

request additional information relevant to data collection practices, policies and procedures

Subd 3 General standards for collection and storage Collection and storage of all data on individuals and the use and dissemination of private and confidential data on individuals shall be limited to that necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government

Subd 4 Limitations on collection and use of data Private or confidential data on an individual shall not be collected, stored, used, or disseminated by political subdivisions, statewide systems, or state agencies for any purposes other than those stated to the individual at the time of collection in accordance with section 13 04, except as provided in this subdivision

(a) Data collected prior to August 1, 1975, and which have not been treated as public data, may be used, stored, and disseminated for the purposes for which the data was originally collected or for purposes which are specifically approved by the commissioner as necessary to public health, safety, or welfare

(b) Private or confidential data may be used and disseminated to individuals or agencies specifically authorized access to that data by state, local, or federal law enacted or promulgated after the collection of the data

(c) Private or confidential data may be used and disseminated to individuals or agencies subsequent to the collection of the data when the responsible authority maintaining the data has requested approval for a new or different use or dissemination of the data and that request has been specifically approved by the commissioner as necessary to carry out a function assigned by law

(d) Private data may be used by and disseminated to any person or agency if the individual subject or subjects of the data have given their informed consent Whether a data subject has given informed consent shall be determined by rules of the commissioner Informed consent shall not be deemed to have been given by an individual subject of the data by the signing of any statement authorizing any person or agency to disclose information about the individual to an insurer or its authorized representative, unless the statement is

(1) in plain language,

(2) dated,

(3) specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject,

(4) specific as to the nature of the information the subject is authorizing to be disclosed,

(5) specific as to the persons or agencies to whom the subject is authorizing information to be disclosed,

(6) specific as to the purpose or purposes for which the information may be used by any of the parties named in clause (5), both at the time of the disclosure and at any time in the future,

(7) specific as to its expiration date which should be within a reasonable period of time, not to exceed one year except in the case of authorizations given in connection with applications for life insurance or noncancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy

The responsible authority may require a person requesting copies of data under this paragraph to pay the actual costs of making, certifying, and compiling the copies

(e) Private or confidential data on an individual may be discussed at a meeting open to the public to the extent provided in section 13D 05

Subd 5 Data protection The responsible authority shall (1) establish procedures to assure that all data on individuals is accurate, complete, and current for the purposes

for which it was collected, and (2) establish appropriate security safeguards for all records containing data on individuals

Subd 6 Contracts Except as provided in section 13 46, subdivision 5, in any contract between a governmental unit subject to this chapter and any person, when the contract requires that data on individuals be made available to the contracting parties by the governmental unit, that data shall be administered consistent with this chapter. A contracting party shall maintain the data on individuals which it received according to the statutory provisions applicable to the data.

Subd 7 Preparation of summary data The use of summary data derived from private or confidential data on individuals under the jurisdiction of one or more responsible authorities is permitted. Unless classified pursuant to section 13 06, another statute, or federal law, summary data is public. The responsible authority shall prepare summary data from private or confidential data on individuals upon the request of any person if the request is in writing and the cost of preparing the summary data is borne by the requesting person. The responsible authority may delegate the power to prepare summary data (1) to the administrative officer responsible for any central repository of summary data, or (2) to a person outside of its agency if the person's purpose is set forth, in writing, and the person agrees not to disclose, and the agency reasonably determines that the access will not compromise private or confidential data on individuals.

Subd 8 Publication of access procedures The responsible authority shall prepare a public document setting forth in writing the rights of the data subject pursuant to section 13 04 and the specific procedures in effect in the state agency, statewide system or political subdivision for access by the data subject to public or private data on individuals.

Subd 9 Intergovernmental access of data A responsible authority shall allow another responsible authority access to data classified as not public only when the access is authorized or required by statute or federal law. An agency that supplies government data under this subdivision may require the requesting agency to pay the actual cost of supplying the data.

Subd 10 International dissemination No state agency or political subdivision shall transfer or disseminate any private or confidential data on individuals to the private international organization known as Interpol, except through the Interpol-United States National Central Bureau, United States Department of Justice.

Subd 11 Privatization (a) If a government entity enters into a contract with a private person to perform any of its functions, the government entity shall include in the contract terms that make it clear that all of the data created, collected, received, stored, used, maintained, or disseminated by the private person in performing those functions is subject to the requirements of this chapter and that the private person must comply with those requirements as if it were a government entity. The remedies in section 13 08 apply to the private person under this subdivision.

(b) This subdivision does not create a duty on the part of the private person to provide access to public data to the public if the public data are available from the government entity, except as required by the terms of the contract.

Subd 12 Identification or justification Unless specifically authorized by statute, government entities may not require persons to identify themselves, state a reason for, or justify a request to gain access to public government data. A person may be asked to provide certain identifying or clarifying information for the sole purpose of facilitating access to the data.

Subd 13 Data practices compliance official By December 1, 2000, each responsible authority or other appropriate authority in every government entity shall appoint or designate an employee of the government entity to act as the entity's data practices compliance official. The data practices compliance official is the designated employee of the government entity to whom persons may direct questions or concerns regarding

problems in obtaining access to data or other data practices problems The responsible authority may be the data practices compliance official

History 1974 c 479 s 2, 1975 c 401 s 2, 1976 c 239 s 3, 1976 c 283 s 6,7, 1978 c 790 s 3, 1979 c 328 s 8, 1981 c 311 s 7,39, 1Sp1981 c 4 art 1 s 7, 1982 c 545 s 24, 1984 c 436 s 6 9, 1986 c 444, 1987 c 351 s 3, 1992 c 569 s 3, 1994 c 618 art 1 s 3, 1999 c 227 s 22, 1999 c 250 art 1 s 42, 2000 c 468 s 6,7

13 06 TEMPORARY CLASSIFICATION

Subdivision 1 **Application to commissioner** Notwithstanding the provisions of section 13 03, the responsible authority of a state agency, political subdivision, or statewide system may apply to the commissioner for permission to classify data or types of data on individuals as private or confidential, or data not on individuals as nonpublic or protected nonpublic, for its own use and for the use of other similar agencies, political subdivisions, or statewide systems on a temporary basis until a proposed statute can be acted upon by the legislature The application for temporary classification is public

Upon the filing of an application for temporary classification, the data which is the subject of the application shall be deemed to be classified as set forth in the application for a period of 45 days, or until the application is disapproved, rejected, or granted by the commissioner, whichever is earlier

If the commissioner determines that an application has been submitted for purposes not consistent with this section, the commissioner may immediately reject the application, give notice of that rejection to the applicant, and return the application When the applicant receives the notice of rejection from the commissioner, the data which was the subject of the application shall have the classification it had before the application was submitted to the commissioner

Subd 2 **Contents of application for private or confidential data** An application for temporary classification of data on individuals shall include and the applicant shall have the burden of clearly establishing that no statute currently exists which either allows or forbids classification as private or confidential, and either

(a) That data similar to that for which the temporary classification is sought has been treated as either private or confidential by other state agencies or political subdivisions, and by the public, or

(b) That a compelling need exists for immediate temporary classification, which if not granted could adversely affect the public interest or the health, safety, well being or reputation of the data subject

Subd 3 **Contents of application for nonpublic or nonpublic protected data** An application for temporary classification of government data not on individuals shall include and the applicant shall have the burden of clearly establishing that no statute currently exists which either allows or forbids classification as nonpublic or protected nonpublic, and either

(a) That data similar to that for which the temporary classification is sought has been treated as nonpublic or protected nonpublic by other state agencies or political subdivisions, and by the public, or

(b) Public access to the data would render unworkable a program authorized by law, or

(c) That a compelling need exists for immediate temporary classification, which if not granted could adversely affect the health, safety or welfare of the public

Subd 4 **Procedure when classification affects others** If the commissioner determines that an application for temporary classification involves data which would reasonably be classified in the same manner by all agencies, political subdivisions, or statewide systems similar to the one which made the application, the commissioner may approve or disapprove the classification for data of the kind which is the subject of the application for the use of all agencies, political subdivisions, or statewide systems

similar to the applicant. On deeming this approach advisable, the commissioner shall provide notice of the proposed action by publication in the state register and by notification to the intergovernmental information systems advisory council, within ten days of receiving the application. Within 30 days after publication in the state register and notification to the council, an affected agency, political subdivision, the public, or statewide system may submit comments on the commissioner's proposal. The commissioner shall consider any comments received when granting or denying a classification for data of the kind which is the subject of the application, for the use of all agencies, political subdivisions, or statewide systems similar to the applicant. Within 45 days after the close of the period for submitting comment, the commissioner shall grant or disapprove the application. Applications processed under this subdivision shall be either approved or disapproved by the commissioner within 90 days of the receipt of the application. For purposes of subdivision 1, the data which is the subject of the classification shall be deemed to be classified as set forth in the application for a period of 90 days, or until the application is disapproved or granted by the commissioner, whichever is earlier. If requested in the application, or determined to be necessary by the commissioner, the data in the application shall be so classified for all agencies, political subdivisions, or statewide systems similar to the applicant until the application is disapproved or granted by the commissioner, whichever is earlier. Proceedings after the grant or disapproval shall be governed by the provisions of subdivision 5.

Subd 5 Determination The commissioner shall either grant or disapprove the application for temporary classification within 45 days after it is filed. On disapproving an application, the commissioner shall set forth in detail reasons for the disapproval, and shall include a statement of belief as to what classification is appropriate for the data which is the subject of the application. Twenty days after the date of the commissioner's disapproval of an application, the data which is the subject of the application shall become public data, unless the responsible authority submits an amended application for temporary classification which requests the classification deemed appropriate by the commissioner in the statement of disapproval or which sets forth additional information relating to the original proposed classification. Upon the filing of an amended application, the data which is the subject of the amended application shall be deemed to be classified as set forth in the amended application for a period of 20 days or until the amended application is granted or disapproved by the commissioner, whichever is earlier. The commissioner shall either grant or disapprove the amended application within 20 days after it is filed. Five working days after the date of the commissioner's disapproval of the amended application, the data which is the subject of the application shall become public data. No more than one amended application may be submitted for any single file or system.

If the commissioner grants an application for temporary classification, it shall become effective immediately, and the complete record relating to the application shall be submitted to the attorney general, who shall review the classification as to form and legality. Within 25 days, the attorney general shall approve the classification, disapprove a classification as confidential but approve a classification as private, or disapprove the classification. If the attorney general disapproves a classification, the data which is the subject of the classification shall become public data five working days after the date of the attorney general's disapproval.

Subd 6 [Repealed, 1995 c 259 art 1 s 62]

Subd 7 Legislative consideration of temporary classifications, expiration On or before January 15 of each year, the commissioner shall submit all temporary classifications in effect on January 1 in bill form to the legislature. The temporary classification expires June 1 of the year following its submission to the legislature.

History 1976 c 283 s 8, 1977 c 375 s 6, 1978 c 790 s 2, 1979 c 328 s 9 13, 1980 c 603 s 8 11, 1981 c 311 s 8,39, 1982 c 545 s 3,24, 1984 c 436 s 10,11, 1986 c 444, 1995 c 259 art 1 s 1

13 07 DUTIES OF THE COMMISSIONER

The commissioner shall with the advice of the intergovernmental information services advisory council promulgate rules, in accordance with the rulemaking procedures in the Administrative Procedure Act which shall apply to state agencies, statewide systems and political subdivisions to implement the enforcement and administration of this chapter. The rules shall not affect section 13 04, relating to rights of subjects of data. Prior to the adoption of rules authorized by this section the commissioner shall give notice to all state agencies and political subdivisions in the same manner and in addition to other parties as required by section 14 06 of the date and place of hearing, enclosing a copy of the rules to be adopted.

History 1975 c 271 s 6, 1975 c 401 s 7, 1981 c 311 s 39, 1Sp1981 c 4 art 1 s 11, 1982 c 424 s 130, 1982 c 545 s 24, 1985 c 248 s 70

13 072 OPINIONS BY THE COMMISSIONER

Subdivision 1 **Opinion, when required** (a) Upon request of a state agency, statewide system, or political subdivision, the commissioner may give a written opinion on any question relating to public access to government data, rights of subjects of data, or classification of data under this chapter or other Minnesota statutes governing government data practices. Upon request of any person who disagrees with a determination regarding data practices made by a state agency, statewide system, or political subdivision, the commissioner may give a written opinion regarding the person's rights as a subject of government data or right to have access to government data. If the commissioner determines that no opinion will be issued, the commissioner shall give the state agency, statewide system, political subdivision, or person requesting the opinion notice of the decision not to issue the opinion within five days of receipt of the request. If this notice is not given, the commissioner shall issue an opinion within 20 days of receipt of the request. For good cause and upon written notice to the person requesting the opinion, the commissioner may extend this deadline for one additional 30 day period. The notice must state the reason for extending the deadline. The state agency, statewide system, or political subdivision must be provided a reasonable opportunity to explain the reasons for its decision regarding the data. The commissioner or the state agency, statewide system, or political subdivision may choose to give notice to the subject of the data concerning the dispute regarding the data.

(b) This section does not apply to a determination made by the commissioner of health under section 13 3805, subdivision 1, paragraph (b), or 144 6581.

(c) A written opinion issued by the attorney general shall take precedence over an opinion issued by the commissioner under this section.

Subd 2 **Effect** Opinions issued by the commissioner under this section are not binding on the state agency, statewide system, or political subdivision whose data is the subject of the opinion, but must be given deference by a court in a proceeding involving the data. The commissioner shall arrange for public dissemination of opinions issued under this section. This section does not preclude a person from bringing any other action under this chapter or other law in addition to or instead of requesting a written opinion. A state agency, statewide system, political subdivision, or person that acts in conformity with a written opinion of the commissioner is not liable for compensatory or exemplary damages or awards of attorneys fees in actions under section 13 08 or for a penalty under section 13 09.

Subd 3 [Repealed, 1Sp1997 c 3 s 47]

Subd 4 **Data submitted to commissioner** A state agency, statewide system, or political subdivision may submit not public data to the commissioner for the purpose of requesting or responding to a person's request for an opinion. Government data submitted to the commissioner by a state agency, statewide system, or political subdivision or copies of government data submitted by other persons have the same classification as the data have when held by the state agency, statewide system, or political subdivision. If the nature of the opinion is such that the release of the opinion

would reveal not public data, the commissioner may issue an opinion using pseudonyms for individuals. Data maintained by the commissioner, in the record of an opinion issued using pseudonyms that would reveal the identities of individuals protected by the use of the pseudonyms, are private data on individuals.

History 1993 c 192 s 38,110, 1995 c 259 art 1 s 2,3,56

13 073 PUBLIC INFORMATION POLICY TRAINING PROGRAM

Subdivision 1 Establishment The commissioner may establish a program for training state and local government officials and employees on public information policy, including government data practices laws and official records and records management statutes. The program may provide for the development of broad-based expertise within state and local government entities. The program components may include basic training, specific training for specialized service sectors, and policy analysis and support.

Subd 2 General provisions The commissioner may publicize the development and implementation of the training program under this section and seek input from state and local government entities. The commissioner may prepare a training guide that includes an overview of the training program and its components.

Subd 3 Basic training The basic training component should be designed to meet the basic information policy needs of all government employees and public officials with a focus on key data practices laws and procedures that apply to all government entities. The commissioner should design the basic training component in a manner that minimizes duplication of the effort and cost for government entities to provide basic training. The commissioner may develop general programs and materials for basic training such as video presentations, data practices booklets, and training guides. The commissioner may assist state and local government agencies in developing training expertise within their own agencies and offer assistance for periodic training sessions for this purpose.

Subd 4 Sector specific training (a) The sector-specific training component should be designed to provide for the development of specific expertise needed to deal with information policy issues within a particular service area. Service areas may include government entities such as state agencies, counties, cities, or school districts, or functional areas such as education, human services, child protection, or law enforcement. This component should focus on training individuals who implement or administer data practices and other information policy laws within their government entity.

(b) The commissioner may provide technical assistance and support and help coordinate efforts to develop sector-specific training within different sectors. Elements of sector specific training should include

(1) designation, training and coordination of data practices specialists with responsibility for clarification and resolution of sector-specific information policy issues,

(2) development of telephone hot lines within different sectors for handling information policy inquiries,

(3) development of forums under which individuals with ongoing information policy administrative responsibilities may meet to discuss issues arising within their sectors,

(4) availability of expertise for coaching and consultation on specific issues, and

(5) preparation of publications, including reference guides to materials and resource persons.

Subd 5 Policy analysis and support The policy analysis and support component should be designed to address information policy issues at the policy level and to provide ongoing consultation and support regarding major areas of concern with a goal of developing a coherent and coordinated approach to information policy within the state. The commissioner may assist in the development and implementation of information policy and provide a clearinghouse for ideas, information, and resources. The

commissioner may review public information policy and identify how that policy can be updated, simplified, and made consistent

Subd 6 Preparation of model policies and procedures The commissioner shall, in consultation with affected government entities, prepare model policies and procedures to assist government entities in complying with the requirements of this chapter that relate to public access to government data and rights of subjects of data. Upon completion of a model for a governmental level, the commissioner shall offer that model for formal adoption by that level of government. Government entities may adopt or reject the model offered by the commissioner. A government entity that adopts the commissioner's model shall notify the commissioner in a form prescribed by the commissioner.

History 1995 c 259 art 2 s 1, 1999 c 250 art 1 s 43

13 08 CIVIL REMEDIES

Subdivision 1 Action for damages Notwithstanding section 466 03, a political subdivision, responsible authority, statewide system, or state agency which violates any provision of this chapter is liable to a person or representative of a decedent who suffers any damage as a result of the violation, and the person damaged or a representative in the case of private data on decedents or confidential data on decedents may bring an action against the political subdivision, responsible authority, statewide system or state agency to cover any damages sustained, plus costs and reasonable attorney fees. In the case of a willful violation, the political subdivision, statewide system or state agency shall, in addition, be liable to exemplary damages of not less than \$100, nor more than \$10,000 for each violation. The state is deemed to have waived any immunity to a cause of action brought under this chapter.

Subd 2 Injunction A political subdivision, responsible authority, statewide system or state agency which violates or proposes to violate this chapter may be enjoined by the district court. The court may make any order or judgment as may be necessary to prevent the use or employment by any person of any practices which violate this chapter.

Subd 3 Venue An action filed pursuant to this section may be commenced in the county in which the individual alleging damage or seeking relief resides or in the county wherein the political subdivision exists, or, in the case of the state, any county.

Subd 4 Action to compel compliance (a) In addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person seeking to enforce the person's rights under this chapter or obtain access to data may bring an action in district court to compel compliance with this chapter and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that an action brought under this subdivision is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. If the court issues an order to compel compliance under this subdivision, the court may impose a civil penalty of up to \$300 against the government entity. This penalty is payable to the state general fund and is in addition to damages under subdivision 1. The matter shall be heard as soon as possible. In an action involving a request for government data under section 13 03 or 13 04, the court may inspect in camera the government data in dispute, but shall conduct its hearing in public and in a manner that protects the security of data classified as not public. If the court issues an order to compel compliance under this subdivision, the court shall forward a copy of the order to the commissioner of administration.

(b) In determining whether to assess a civil penalty under this subdivision, the court shall consider whether the government entity has substantially complied with general data practices under this chapter, including but not limited to, whether the government entity has

(1) designated a responsible authority under section 13 02, subdivision 16,

(2) designated a data practices compliance official under section 13 05, subdivision 13,

(3) prepared the public document that names the responsible authority and describes the records and data on individuals that are maintained by the government entity under section 13 05, subdivision 1,

(4) developed public access procedures under section 13 03, subdivision 2, procedures to guarantee the rights of data subjects under section 13 05, subdivision 8, and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13 05, subdivision 5,

(5) sought an oral, written, or electronic opinion from the commissioner of administration related to the matter at issue and acted in conformity with that opinion or an opinion sought by another person, or

(6) provided ongoing training to government entity personnel who respond to requests under this chapter

Subd 5 Immunity from liability A state agency, statewide system, political subdivision, or person that releases not public data pursuant to an order under section 13 03, subdivision 6 is immune from civil and criminal liability

Subd 6 Immunity from liability, personnel settlement No cause of action may arise as a result of the release of data contained in a termination or personnel settlement agreement if the data were not public data as defined in section 13 02, at the time the agreement was executed but become public data under a law enacted after execution

History 1974 c 479 s 5, 1975 c 401 s 5, 1976 c 239 s 4,5, 1979 c 328 s 14, 1980 c 603 s 13, 1981 c 311 s 39, 1Sp1981 c 4 art 1 s 8 10, 1982 c 545 s 24, 1985 c 298 s 5,6, 1986 c 444, 1991 c 319 s 30, 1999 c 227 s 22, 2000 c 468 s 8

13 081 ADMINISTRATIVE REMEDIES

Subdivision 1 Complaints Any person who believes that a government entity is not in compliance with this chapter may file a complaint with the commissioner. The commissioner shall specify the form of the complaint. The commissioner shall conduct an investigation to determine whether the complaint is valid or whether another alternative dispute resolution process exists to address the issue presented. If the commissioner determines the complaint is not valid or another alternative dispute resolution process is a more appropriate forum for resolving the dispute, the commissioner shall dismiss the complaint and so inform the person who filed the complaint and the government entity that was the subject of the complaint. If the commissioner determines the complaint is valid, the commissioner may take any of the actions under subdivision 2 to resolve the complaint. The commissioner shall either dismiss the complaint or refer it for one of the actions under subdivision 2 within 20 days of receipt of the complaint. For good cause and upon written notice to the person bringing the complaint, the commissioner may extend this deadline for one additional 30 day period.

Subd 2 Informal resolution of complaint The commissioner may attempt to resolve a complaint informally or, with the consent of both parties, refer the matter to an alternative dispute resolution process and use the services of the office of dispute resolution or the office of administrative hearings to arbitrate or mediate the dispute.

History 2000 c 468 s 9

NOTE This section as added by Laws 2000 chapter 468 section 9 is effective July 1 2001. Laws 2000 chapter 468 section 34

13 09 PENALTIES

Any person who willfully violates the provisions of this chapter or any rules adopted under this chapter is guilty of a misdemeanor. Willful violation of this chapter

by any public employee constitutes just cause for suspension without pay or dismissal of the public employee

History 1974 c 479 s 6, 1975 c 401 s 6, 1976 c 239 s 6, 1981 c 311 s 39, 1982 c 545 s 24, 1985 c 298 s 7

13 10 DATA ON DECEDENTS

Subdivision 1 **Definitions** As used in this chapter

(a) ‘Confidential data on decedents’ means data which, prior to the death of the data subject, were classified by statute, federal law, or temporary classification as confidential data

(b) ‘Private data on decedents’ means data which, prior to the death of the data subject, were classified by statute, federal law, or temporary classification as private data

(c) ‘Representative of the decedent’ means the personal representative of the estate of the decedent during the period of administration, or if no personal representative has been appointed or after discharge, the surviving spouse, any child of the decedent, or, if there is no surviving spouse or children, the parents of the decedent

Subd 2 **Classification of data on decedents** Upon the death of the data subject, private data and confidential data shall become, respectively, private data on decedents and confidential data on decedents Private data on decedents and confidential data on decedents shall become public when ten years have elapsed from the actual or presumed death of the individual and 30 years have elapsed from the creation of the data For purposes of this subdivision, an individual is presumed to be dead if either 90 years elapsed since the creation of the data or 90 years have elapsed since the individual’s birth, whichever is earlier, except that an individual is not presumed to be dead if readily available data indicate that the individual is still living

Subd 3 **Rights** Rights conferred by this chapter on individuals who are the subjects of private or confidential data shall, in the case of private data on decedents or confidential data on decedents, be exercised by the representative of the decedent Nonpublic data concerning a decedent, created or collected after death, are accessible by the representative of the decedent Nothing in this section may be construed to prevent access to appropriate data by a trustee appointed in a wrongful death action

Subd 4 **Court review** Any person may bring an action in the district court located in the county where the data is being maintained or, in the case of data maintained by a state agency, in any county, to authorize release of private data on decedents or confidential data on decedents Individuals clearly identified in the data or the representative of the decedent may be given notice if doing so does not cause an undue delay in hearing the matter and, in any event, shall have standing in the court action The responsible authority for the data being sought or any interested person may provide information regarding the possible harm or benefit from granting the request The data in dispute shall be examined by the court in camera The court may order all or part of the data to be released to the public or to the person bringing the action In deciding whether or not to release the data, the court shall consider whether the harm to the surviving spouse, children, or next of kin of the decedent, the harm to any other individual identified in the data, or the harm to the public outweighs the benefit to the person bringing the action or the benefit of the public The court shall make a written statement of findings in support of its decision

Subd 5 **Adoption records** Notwithstanding any provision of this chapter adoption records shall be treated as provided in sections 259 53, 259 61, 259 79, and 259 83 to 259 89

Subd 6 **Retention of data** Nothing in this section may be construed to require retention of government data, including private data on decedents or confidential data

on decedents, for periods of time other than those established by the procedures provided in section 138 17, or any other statute

History 1985 c 298 s 8, 1986 c 444, 1989 c 351 s 3, 1990 c 573 s 2, 1994 c 631 s 31, 1995 c 259 art 1 s 4

POLITICAL SUBDIVISION DATA

13 201 RIDESHARE DATA

The following data on participants, collected by the Minnesota department of transportation and the metropolitan council to administer rideshare programs, are classified as private under section 13 02, subdivision 12 residential address and telephone number, beginning and ending work hours, current mode of commuting to and from work, and type of rideshare service information requested

History 1999 c 227 s 8,22

13 202 POLITICAL SUBDIVISION DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referenced in subdivisions 2 to 12 are codified outside this chapter Those sections classify political subdivision data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **County boards, property tax abatement** Certain data in an application for property tax abatement are classified under section 375 192, subdivision 2

Subd 3 **Hennepin county** (a) **Records of closed county board meetings** Records of Hennepin county board meetings permitted to be closed under section 383B 217, subdivision 7, are classified under that subdivision

(b) **Medical examiner investigations** Certain data on deceased persons collected or created by the Hennepin county medical examiner are classified under section 383B 225

Subd 4 **Coroner, inquest data** Certain data collected or created in the course of a coroner's or medical examiner's inquest are classified under sections 390 11, subdivision 7, and 390 32, subdivision 6

Subd 5 **Solid waste management, collector audit** Data obtained in an audit of a solid waste collector under section 400 08, subdivision 4, are classified under that subdivision

Subd 6 **911 emergency telephone service, public utility data** Public utility data and names addresses, and telephone numbers provided to a 911 system under section 403 07, subdivisions 3 and 4, are classified under those subdivisions

Subd 7 **Public facilities authority, financial data** Financial information received or prepared by a public facilities authority is classified under section 446A 11, subdivision 11

Subd 8 **Municipalities, rule and law waiver requests** Data obtained in a rule or law waiver request are classified under section 465 797 subdivision 7

Subd 9 **Municipal rights** (a) **Self insurer claims** Disclosure of information about individual claims filed by the employees of a municipality which is a self insurer is governed by section 471 617, subdivision 5

(b) **Meetings of governing bodies** Treatment of data discussed at meetings of governing bodies is governed by section 13D 05

(c) **Job evaluation system reports** Treatment of reports containing the results of job evaluation systems is governed by section 471 995

(d) **Pay equity compliance** Implementation reports of equitable compensation plans are classified by section 471 9981, subdivision 5b

Subd 10 **Capital intensive public service proposals and negotiation documents** Proposals received from vendors, and all government data received from vendors or

generated by a municipality relating to negotiations with vendors, for capital intensive public services are classified under section 471A 03, subdivision 3

Subd 11 **Metropolitan government** (a) **Affirmative action plans** Treatment of data relating to metropolitan agency affirmative action plans is governed by section 473 143, subdivisions 5 and 7

(b) **Contracts for management services** Data relating to compensation of personnel who work under a management service contract are classified by section 473 405, subdivision 12

(c) **Arena acquisition** Certain data in connection with a decision whether to acquire a sports arena are classified under section 473 598, subdivision 4

(d) **Airports commission** Certain airline data submitted to the metropolitan airports commission in connection with the issuance of revenue bonds are classified under section 473 6671, subdivision 3

(e) **Solid waste landfill fee** Information obtained from the operator of a mixed municipal solid waste disposal facility under section 473 843 is classified under section 473 843, subdivision 4

Subd 12 **Public indebtedness, municipal obligation register data** Information contained in a register with respect to the ownership of certain municipal obligations is classified under section 475 55, subdivision 6

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9-64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1-51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 30 [Renumbered 13 393]

13 31 [Renumbered 13 462]

CHILDREN, FAMILIES, AND LEARNING, EDUCATIONAL DATA

13 319 CHILDREN, FAMILIES, AND LEARNING DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 6 are codified outside this chapter Those sections classify children, families, and learning data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Grants to service provider programs, abused children service** Treatment of data related to grants for programs which provide abused children services is governed by section 119A 21, subdivision 4

Subd 3 **Program services** Data on individuals receiving services under certain programs administered by the department of children, families, and learning are classified under sections 119A 376, subdivision 4, 119A 44, subdivision 7, and 119A 50, subdivision 2

Subd 4 **Energy programs** Treatment of data on individuals applying for benefits or services under energy programs is governed by section 119A 425

Subd 5 **Transitional housing data** Certain data collected, used, or maintained by the recipient of a grant to provide transitional housing are classified under section 119A 43, subdivision 9

Subd 6 **Lead abatement program, testing and evaluation** Treatment of data relating to testing under the lead abatement program is governed by section 119A 46, subdivision 8

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2, 2000 c 468 s 17

13 32 EDUCATIONAL DATA

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 not accessible or revealed to any other individual except a substitute teacher, and are destroyed at the end of the school year, shall not be deemed to be government data

Records of a law enforcement unit of a public educational agency or institution which are maintained apart from education data and are maintained solely for law enforcement purposes, and are not disclosed to individuals other than law enforcement officials of the jurisdiction are not educational data, provided, that education records maintained by the educational agency or institution are not disclosed to the personnel of the law enforcement unit The University of Minnesota police department is a law enforcement agency for purposes of section 13 82 and other sections of Minnesota Statutes dealing with law enforcement records Records of organizations providing security services to a public educational agency or institution must be administered consistent with section 13 861

Records relating to a student who is employed by a public educational agency or institution which are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose are classified pursuant to section 13 43

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

(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

(d) "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

Subd 2 **Student health and census data, data on parents** (a) Health data concerning students, including but not limited to, data concerning immunizations, notations of special physical or mental problems and records of school nurses are educational data Access by parents to student health data shall be pursuant to section 13 02, subdivision 8

(b) Pupil census data, including emergency information and family information are educational data

(c) Data concerning parents are private data on individuals but may be treated as directory information if the same procedures that are used by a school district to designate student data as directory information under subdivision 5 are followed

Subd 3 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 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)(3) and Code of Federal Regulations, title 34, sections 99 31, 99 32, 99 33, 99 34, and 99 35,
- (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, chapter 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 post secondary 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, or
- (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 economic security for the purpose and in the manner described in section 124D 52, subdivision 7

Subd 4 Student's access to private data A student shall not have the right of access to private data provided in section 13 04, subdivision 3, as to financial records and statements of the student's parents or any information contained therein

Subd 5 Directory information Information designated as directory information pursuant to the provisions of United States Code, title 20, section 1232g and Code of Federal Regulations, title 34, section 99 37 which are in effect on July 1, 1993, is public data on individuals 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 any or all 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.

Subd 6 Admissions forms, remedial instruction (a) Minnesota post secondary education institutions, for purposes of reporting and research, may collect on the 1986 1987 admissions form, and disseminate to any public educational agency or institution the following data on individuals: student sex, ethnic background, age, and disabilities. The data shall not be required of any individual and shall not be used for purposes of determining the person's admission to an institution.

(b) A school district that receives information under subdivision 3, paragraph (h) from a post-secondary institution about an identifiable student shall maintain the data as educational data and use that data to conduct studies to improve instruction. Public post-secondary systems annually shall provide summary data to the department of children, families, and learning indicating the extent and content of the remedial instruction received in each system during the prior academic year by, and the results of assessment testing and the academic performance of, students who graduated from a Minnesota school district within two years before receiving the remedial instruction. The department shall evaluate the data and annually report its findings to the education committees of the legislature.

(c) This section supersedes any inconsistent provision of law.

Subd 7 Uses of data School officials who receive data on juveniles, as authorized under sections 260B 171 and 260C 171, may use and share that data within the school district or educational entity as necessary to protect persons and property or to address the educational and other needs of students. A school district, its agents, and employees who use and share this data in good faith are immune from civil or criminal liability that might otherwise result from their actions.

Subd 8 Access by juvenile justice system (a) Upon request, the following education data shall be disclosed under subdivision 3, clause (1), to the juvenile justice system: a student's full name, home address, telephone number, date of birth, a student's school schedule, attendance record, and photographs, if any, and parents names, home addresses, and telephone numbers.

(b) In addition, the following data on behavior by a student who is on probation may be disclosed under subdivision 3, clause (1) or (1), to the juvenile justice system:

- (1) use of a controlled substance, alcohol, or tobacco,
- (2) assaultive or threatening conduct that could result in dismissal from school under section 121A 45, subdivision 2, clause (b) or (c),
- (3) possession or use of weapons or look-alike weapons
- (4) participation in gang activity as defined by the criminal gang oversight council under section 299A 64, subdivision 2, paragraph (b)
- (5) theft, or
- (6) vandalism or other damage to property.

Any request for access to data under this paragraph must contain an explanation of why access to the data is necessary to serve the student or to protect students or staff.

(c) A superintendent of a school district or chief administrative officer of a school who discloses information about a student to the juvenile justice system under this paragraph shall, to the extent permitted by federal law, notify the student's parent or guardian of the disclosure.

(d) Nothing in this subdivision shall limit the disclosure of educational data pursuant to court order.

History 1979 c 328 s 18, 1980 c 603 s 26, 1981 c 311 s 14,39, 1982 c 545 s 24, 1984 c 436 s 14, 1985 c 298 s 9,10, 1986 c 444, 1989 c 351 s 4,5, 1993 c 13 art 1 s 9,10, 1993 c 351 s 2 4, 1994 c 618 art 1 s 4, 1994 c 636 art 4 s 1, 1995 c 259 art 1 s 6, 1Sp1995 c 3 art 16 s 13, 1996 c 440 art 1 s 3,4 1Sp1997 c 3 s 1 3, 1999 c 139 art 4 s 2, 1999 c 227 s 3,4,22, 2000 c 451 s 1, 2000 c 468 s 10, 2000 c 489 art 1 s 1

13 321 PREKINDERGARTEN GRADE 12 EDUCATIONAL DATA CODED ELSE WHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 9 are codified outside this chapter. Those sections classify prekindergarten to grade 12 educational data as other than public, place restrictions on access to government data, or involve data sharing.

Subd 2 **Curriculum and assessment, testing data** Data sharing involving the statewide testing and reporting system is governed by sections 120B 30, subdivision 3, and 120B 31, subdivision 4.

Subd 3 **Disposition orders received by schools** Access to disposition orders received by schools is governed by section 121A 75.

Subd 4 **Student rights, responsibilities, and behavior** (a) **Immunization data** Data sharing involving immunization records is governed by section 121A 15, subdivision 7.

(b) **Developmental screening** Data collected in early childhood developmental screening programs are classified under section 121A 18.

(c) **Exclusions and expulsions** Data sharing involving exclusions and expulsions is classified under section 121A 53.

Subd 5 **Teachers, license reporting** Data on certain teacher discharges and resignations reported under section 122A 20 are classified under that section.

Subd 6 **School district powers, energy efficiency projects** Data involving energy efficiency project contracts are governed by section 123B 65, subdivision 10.

Subd 7 **Education programs** (a) **School readiness program** Data on a child participating in a school readiness program are classified under section 124D 15, subdivision 9.

(b) **Family services collaborative** Data sharing involving family services collaboratives is governed by section 124D 23, subdivision 5.

(c) **Performance tracking system** Data sharing related to the performance tracking system is governed by section 124D 52.

Subd 8 **Special education** (a) **Third party payment** Disclosure of student data to health plan companies is governed by section 125A 21, subdivision 7.

(b) **Agency access** Agency access to data about a child with a disability is governed by section 125A 23.

(c) **Interagency early intervention committees** Data sharing involving interagency early intervention committees is governed by sections 125A 027, subdivision 1, and 125A 30.

Subd 9 **High school league** Data involving the high school league are governed by section 128C 17.

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2, 2000 c 451 s 2.

13 322 POST SECONDARY EDUCATION DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 4 are codified outside this chapter. Those sections classify higher education data as other than public, place restrictions on access to government data, or involve data sharing.

Subd 2 **Public post secondary education, immunization files** Data sharing of immunization records is governed by section 135A 14, subdivision 4.

Subd 3 **Higher education services office** (a) **General** Data sharing involving the higher education services office and other institutions is governed by section 136A 05.

(b) **Student financial aid** Data collected and used by the higher education services office on applicants for financial assistance are classified under section 136A 162.

(c) **School financial records** Financial records submitted by schools registering with the higher education services office are classified under section 136A 64.

Subd 4 **Private career schools, inspection** Data obtained from an inspection of the financial records of a school are governed by section 141 30.

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10 art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 33 [Renumbered 13 601, subd 2]

EXAMINATION DATA**13 34 EXAMINATION DATA**

Data consisting solely of testing or examination materials, or scoring keys used solely to determine individual qualifications for appointment or promotion in public service, or used to administer a licensing examination, or academic examination, the disclosure of which would compromise the objectivity or fairness of the testing or examination process are classified as nonpublic, except pursuant to court order. Completed versions of personnel, licensing, or academic examinations shall be accessible to the individual who completed the examination, unless the responsible authority determines that access would compromise the objectivity, fairness, or integrity of the examination process. Notwithstanding section 13 04, the responsible authority shall not be required to provide copies of completed examinations or answer keys to any individual who has completed an examination.

History 1980 c 603 s 14, 1981 c 311 s 10,39, 1982 c 545 s 24

GENERAL DATA**13 35 FEDERAL CONTRACTS DATA**

To the extent that a federal agency requires it as a condition for contracting with a state agency or political subdivision, all government data collected and maintained by the state agency or political subdivision because that agency contracts with the federal agency are classified as either private or nonpublic depending on whether the data are data on individuals or data not on individuals.

History 1980 c 603 s 19, 1981 c 311 s 39, 1982 c 545 s 24

13 36 [Renumbered 13 87, subd 2]

13 37 GENERAL NONPUBLIC DATA

Subdivision 1 **Definitions** As used in this section, the following terms have the meanings given them

(a) "Security information" means government data the disclosure of which would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury "Security information" includes crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home addresses and telephone numbers

(b) "Trade secret information" means government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use

(c) "Labor relations information" means management positions on economic and noneconomic items that have not been presented during the collective bargaining process or interest arbitration, including information specifically collected or created to prepare the management position

(d) "Parking space leasing data" means the following government data on an applicant for, or lessee of, a parking space residence address, home telephone number, beginning and ending work hours, place of employment, work telephone number, and location of the parking space

(e) "Internal competitive proposal" means a proposal to provide government services that is prepared by the staff of a political subdivision in competition with proposals solicited by the political subdivision from the private sector

Subd 2 **Classification** The following government data is classified as nonpublic data with regard to data not on individuals, pursuant to section 13 02, subdivision 9, and as private data with regard to data on individuals, pursuant to section 13 02, subdivision 12 Security information trade secret information, sealed absentee ballots prior to opening by an election judge, sealed bids, including the number of bids received, prior to the opening of the bids, internal competitive proposals prior to the time specified by a political subdivision for the receipt of private sector proposals for the services, parking space leasing data, and labor relations information, provided that specific labor relations information which relates to a specific labor organization is classified as protected nonpublic data pursuant to section 13 02, subdivision 13

Subd 3 **Data dissemination** Crime prevention block maps and names, home addresses, and telephone numbers of volunteers who participate in community crime prevention programs may be disseminated to volunteers participating in crime prevention programs

History 1980 c 603 s 15, 1981 c 311 s 11,39, 1982 c 545 s 24, 1984 c 436 s 15, 1985 c 248 s 4, 1990 c 573 s 3,4, 1996 c 440 art 1 s 5,6, 1997 c 111 s 6, 1998 c 371 s 1

13 38 [Renumbered 13 3805, subdivision 1]

HEALTH AND MEDICAL DATA

13 3805 PUBLIC HEALTH DATA

Subdivision 1 **Health data generally** (a) **Definitions** As used in this subdivision

(1) "Commissioner" means the commissioner of health

(2) Health data means data on individuals created, collected, received, or maintained by the department of health, political subdivisions, or statewide systems

relating to the identification, description, prevention, and control of disease or as part of an epidemiologic investigation the commissioner designates as necessary to analyze, describe, or protect the public health

(b) **Data on individuals** (1) Health data are private data on individuals. Notwithstanding section 13 05, subdivision 9, health data may not be disclosed except as provided in this subdivision and section 13 04

(2) The commissioner or a local board of health as defined in section 145A 02, subdivision 2, may disclose health data to the data subject's physician as necessary to locate or identify a case, carrier, or suspect case, to establish a diagnosis, to provide treatment, to identify persons at risk of illness, or to conduct an epidemiologic investigation

(3) With the approval of the commissioner, health data may be disclosed to the extent necessary to assist the commissioner to locate or identify a case, carrier, or suspect case, to alert persons who may be threatened by illness as evidenced by epidemiologic data, to control or prevent the spread of serious disease, or to diminish an imminent threat to the public health

(c) **Health summary data** Summary data derived from data collected under section 145 413 may be provided under section 13 05, subdivision 7

Subd 2 **Huntington's disease data** All data created, collected, received, or maintained by the commissioner of health on individuals relating to genetic counseling services for Huntington's Disease provided by the department of health are private data on individuals. The data may be permanently transferred from the department to the Hennepin county medical center, and once transferred, shall continue to be classified as private data on individuals

History 1981 c 311 s 31,39, 1982 c 545 s 24, 1987 c 309 s 24, 1987 c 351 s 4, 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 5,17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27,58, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 3806 PUBLIC HEALTH DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 20 are codified outside this chapter. Those sections classify data on public health as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Certain epidemiologic studies** Use of data collected by the commissioner of health under sections 176 234, 268 19, and 270B 14, subdivision 11, is governed by section 144 0525

Subd 3 **Public health studies** Data held by the commissioner of health in connection with public health studies are classified under section 144 053

Subd 4 **Vital statistics** (a) **Parents' social security number, birth certificate** Parents' social security numbers provided for a child's birth certificate are classified under section 144 215, subdivision 4

(b) **Foundling registration** The report of the finding of an infant of unknown parentage is classified under section 144 216, subdivision 2

(c) **New certificate of birth** In circumstances in which a new certificate of birth may be issued under section 144 218, the original certificate of birth is classified as provided in that section

(d) **Vital records** Physical access to vital records is governed by section 144 225, subdivision 1

(e) **Birth certificate of child of unmarried parents** Access to the birth certificate of a child whose parents were not married to each other when the child was conceived or born is governed by sections 144 225, subdivisions 2 and 4, and 257 73

(f) **Health data for birth registration** Health data collected for birth registration or fetal death reporting are classified under section 144 225, subdivision 2a

(g) **Group purchaser identity for birth registration** Classification of and access to the identity of a group purchaser collected in association with birth registration is governed by section 144 225, subdivision 6

Subd 5 **School health records** (a) **Student health data** Data collected for the health record of a school child are governed by section 144 29

(b) **Tuberculosis screening** Access to health records of persons enrolled in or employed by a school or school district for tuberculosis screening purposes is governed by section 144 441, subdivision 8

Subd 6 **Health records** Access to health records is governed by section 144 335

Subd 7 **Immunization data** Sharing of immunization data is governed by section 144 3351

Subd 8 **Hepatitis B maternal carrier** Sharing of information regarding the hepatitis B infection status of a newborn's mother is governed by section 144 3352

Subd 9 **Human leukocyte antigen type registry** Data identifying a person and the person's human leukocyte antigen type which is maintained by a government entity are classified under section 144 336, subdivision 1

Subd 10 **Health threat procedures** Data in a health directive issued by the commissioner of health or a board of health are classified in section 144 4186

Subd 11 **Tuberculosis health threat** Data collected by the commissioner of health in connection with a tuberculosis health threat are classified under section 144 4813

Subd 12 **Epidemiologic data** Epidemiologic data that identify individuals are classified under section 144 6581

Subd 13 **Traumatic injury** Data on individuals with a brain or spinal injury collected by the commissioner of health are classified under section 144 665

Subd 14 **Cancer surveillance system** Data on individuals collected by the cancer surveillance system are classified pursuant to section 144 69

Subd 15 **Bloodborne pathogens** Data sharing between the emergency medical services agency and facilities is governed by section 144 7402, subdivision 3

Subd 16 **Test information** Information concerning test results is governed by section 144 7411

Subd 17 **Lead exposure** Data on individuals exposed to lead in their residences are classified under sections 144 9502, subdivision 9, and 144 9504, subdivision 2

Subd 18 **Terminated pregnancies** Disclosure of reports of terminated pregnancies made to the commissioner of health is governed by section 145 413, subdivision 1

Subd 19 **Fetal, infant, and maternal death** Access to and classification of medical data and health records related to fetal, infant, and maternal death studies are governed by section 145 90

Subd 20 Hazardous substance exposure Disclosure of data related to hazardous substance exposure is governed by section 145 94

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17 art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 381 HEALTH REGULATORY DATA CODED ELSEWHERE

Subdivision 1 Scope The sections referred to in subdivisions 2 to 17 are codified outside this chapter Those sections classify health regulatory data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 Health occupations data (a) Health related licensees and registrants The collection, analysis, reporting, and use of data on individuals licensed or registered by the commissioner of health or health related licensing boards are governed by sections 144 051, subdivision 2, and 144 052

(b) Health services personnel Data collected by the commissioner of health for the database on health services personnel are classified under section 144 1485

Subd 3 Nursing home residents Access to certain data on assessments of care and services to nursing home residents is governed by section 144 0721, subdivision 2

Subd 4 Rural hospital grants Financial data on individual hospitals under the rural hospital grant program are classified under section 144 147, subdivision 5

Subd 5 Certain health inspections Disclosure of certain data received by the commissioner of health under sections 144 50 to 144 56 is governed by section 144 58

Subd 6 Public hospital meetings Data from a closed meeting of a public hospital are classified under section 144 581, subdivision 5

Subd 7 Medical malpractice claims reports Reports of medical malpractice claims submitted by an insurer to the commissioner of health under section 144 693 are classified as provided in section 144 693, subdivisions 1 and 2

Subd 8 Health test results Health test results obtained under sections 144 7401 to 144 7415 are classified under section 144 7411

Subd 9 Nursing home noncompliance Data from correction orders of or notices of noncompliance by nursing homes are governed under section 144A 10

Subd 10 Home care hospice program Data regarding a home care hospice program under sections 144A 43 to 144A 48 are governed by section 144A 45

Subd 11 Health facility complaints Information gathered by the director of the office of health facility complaints is classified under section 144A 53, subdivision 13

Subd 12 Ambulance service data Data required to be reported by ambulance services under section 144E 123 are classified under that section

Subd 13 Review organization data Disclosure of data and information acquired by a review organization as defined in section 145 61, subdivision 5, is governed by section 145 64

Subd 14 Family planning grants Information gathered under section 145 925 is classified under section 145 925, subdivision 6

Subd 15 **Mortuary science interns** Data collected in case reports filed with the commissioner of health by mortuary science interns are classified under section 149A 20, subdivision 6

Subd 16 **Funeral establishments** Data on individuals in annual reports required of certain funeral establishments are classified under section 149A 97, subdivision 11

Subd 17 **Technology assistance review panel** Data maintained by the technology assistance review panel under section 256 9691, subdivision 6, are classified under that section

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2, 2000 c 422 s 1

13 383 HEALTH OCCUPATIONS INVESTIGATIVE DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 16 are codified outside this chapter Those sections classify health occupations investigative data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **EMT, EMT I, EMT P, or first responders** Reports of emergency medical technician, emergency medical technician-intermediate, emergency medical technician paramedic, or first responder misconduct are classified under section 144E 305, subdivision 3

Subd 3 **Unlicensed practitioners** Data relating to investigations and disciplinary actions under section 146A 06 are governed by subdivision 2 of that section

Subd 4 **Physicians** (a) **Disciplinary data generally** Data held by the board of medical practice in connection with disciplinary matters are classified under section 147 01, subdivision 4 The administrative record of any disciplinary action taken by the board of medical practice under sections 147 01 to 147 22 is sealed upon judicial review as provided in section 147 151

(b) **Required examinations, physician's medical record** Data obtained by the board of medical practice when requiring a mental or physical examination of a physician or when accessing a physician's medical records are classified under section 147 091, subdivision 6

(c) **Sexual misconduct** Certain data relating to sexual misconduct are classified under section 147 092

(d) **Reports of violations** Certain reports of violations submitted to the board of medical practice are classified under section 147 121

(e) **Patient medical records** Patient medical records provided to the board of medical practice under section 147 131 are classified under that section

Subd 5 **Physician assistants** (a) **Required examinations, physician assistant's medical records** Data obtained by the medical practices board when requiring a mental or physical examination of a physician assistant or when accessing a physician assistant's medical records are classified under section 147A 13, subdivision 6

(b) **Sharing complaint information** Sharing of complaint information regarding a physician assistant is governed by section 147A 26

Subd 6 **Chiropractors** Data of the board of chiropractic examiners and the peer review committee are classified under sections 148 10, subdivision 1, and 148 106, subdivision 10

Subd 7 **Nurses** (a) **Required examinations, nurse's medical records** Data obtained by the board of nursing when requiring a mental or physical examination of a nurse or when accessing a nurse's medical records are classified under section 148 261, subdivision 5

(b) **Reports of violations** Certain reports of violations submitted to the board of nursing are classified under section 148 264

(c) **Patient medical records** Medical records of a patient cared for by a nurse who is under review by the board of nursing are classified under sections 148 191, subdivision 2, and 148 265

(d) **Records of nurse disciplinary action** The administrative records of any disciplinary action taken by the board of nursing under sections 148 171 to 148 285 are sealed upon judicial review as provided in section 148 266

Subd 8 **Psychologists and psychological practitioners** Client records of a patient cared for by a psychologist or psychological practitioner who is under review by the board of psychology are classified under section 148 941, subdivision 4

Subd 9 **Marriage and family therapists** (a) **Disciplinary data generally** Data held by the board of marriage and family therapy in connection with disciplinary matters are classified under sections 148B 04 and 148B 175, subdivisions 2 and 5

(b) **Reports of violations** Certain reports of violations submitted to the board of marriage and family therapy are classified under section 148B 08

(c) **Client records** Client records of a patient cared for by a marriage and family therapist who is under review by the board of marriage and family therapy are classified under sections 148B 09 and 148B 11

Subd 10 **Social workers** (a) **Disciplinary data generally** Data held by the board of social work in connection with disciplinary matters are classified under sections 148B 281, subdivisions 2 and 5, and 148B 285

(b) **Reports of violations** Certain reports of violations submitted to the board of social work are classified under section 148B 284

(c) **Client records** Client records of a patient cared for by a social worker who is under review by the board of social work are classified under sections 148B 282 and 148B 286 subdivision 3

Subd 11 **Unlicensed mental health practitioner** (a) **Disciplinary data generally** Data held by the commissioner of health in connection with the investigation of an unlicensed mental health practitioner are classified under section 148B 66 subdivision 2 The administrative records of disciplinary action taken by the commissioner of health pursuant to sections 148B 60 to 148B 71 are sealed upon judicial review as provided in section 148B 65

(b) **Client records** Client records of a patient cared for by an unlicensed mental health practitioner who is under review by the commissioner of health are classified under section 148B 66, subdivision 1

(c) **Required examinations, practitioner's medical records** Data obtained by the commissioner of health when requiring a mental or physical examination of an unlicensed mental health practitioner or when accessing the practitioner's medical records are classified under section 148B 68, subdivision 3

Subd 12 **Mortuary science practitioners** Data on investigations and disciplinary actions of mortuary science practitioners by the commissioner of health are classified under section 149A 04, subdivision 5

Subd 13 **Dentists, dental hygienists, and dental assistants** (a) **Required examinations, medical records** Data obtained by the board of dentistry when requiring a mental or physical examination of a dentist, dental hygienist, or dental assistant or

MINNESOTA STATUTES 2000

when accessing the medical records of a dentist, dental hygienist, or dental assistant are classified under sections 150A 08, subdivisions 5 and 6, and 150A 081

(b) **Patient records** Patient records of a patient cared for by a dentist, dental hygienist, or dental assistant who is under review by the board of dentistry are classified under section 150A 081

Subd 14 **Doctors of podiatric medicine** (a) **Patient records** Patient records of a patient cared for by a doctor of podiatric medicine who is under review by the board of podiatric medicine are classified under section 153 20

(b) **Access to doctor's medical data** Access to the medical data of a doctor of podiatric medicine who is under review by the board of podiatric medicine is governed by section 153 21, subdivision 2

Subd 15 **Hearing instrument dispensers** (a) **Sharing complaint information** Sharing of complaint information regarding a hearing instrument dispenser is governed by section 153A 15, subdivision 3

(b) **Medical records** Medical records obtained by the commissioner of health in the course of reviewing a hearing instrument dispenser are classified under section 153A 15, subdivision 3a

Subd 16 **Veterinarians** (a) **Client records** Veterinary records on clients of a veterinarian who is under review by the board of veterinary medicine are classified under section 156 082

(b) **Required examinations, veterinarian's medical record** Data obtained by the board of veterinary medicine when requiring a mental or physical examination of a veterinarian or when accessing the veterinarian's medical records are classified under section 156 125

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18 art 2 s 1 14, 1996 c 471 art 7 s 1 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 384 MEDICAL DATA

Subdivision 1 **Definition** As used in this section (a) "Directory information" means name of the patient, date admitted, and general condition

(b) "Medical data" means data collected because an individual was or is a patient or client of a hospital, nursing home, medical center, clinic, health or nursing agency operated by a state agency or political subdivision including business and financial records, data provided by private health care facilities, and data provided by or about relatives of the individual

Subd 2 **Public hospitals, directory information** (a) During the time that a person is a patient in a hospital operated by a state agency or political subdivision under legal commitment, directory information is public data After the person is released by termination of the person's legal commitment, the directory information is private data on individuals

(b) If a person is a patient other than pursuant to commitment in a hospital controlled by a state agency or political subdivision, directory information is public data unless the patient requests otherwise, in which case it is private data on individuals

(c) Directory information about an emergency patient who is unable to communicate which is public under this subdivision shall not be released until a reasonable effort is made to notify the next of kin. Although an individual has requested that directory information be private, the hospital may release directory information to a law enforcement agency pursuant to a lawful investigation pertaining to that individual.

Subd 3 Classification of medical data Unless the data is summary data or a statute specifically provides a different classification, medical data are private but are available only to the subject of the data as provided in section 144.335, and shall not be disclosed to others except

- (a) Pursuant to section 13.05,
- (b) Pursuant to section 253B.0921,
- (c) Pursuant to a valid court order,
- (d) To administer federal funds or programs,
- (e) To the surviving spouse, parents, children, and siblings of a deceased patient or client or, if there are no surviving spouse, parents, children, or siblings, to the surviving heirs of the nearest degree of kindred,
- (f) To communicate a patient's or client's condition to a family member or other appropriate person in accordance with acceptable medical practice, unless the patient or client directs otherwise, or
- (g) As otherwise required by law.

History 1979 c 328 s 16, 1980 c 603 s 27,28, 1981 c 311 s 16,39, 1982 c 545 s 24, 1989 c 175 s 1, 1995 c 189 s 1, 1996 c 440 art 1 s 8,9, 1997 c 217 art 1 s 1,2, 1999 c 227 s 22

13 385 [Renumbered 13 3805, subd 2]

ATTORNEY, AUDIT, AND INVESTIGATIVE DATA

13 39 CIVIL INVESTIGATION

Subdivision 1 Definitions A "pending civil legal action" includes but is not limited to judicial, administrative or arbitration proceedings. Whether a civil legal action is pending shall be determined by the chief attorney acting for the state agency, political subdivision or statewide system.

Subd 2 Civil actions (a) Except as provided in paragraph (b), data collected by state agencies, political subdivisions, or statewide systems as part of an active investigation undertaken for the purpose of the commencement or defense of a pending civil legal action, or which are retained in anticipation of a pending civil legal action, are classified as protected nonpublic data pursuant to section 13.02, subdivision 13, in the case of data not on individuals and confidential pursuant to section 13.02, subdivision 3, in the case of data on individuals. Any agency, political subdivision, or statewide system may make any data classified as confidential or protected nonpublic pursuant to this subdivision accessible to any person, agency or the public if the agency, political subdivision, or statewide system determines that the access will aid the law enforcement process, promote public health or safety or dispel widespread rumor or unrest.

(b) A complainant has access to a statement provided by the complainant to a state agency, statewide system, or political subdivision under paragraph (a).

Subd 2a Disclosure of data During the time when a civil legal action is determined to be pending under subdivision 1, any person may bring an action in the district court in the county where the data is maintained to obtain disclosure of data classified as confidential or protected nonpublic under subdivision 2. The court may order that all or part of the data be released to the public or to the person bringing the action. In making the determination whether data shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public

outweighs any harm to the public, the agency, or any person identified in the data. The data in dispute shall be examined by the court in camera.

Subd 3 Inactive investigative data. Inactive civil investigative data are public, unless the release of the data would jeopardize another pending civil legal action, and except for those portions of a civil investigative file that are classified as not public data by this chapter or other law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. Civil investigative data become inactive upon the occurrence of any of the following events:

(1) a decision by the state agency, political subdivision, or statewide system or by the chief attorney acting for the state agency, political subdivision, or statewide system not to pursue the civil action;

(2) expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil action, or

(3) exhaustion of or expiration of rights of appeal by either party to the civil action.

Data determined to be inactive under clause (1) may become active if the state agency, political subdivision, statewide system, or its attorney decides to renew the civil action.

History 1981 c 311 s 22,39, 1982 c 545 s 11,24, 1985 c 298 s 11, 1987 c 351 s 5, 1994 c 618 art 1 s 6,7

13 391 [Renumbered 13 821]

13 392 INTERNAL AUDITING DATA

Subdivision 1 Confidential data or protected nonpublic data. Data, notes, and preliminary drafts of reports created, collected, and maintained by the internal audit offices of state agencies and political subdivisions, or persons performing audits for state agencies and political subdivisions, and relating to an audit or investigation are confidential data on individuals or protected nonpublic data until the final report has been published or the audit or investigation is no longer being pursued actively, except that the data shall be disclosed as required to comply with section 6 67 or 609 456. This section does not limit in any way:

(1) the state auditor's access to government data of political subdivisions or data, notes, or preliminary drafts of reports of persons performing audits for political subdivisions; or

(2) the public or a data subject's access to data classified by section 13 43.

Subd 2 Private data on individuals. Data on an individual supplying information for an audit or investigation, that could reasonably be used to determine the individual's identity, are private data on individuals if the information supplied was needed for an audit or investigation and would not have been provided to the internal audit office or person performing audits without an assurance to the individual that the individual's identity would remain private.

History 1989 c 351 s 11, 1998 c 371 s 3,22

13 393 ATTORNEYS

Notwithstanding the provisions of this chapter and section 15 17, the use, collection, storage, and dissemination of data by an attorney acting in a professional capacity for the state, a state agency or a political subdivision shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility, provided that this section shall not be construed to affect the applicability of any statute, other than this chapter and section 15 17, which specifically requires or prohibits disclosure of specific information by the attorney, nor shall this section be construed to relieve any responsible authority,

other than the attorney, from duties and responsibilities pursuant to this chapter and section 15 17

History 1979 c 328 s 19, 1981 c 311 s 39, 1982 c 545 s 24, 1986 c 444, 1999 c 227 s 22

LIBRARY DATA

13 40 LIBRARY AND HISTORICAL DATA

Subdivision 1 **Records subject to this chapter** (a) For purposes of this section, historical records repository” means an archives or manuscript repository operated by any state agency, statewide system, or political subdivision whose purpose is to collect and maintain data to further the history of a geographic or subject area. The term does not include the state archives as defined in section 138 17, subdivision 1, clause (5)

(b) Data collected, maintained, used, or disseminated by a library or historical records repository operated by any state agency, political subdivision or statewide system shall be administered in accordance with the provisions of this chapter

Subd 2 **Private data, library borrowers** (a) Except as provided in paragraph (b), the following data maintained by a library are private data on individuals and may not be disclosed for other than library purposes except pursuant to a court order

(1) data that link a library patron’s name with materials requested or borrowed by the patron or that link a patron’s name with a specific subject about which the patron has requested information or materials, or

(2) data in applications for borrower cards, other than the name of the borrower

(b) A library may release reserved materials to a family member or other person who resides with a library patron and who is picking up the material on behalf of the patron. A patron may request that reserved materials be released only to the patron.

Subd 3 **Nongovernmental data** Data held in the custody of a historical records repository that were not originally created, received, maintained or disseminated by a state agency, statewide system, or political subdivision are not government data. These data are accessible to the public unless

(1) the data are contributed by private persons under an agreement that restricts access, to the extent of any lawful limitation, or

(2) access would significantly endanger the physical or organizational integrity of the data

History 1980 c 603 s 21, 1981 c 311 s 39, 1982 c 545 s 6 24, 1991 c 319 s 3, 1992 c 499 art 10 s 1, 1996 c 440 art 1 s 7

13 401 LIBRARY AND HISTORICAL DATA CODED ELSEWHERE

Subdivision 1 **Scope** The section referred to in subdivision 2 is codified outside this chapter. That section places a restriction on access to government data.

Subd 2 **Restrictions on access to archives records** Limitations on access to records transferred to the state archives are provided in section 138 17, subdivision 1c

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

LICENSING DATA

13 41 LICENSING DATA

Subdivision 1 **Definition** As used in this section "licensing agency" means any board, department or agency of this state which is given the statutory authority to issue professional or other types of licenses, except the various agencies primarily administered by the commissioner of human services. Data pertaining to persons or agencies licensed or registered under authority of the commissioner of human services shall be administered pursuant to section 13 46, subdivision 4.

Subd 2 **Private data, designated addresses and telephone numbers** (a) The following data collected, created or maintained by any licensing agency are classified as private, pursuant to section 13 02, subdivision 12: data, other than their names and designated addresses, submitted by applicants for licenses, the identity of complainants who have made reports concerning licensees or applicants which appear in inactive complaint data unless the complainant consents to the disclosure, the nature or content of unsubstantiated complaints when the information is not maintained in anticipation of legal action, the identity of patients whose medical records are received by any health licensing agency for purposes of review or in anticipation of a contested matter, inactive investigative data relating to violations of statutes or rules, and the record of any disciplinary proceeding except as limited by subdivision 4.

(b) An applicant for a license shall designate on the application a residence or business address and telephone number at which the applicant can be contacted in connection with the license application. A licensee shall designate a residence or business address and telephone number at which the licensee can be contacted in connection with the license. By designating an address under this paragraph other than a residence address, the applicant or licensee consents to accept personal service of process by service on the licensing agency for legal or administrative proceedings. The licensing agency shall mail a copy of the documents to the applicant or licensee at the last known residence address.

Subd 3 **Board of peace officer standards and training** The following government data of the board of peace officer standards and training are private data:

- (1) home addresses of licensees and applicants for licenses, and
- (2) data that identify the state agency, statewide system, or political subdivision that employs a licensed peace officer.

The board may disseminate private data on applicants and licensees as is necessary to administer law enforcement licensure or to provide data under section 626 845, subdivision 1, to law enforcement agencies who are conducting employment background investigations.

Subd 4 **Confidential data** The following data collected, created or maintained by any licensing agency are classified as confidential, pursuant to section 13 02, subdivision 3: active investigative data relating to the investigation of complaints against any licensee.

Subd 5 **Public data** Licensing agency minutes, application data on licensees, orders for hearing, findings of fact, conclusions of law and specification of the final disciplinary action contained in the record of the disciplinary action are classified as public, pursuant to section 13 02, subdivision 15. The entire record concerning the disciplinary proceeding is public data pursuant to section 13 02, subdivision 15, in those instances where there is a public hearing concerning the disciplinary action. If the licensee and the licensing agency agree to resolve a complaint without a hearing, the agreement and the specific reasons for the agreement are public data. The license numbers, the license status, and continuing education records issued or maintained by the board of peace officer standards and training are classified as public data, pursuant to section 13 02, subdivision 15.

Subd 6 **Releasing data** Any licensing agency may make any data classified as private or confidential pursuant to this section accessible to an appropriate person or

agency if the licensing agency determines that failure to make the data accessible is likely to create a clear and present danger to public health or safety

History 1981 c 311 s 27,39, 1982 c 545 s 12 14,24, 1984 c 436 s 16, 1984 c 654 art 5 s 58, 1987 c 351 s 6, 1990 c 573 s 5, 1993 c 351 s 5, 1994 c 618 art 1 s 8, 1997 c 214 s 1, 1Sp1997 c 3 s 4, 1999 c 227 s 22, 2000 c 468 s 11

13 411 LICENSING DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 8 are codified outside this chapter Those sections classify licensing data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Home care providers** Data from criminal background studies of the owner or managerial official of a home care provider that are given to the commissioner of health are classified under section 144A 46, subdivision 5

Subd 3 **Unlicensed complementary and alternative health care practitioners and clients** Data obtained by the commissioner of health on unlicensed complementary and alternative health care practitioners and clients are classified under sections 146A 06 and 146A 08

Subd 4 **Marriage and family therapists** Residence addresses and telephone numbers of marriage and family therapist licensees are classified under section 148B 04, subdivision 6

Subd 5 **Social workers** Residence addresses and telephone numbers of social worker licensees are classified under section 148B 285, subdivision 5

Subd 6 **Practitioners of mortuary science** (a) **Mortuary science** Data submitted to the commissioner of health for a license, reciprocal license, or renewal of a license to practice mortuary science are classified under sections 149A 20, subdivision 13, 149A 30, subdivision 7, and 149A 40, subdivision 10

(b) **Operation of funeral establishment** Data submitted to the commissioner of health for a license or renewal of a license to operate a funeral establishment are classified under sections 149A 50, subdivision 9, and 149A 51, subdivision 9

(c) **Operation of a crematory** Data submitted to the commissioner of health for a license or renewal of a license to operate a crematory are classified under sections 149A 52, subdivision 8, and 149A 53, subdivision 8

Subd 7 **Examining and licensing boards** (a) **Health licensing boards** Data held by health licensing boards are classified under sections 214 10, subdivision 8, and 214 25, subdivision 1

(b) **Combined boards data** Data held by licensing boards participating in a health professional services program are classified under sections 214 34 and 214 35

Subd 8 **Private detective license** Certain data on applicants for licensure as private detectives are classified under section 326 3382, subdivision 3

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1-51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8-18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2, 2000 c 460 s 1

NOTE Subdivision 3 as added by Laws 2000 chapter 460 section 1 is effective July 1 2001 Laws 2000 chapter 460 section 67

13 42 [Renumbered 13 384]

PERSONNEL, SALARY BENEFIT DATA

13 43 PERSONNEL DATA

Subdivision 1 **Definition** As used in this section, "personnel data" means data on individuals collected because the individual is or was an employee of or an applicant for employment by, performs services on a voluntary basis for, or acts as an independent contractor with a state agency, statewide system or political subdivision or is a member of or an applicant for an advisory board or commission

Subd 2 **Public data** (a) Except for employees described in subdivision 5, the following personnel data on current and former employees, volunteers, and independent contractors of a state agency statewide system, or political subdivision and members of advisory boards or commissions is public

(1) name, actual gross salary, salary range, contract fees, actual gross pension, the value and nature of employer paid fringe benefits and the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary,

(2) job title and bargaining unit job description, education and training background, and previous work experience,

(3) date of first and last employment,

(4) the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action,

(5) the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body,

(6) the terms of any agreement settling any dispute arising out of an employment relationship, including a buyout agreement as defined in section 123B 143, subdivision 2, paragraph (a), except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money,

(7) work location, a work telephone number, badge number and honors and awards received, and

(8) payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data and city and county of residence

(b) For purposes of this subdivision, a final disposition occurs when the state agency, statewide system, or political subdivision makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. In the case of arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the state agency, statewide system, political subdivision, or arbitrator

(c) The state agency, statewide system, or political subdivision may display a photograph of a current or former employee to a prospective witness as part of the state agency's, statewide system's, or political subdivision's investigation of any complaint or charge against the employee

(d) A complainant has access to a statement provided by the complainant to a state agency, statewide system, or political subdivision in connection with a complaint or charge against an employee

(e) Notwithstanding paragraph (a), clause (5), upon completion of an investigation of a complaint or charge against a public official, or if a public official resigns or is

terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources. For purposes of this paragraph, "public official" means

- (1) the head of a state agency and deputy and assistant state agency heads,
- (2) members of boards or commissions required by law to be appointed by the governor or other elective officers, and
- (3) executive or administrative heads of departments, bureaus, divisions, or institutions

Subd 2a Data disclosure by statewide pension plans Notwithstanding any law to the contrary, with respect to data collected and maintained on members, survivors, and beneficiaries by statewide retirement systems that is classified as public data in accordance with subdivision 2, those retirement systems may be only required to disclose name, gross pension, and type of benefit awarded, except as required by sections 13 03, subdivisions 4 and 6, and 13 05, subdivisions 4 and 9

Subd 3 Applicant data Except for applicants described in subdivision 5, the following personnel data on current and former applicants for employment by a state agency, statewide system or political subdivision or appointment to an advisory board or commission is public: veteran status, relevant test scores, rank on eligible list, job history, education and training, and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the appointing authority to be finalists for a position in public employment. For purposes of this subdivision, "finalist" means an individual who is selected to be interviewed by the appointing authority prior to selection. Names and home addresses of applicants for appointment to and members of an advisory board or commission are public.

Subd 4 Other data All other personnel data is private data on individuals but may be released pursuant to a court order.

Subd 5 Undercover law enforcement officer All personnel data maintained by any state agency, statewide system or political subdivision relating to an individual employed as or an applicant for employment as an undercover law enforcement officer are private data on individuals. When the individual is no longer assigned to an undercover position, the data described in subdivisions 2 and 3 become public unless the law enforcement agency determines that revealing the data would threaten the personal safety of the officer or jeopardize an active investigation.

Subd 6 Access by labor organizations Personnel data may be disseminated to labor organizations to the extent that the responsible authority determines that the dissemination is necessary to conduct elections, notify employees of fair share fee assessments, and implement the provisions of chapters 179 and 179A. Personnel data shall be disseminated to labor organizations and to the bureau of mediation services to the extent the dissemination is ordered or authorized by the commissioner of the bureau of mediation services.

Subd 7 Employee assistance data All data created, collected or maintained by any state agency or political subdivision to administer employee assistance programs similar to the one authorized by section 43A 319 are classified as private, pursuant to section 13 02, subdivision 12. This section shall not be interpreted to authorize the establishment of employee assistance programs.

Subd 8 Harassment data When allegations of sexual or other types of harassment are made against an employee, the employee does not have access to data that would identify the complainant or other witnesses if the responsible authority determines that the employee's access to that data would

- (1) threaten the personal safety of the complainant or a witness, or
- (2) subject the complainant or witness to harassment

If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding

Subd 9 Peer counseling debriefing data (a) Data acquired by a peer group member in a public safety peer counseling debriefing is private data on the person being debriefed

(b) For purposes of this subdivision, "public safety peer counseling debriefing" means a group process oriented debriefing session held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services, that is established by any agency providing public safety emergency services and is designed to help a person who has suffered an occupation related traumatic event begin the process of healing and effectively dealing with posttraumatic stress

Subd 10 Prohibition on agreements limiting disclosure or discussion of personnel data (a) A state agency, statewide system, or political subdivision may not enter into an agreement settling a dispute arising out of the employment relationship with the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data. An agreement or portion of an agreement that violates this paragraph is void and unenforceable

(b) Paragraph (a) applies to the following but only to the extent that the data or information could otherwise be made accessible to the public

(1) an agreement not to discuss, publicize, or comment on personnel data or information,

(2) an agreement that limits the ability of the subject of personnel data to release or consent to the release of data, or

(3) any other provision of an agreement that has the effect of limiting the disclosure or discussion of information that could otherwise be made accessible to the public, except a provision that limits the ability of an employee to release or discuss private data that identifies other employees

(c) Paragraph (a) also applies to a court order that contains terms or conditions prohibited by paragraph (a)

Subd 11 Protection of employee or others (a) If the responsible authority or designee of a state agency, statewide system or political subdivision reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, data that are relevant to the concerns for safety may be released as provided in this subdivision

(b) The data may be released

(1) to the person who may be harmed and to an attorney representing the person when the data are relevant to obtaining a restraining order,

(2) to a prepetition screening team conducting an investigation of the employee under section 253B 07, subdivision 1, or

(3) to a court, law enforcement agency, or prosecuting authority

(c) Section 13 03, subdivision 4, paragraph (c), applies to data released under this subdivision, except to the extent that the data have a more restrictive classification in the possession of the agency or authority that receives the data. If the person who may be harmed or the person's attorney receives data under this subdivision, the data may be used or released further only to the extent necessary to protect the person from harm

Subd 12 Sharing of law enforcement personnel background investigation data A law enforcement agency shall share data from a background investigation done under section 626 87 with the peace officer standards and training board or with a law

enforcement agency doing an investigation of the subject of the data under section 626 87

Subd 13 **Dissemination of data to department of economic security** Private personnel data must be disclosed to the department of economic security for the purpose of administration of the unemployment benefits program under chapter 268

History 1979 c 328 s 17, 1980 c 603 s 24,25,29, 1981 c 311 s 12,13,17,39, 1982 c 545 s 9,10,24, 1984 c 436 s 17, 1984 c 544 s 89, 1985 c 298 s 12, 1987 c 186 s 15, 1987 c 284 art 1 s 1, 1987 c 351 s 7, 1987 c 384 art 1 s 2, 1988 c 598 s 1, 1990 c 550 s 1, 1991 c 319 s 4 6, 1993 c 351 s 6,7, 1994 c 618 art 1 s 9, 1995 c 259 art 1 s 7 9, 1Sp1995 c 3 art 9 s 1, 1996 c 440 art 1 s 10 12, 1997 c 214 s 2, 1998 c 397 art 11 s 3, 1999 c 107 s 66, 1999 c 182 s 1, 1999 c 227 s 6, 1999 c 250 art 1 s 114, 2000 c 343 s 4

13 435 SALARY BENEFIT SURVEY DATA

Salary and personnel benefit survey data purchased from consulting firms, non profit corporations or associations or obtained from employers with the written understanding that the data shall not be made public which is maintained by state agencies, political subdivisions or statewide systems are classified as nonpublic pursuant to section 13 02, subdivision 9

History 1981 c 311 s 19,39, 1982 c 545 s 24, 1999 c 227 s 22

PROPERTY DATA

13 44 PROPERTY DATA

Subdivision 1 **Real property, complaint data** The identities of individuals who register complaints with state agencies or political subdivisions concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data, pursuant to section 13 02, subdivision 3

Subd 2 **Real property, building code violations** Code violation records pertaining to a particular parcel of real property and the buildings, improvements, and dwelling units located on it that are kept by any state, county, or city agency charged by the governing body of the appropriate political subdivision with the responsibility for enforcing a state, county, or city health, housing, building, fire prevention, or housing maintenance code are public data, except as otherwise provided by section 13 39, subdivision 2, 13 44, or 13 82, subdivision 7

Subd 3 **Real property, appraisal data** (a) **Confidential or protected nonpublic data** Estimated or appraised values of individual parcels of real property which are made by personnel of the state, its agencies and departments, or a political subdivision or by independent appraisers acting for the state, its agencies and departments, or a political subdivision for the purpose of selling or acquiring land through purchase or condemnation are classified as confidential data on individuals or protected nonpublic data

(b) **Public data** The data made confidential or protected nonpublic by the provisions of paragraph (a) shall become public upon the occurrence of any of the following

- (1) the negotiating parties exchange appraisals,
- (2) the data are submitted to a court appointed condemnation commissioner,
- (3) the data are presented in court in condemnation proceedings, or
- (4) the negotiating parties enter into an agreement for the purchase and sale of the property

History 1980 c 603 s 20, 1981 c 311 s 39, 1982 c 545 s 5,21,24, 1983 c 143 s 1, 1984 c 436 s 18, 1987 c 351 s 12, 1995 c 259 art 1 s 14, 1999 c 227 s 5,22

13 441 PROPERTY DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 and 3 are codified outside this chapter Those sections classify property data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Trusts** (a) **Charitable trust data** Data filed by a charitable trust with the attorney general are governed by section 501B 39

(b) **Charitable trust data sharing** Data sharing of records of a charitable trust is governed by section 501B 40, subdivision 3

Subd 3 **Probate, international will registration** Information on the execution of international wills is classified under section 524 2 1010, subdivision 1

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51 1996 c 305 art 1 s 3 5 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 442 [Renumbered 13 44, subd 2]

13 45 [Renumbered 13 435]

FAMILY, WELFARE, AND BENEFIT DATA

13 46 WELFARE DATA

Subdivision 1 **Definitions** As used in this section

(a) "Individual" means an individual according to section 13 02, subdivision 8, but does not include a vendor of services

(b) Program ' includes all programs for which authority is vested in a component of the welfare system according to statute or federal law, including, but not limited to, the aid to families with dependent children program formerly codified in sections 256 72 to 256 87, Minnesota family investment program-statewide, medical assistance, general assistance, general assistance medical care, and child support collections

(c) "Welfare system" includes the department of human services, local social services agencies, county welfare agencies, the public authority responsible for child support enforcement, human services boards, community mental health center boards, state hospitals, state nursing homes, the ombudsman for mental health and mental retardation, and persons, agencies, institutions, organizations, and other entities under contract to any of the above agencies to the extent specified in the contract

(d) "Mental health data" means data on individual clients and patients of community mental health centers, established under section 245 62, mental health divisions of counties and other providers under contract to deliver mental health services, or the ombudsman for mental health and mental retardation

(e) "Fugitive felon" means a person who has been convicted of a felony and who has escaped from confinement or violated the terms of probation or parole for that offense

Subd 2 **General** (a) Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data on individuals, and shall not be disclosed except

(1) according to section 13 05,

(2) according to court order,

- (3) according to a statute specifically authorizing access to the private data,
- (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program,
- (5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual,
- (6) to administer federal funds or programs,
- (7) between personnel of the welfare system working in the same program,
- (8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names, social security numbers, income, addresses, and other data as required, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, early refund of refundable tax credits, and the income tax "Refundable tax credits" means the dependent care credit under section 290 067, the Minnesota working family credit under section 290 0671, the property tax refund under section 290A 04, and, if the required federal waiver or waivers are granted, the federal earned income tax credit under section 32 of the Internal Revenue Code,
- (9) between the department of human services, the department of children, families, and learning, and the department of economic security for the purpose of monitoring the eligibility of the data subject for unemployment benefits, for any employment or training program administered, supervised, or certified by that agency, for the purpose of administering any rehabilitation program or child care assistance program, whether alone or in conjunction with the welfare system, or to monitor and evaluate the Minnesota family investment program by exchanging data on recipients and former recipients of food stamps, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L,
- (10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons,
- (11) data maintained by residential programs as defined in section 245A 02 may be disclosed to the protection and advocacy system established in this state according to Part C of Public Law Number 98 527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person,
- (12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person
- (13) data on a child support obligor who makes payments to the public agency may be disclosed to the higher education services office to the extent necessary to determine eligibility under section 136A 121, subdivision 2, clause (5),
- (14) participant social security numbers and names collected by the telephone assistance program may be disclosed to the department of revenue to conduct an electronic data match with the property tax refund database to determine eligibility under section 237 70, subdivision 4a,
- (15) the current address of a Minnesota family investment program participant may be disclosed to law enforcement officers who provide the name of the participant and notify the agency that
 - (1) the participant
 - (A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony under the laws of the jurisdiction from which the individual is fleeing, or

MINNESOTA STATUTES 2000

(B) is violating a condition of probation or parole imposed under state or federal law,

(n) the location or apprehension of the felon is within the law enforcement officer's official duties, and

(iii) the request is made in writing and in the proper exercise of those duties,

(16) the current address of a recipient of general assistance or general assistance medical care may be disclosed to probation officers and corrections agents who are supervising the recipient and to law enforcement officers who are investigating the recipient in connection with a felony level offense,

(17) information obtained from food stamp applicant or recipient households may be disclosed to local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act, according to Code of Federal Regulations, title 7, section 272 1(c),

(18) the address, social security number, and, if available, photograph of any member of a household receiving food stamps shall be made available, on request, to a local, state, or federal law enforcement officer if the officer furnishes the agency with the name of the member and notifies the agency that

(i) the member

(A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing,

(B) is violating a condition of probation or parole imposed under state or federal law, or

(C) has information that is necessary for the officer to conduct an official duty related to conduct described in subitem (A) or (B),

(ii) locating or apprehending the member is within the officer's official duties, and

(iii) the request is made in writing and in the proper exercise of the officer's official duty,

(19) the current address of a recipient of Minnesota family investment program, general assistance, general assistance medical care, or food stamps may be disclosed to law enforcement officers who, in writing, provide the name of the recipient and notify the agency that the recipient is a person required to register under section 243 166, but is not residing at the address at which the recipient is registered under section 243 166,

(20) certain information regarding child support obligors who are in arrears may be made public according to section 518 575,

(21) data on child support payments made by a child support obligor and data on the distribution of those payments excluding identifying information on obligees may be disclosed to all obligees to whom the obligor owes support, and data on the enforcement actions undertaken by the public authority, the status of those actions, and data on the income of the obligor or obligee may be disclosed to the other party,

(22) data in the work reporting system may be disclosed under section 256 998, subdivision 7,

(23) to the department of children, families, and learning for the purpose of matching department of children, families, and learning student data with public assistance data to determine students eligible for free and reduced price meals, meal supplements and free milk according to United States Code, title 42 sections 1758 1761, 1766, 1766a, 1772, and 1773, to allocate federal and state funds that are distributed based on income of the student's family, and to verify receipt of energy assistance for the telephone assistance plan,

(24) the current address and telephone number of program recipients and emergency contacts may be released to the commissioner of health or a local board of health as defined in section 145A 02, subdivision 2, when the commissioner or local

board of health has reason to believe that a program recipient is a disease case, carrier, suspect case, or at risk of illness, and the data are necessary to locate the person,

(25) to other state agencies, statewide systems, and political subdivisions of this state, including the attorney general, and agencies of other states, interstate information networks federal agencies, and other entities as required by federal regulation or law for the administration of the child support enforcement program,

(26) to personnel of public assistance programs as defined in section 256 741, for access to the child support system database for the purpose of administration, including monitoring and evaluation of those public assistance programs,

(27) to monitor and evaluate the Minnesota family investment program by exchanging data between the departments of human services and children, families, and learning, on recipients and former recipients of food stamps, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L, or

(28) to evaluate child support program performance and to identify and prevent fraud in the child support program by exchanging data between the department of human services, department of revenue under section 270B 14, subdivision 1, paragraphs (a) and (b), without regard to the limitation of use in paragraph (c), department of health, department of economic security, and other state agencies as is reasonably necessary to perform these functions

(b) Information on persons who have been treated for drug or alcohol abuse may only be disclosed according to the requirements of Code of Federal Regulations, title 42, sections 2 1 to 2 67

(c) Data provided to law enforcement agencies under paragraph (a), clause (15), (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected nonpublic while the investigation is active The data are private after the investigation becomes inactive under section 13 82, subdivision 5, paragraph (a) or (b)

(d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10, paragraph (b)

For the purposes of this subdivision, a request will be deemed to be made in writing if made through a computer interface system

Subd 3 Investigative data Data on persons, including data on vendors of services and data on licensees, that is collected, maintained, used, or disseminated by the welfare system in an investigation, authorized by statute and relating to the enforcement of rules or law, is confidential data on individuals pursuant to section 13 02, subdivision 3, or protected nonpublic data not on individuals pursuant to section 13 02, subdivision 13, and shall not be disclosed except

(a) pursuant to section 13 05,

(b) pursuant to statute or valid court order,

(c) to a party named in a civil or criminal proceeding, administrative or judicial, for preparation of defense, or

(d) to provide notices required or permitted by statute

The data referred to in this subdivision shall be classified as public data upon its submission to an administrative law judge or court in an administrative or judicial proceeding Inactive welfare investigative data shall be treated as provided in section 13 39, subdivision 3

Subd 4 Licensing data (a) As used in this subdivision

(1) "licensing data" means all data collected, maintained, used, or disseminated by the welfare system pertaining to persons licensed or registered or who apply for licensure or registration or who formerly were licensed or registered under the authority of the commissioner of human services,

(2) "client" means a person who is receiving services from a licensee or from an applicant for licensure, and

(3) personal and personal financial data” means social security numbers, identity of and letters of reference, insurance information, reports from the bureau of criminal apprehension, health examination reports, and social/home studies

(b) Except as provided in paragraph (c), the following data on current and former licensees are public name, address, telephone number of licensees, licensed capacity, type of client preferred, variances granted, type of dwelling, name and relationship of other family members, previous license history, class of license, and the existence and status of complaints When disciplinary action has been taken against a licensee or the complaint is resolved, the following data are public the substance of the complaint, the findings of the investigation of the complaint the record of informal resolution of a licensing violation, orders of hearing, findings of fact, conclusions of law, and specifics of the final disciplinary action contained in the record of disciplinary action

The following data on persons subject to disqualification under section 245A 04 in connection with a license to provide family day care for children, child care center services, foster care for children in the provider's home, or foster care or day care services for adults in the provider's home, are public the nature of any disqualification set aside under section 245A 04, subdivision 3b, and the reasons for setting aside the disqualification, and the reasons for granting any variance under section 245A 04, subdivision 9

(c) The following are private data on individuals under section 13 02, subdivision 12, or nonpublic data under section 13 02, subdivision 9 personal and personal financial data on family day care program and family foster care program applicants and licensees and their family members who provide services under the license

(d) The following are private data on individuals the identity of persons who have made reports concerning licensees or applicants that appear in inactive investigative data, and the records of clients or employees of the licensee or applicant for licensure whose records are received by the licensing agency for purposes of review or in anticipation of a contested matter The names of reporters under sections 626 556 and 626 557 may be disclosed only as provided in section 626 556, subdivision 11, or 626 557, subdivision 12b

(e) Data classified as private confidential nonpublic or protected nonpublic under this subdivision become public data if submitted to a court or administrative law judge as part of a disciplinary proceeding in which there is a public hearing concerning the disciplinary action

(f) Data generated in the course of licensing investigations that relate to an alleged violation of law are investigative data under subdivision 3

(g) Data that are not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report as defined in section 626 556, subdivision 2, are subject to the destruction provisions of section 626 556, subdivision 11

Subd 5 Medical data, contracts Data relating to the medical, psychiatric, or mental health of any individual, including diagnosis, progress charts, treatment received, case histories, and opinions of health care providers, that is collected, maintained, used, or disseminated by any agency to the welfare system is private data on individuals and will be available to the data subject, unless the private health care provider has clearly requested in writing that the data be withheld pursuant to section 144 335 Data on individuals that is collected, maintained, used, or disseminated by a private health care provider under contract to any agency of the welfare system is private data on individuals, and is subject to the provisions of sections 13 02 to 13 07 and this section, except that the provisions of section 13 04, subdivision 3, shall not apply Access to medical data referred to in this subdivision by the individual who is the subject of the data is subject to the provisions of section 144 335 Access to information that is maintained by the public authority responsible for support enforcement and that is needed to enforce medical support is subject to the provisions of section 518 171

Subd 6 **Other data** Data collected, used, maintained, or disseminated by the welfare system that is not data on individuals is public pursuant to section 13 03, except the following data

- (a) investigative data classified by section 13 39,
- (b) welfare investigative data classified by section 13 46, subdivision 3, and
- (c) security information classified by section 13 37, subdivision 2

Subd 7 **Mental health center data** (a) Mental health data are private data on individuals and shall not be disclosed, except

- (1) pursuant to section 13 05, as determined by the responsible authority for the community mental health center, mental health division, or provider,
- (2) pursuant to court order,
- (3) pursuant to a statute specifically authorizing access to or disclosure of mental health data, or
- (4) with the consent of the client or patient

(b) An agency of the welfare system may not require an individual to consent to the release of mental health data as a condition for receiving services or for reimbursing a community mental health center, mental health division of a county, or provider under contract to deliver mental health services

Subd 8 **Access for auditing** To the extent required by state or federal law, representatives of federal, state, or local agencies shall have access to data maintained by public or private community mental health centers, mental health divisions of counties, and other providers under contract to deliver mental health services which is necessary to achieve the purpose of auditing. Public or private community mental health centers, mental health divisions of counties, and other providers under contract to deliver mental health services shall not permit this data to identify any particular patient or client by name or contain any other unique personal identifier

Subd 9 **Fraud** In cases of suspected fraud, in which access to mental health data maintained by public or private community mental health centers or mental health divisions of counties and other providers under contract to deliver mental health services is necessary to a proper investigation, the county board or the appropriate prosecutorial authority shall refer the matter to the commissioner of human services. The commissioner and agents of the commissioner, while maintaining the privacy rights of individuals and families, shall have access to mental health data to conduct an investigation. Upon deeming it appropriate as a result of the investigation, the commissioner shall refer the matter to the appropriate legal authorities and may disseminate to those authorities whatever mental health data are necessary to properly prosecute the case

Subd 10 **Responsible authority** (a) Notwithstanding any other provision of this chapter to the contrary, the responsible authority for each component of the welfare system listed in subdivision 1 clause (c), shall be as follows

- (1) the responsible authority for the department of human services, state hospitals, and nursing homes is the commissioner of the department of human services,
- (2) the responsible authority of a county welfare agency is the director of the county welfare agency,
- (3) the responsible authority for a local social services agency, human services board, or community mental health center board is the chair of the board,
- (4) the responsible authority of any person, agency, institution, organization, or other entity under contract to any of the components of the welfare system listed in subdivision 1 clause (c), is the person specified in the contract, and
- (5) the responsible authority of the public authority for child support enforcement is the head of the public authority for child support enforcement

(b) A responsible authority shall allow another responsible authority in the welfare system access to data classified as not public data when access is necessary for the administration and management of programs, or as authorized or required by statute or federal law

Subd 11 **Nursing home appraisals** Names, addresses, and other data that could identify nursing homes selected as part of a random sample to be appraised by the department of human services in its rate setting process are classified as protected nonpublic data until the sample has been completed

History 1979 c 328 s 15, 1980 c 603 s 23, 1980 c 615 s 34, 1981 c 311 s 39, 1982 c 545 s 8,24, 1983 c 15 s 1, 1983 c 312 art 8 s 1, 1984 c 436 s 19 24, 1984 c 579 s 1 5, 1984 c 640 s 32, 1984 c 654 art 5 s 58, 1985 c 293 s 1,2, 1985 c 298 s 13 17, 1986 c 337 s 1, 1986 c 444, 1987 c 333 s 22, 1987 c 351 s 8 11, 1987 c 352 s 1, 1988 c 598 s 3, 1989 c 209 art 1 s 4, art 2 s 2, 1989 c 282 art 5 s 1, 1989 c 351 s 6, 1990 c 568 art 3 s 1, 1990 c 573 s 6,7, 1991 c 292 art 5 s 1, 1993 c 171 s 1, 1993 c 351 s 8 10, 1994 c 483 s 1, 1994 c 488 s 8, 1994 c 618 art 1 s 10,11, 1994 c 630 art 11 s 2, 1994 c 631 s 31, 1994 c 636 art 4 s 2, 1995 c 178 art 3 s 1, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 1, 1995 c 257 art 1 s 1 1995 c 259 art 1 s 10 12, 1996 c 412 art 1 s 1, 1996 c 440 art 1 s 13, 1997 c 85 art 4 s 1,2, 1997 c 203 art 6 s 1, 1Sp1997 c 3 s 5, 1998 c 371 s 2, 1998 c 397 art 11 s 3, 1999 c 99 s 7, 1999 c 107 s 66, 1999 c 159 s 1,, 1999 c 205 art 1 s 1, 1999 c 227 s 22, 1999 c 241 art 9 s 1, 1999 c 245 art 7 s 1, 2000 c 260 s 87,90, 2000 c 311 art 6 s 1, 2000 c 343 s 4

13 461 HUMAN SERVICES DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 26 are codified outside this chapter Those subdivisions classify human services data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Adult mental health** (a) **Client consent** Consent for release of information needed to bill the county for services provided to clients is governed by section 245 467, subdivision 5

(b) **Identity disclosure** Disclosure of the names and addresses of persons receiving mental health services is governed by section 245 467, subdivision 6

Subd 3 **Child mental health** (a) **Client consent** Informed written consent necessary for a child to receive mental health services is governed by section 245 4876, subdivision 5

(b) **Identity disclosure** Disclosure of identities of children receiving mental health services under sections 245 487 to 245 4887, and the identities of their families, is governed by section 245 4876, subdivision 7

(c) **Children's mental health collaborative** Data shared on individuals served by the collaborative are governed by section 245 493

Subd 4 **Mental health clinics and centers** Data collected by mental health clinics and centers approved by the commissioner of human services are classified under section 245 69, subdivision 2

Subd 5 **Data collection system** Research involving effective mental health treatment methods and access to data and other information is governed by section 245 696, subdivision 2

Subd 6 **Ombudsman for mental health and retardation** Access by the ombudsman for mental health and mental retardation to private data on individuals is provided under section 245 94, subdivision 1

Subd 7 **Application procedures** Tribal licensing agency access to criminal history data is governed by section 245A 04, subdivision 3, paragraph (h)

Subd 8 **State hospital patients** Contents of and access to, records of state hospital patients required to be kept by the commissioner of human services are governed by section 246 13

Subd 9 **Chemical dependency service agreements** Certain data received by the commissioner of human services from chemical dependency programs are classified under section 246 64, subdivision 4

Subd 10 **Blood test results** Blood test results obtained under sections 246 71 to 246 722 are classified under section 246 719

Subd 11 **Bloodborne pathogen test results** Data relating to bloodborne pathogen test results are governed by sections 246 719 and 246 72

Subd 12 **Prepetition screening** Prepetition screening investigations for judicial commitments are classified as private under section 253B 07, subdivision 1, paragraph (b)

Subd 13 **Medical records** Access to health records of a patient being treated for a mental illness for purposes of medication administration is governed by section 253B 0921

Subd 14 **Civil commitment** County attorney access to data relating to commitment of certain persons under section 253B 185 is governed by that section

Subd 15 **Subject of research, recipients of alcohol or drug abuse treatment** Access to records of individuals who are the subject of research or who receive information, assessment, or treatment concerning alcohol or drug abuse is governed by section 254A 09

Subd 16 **Child mortality review panel** Data practices of the commissioner of human services as part of the child mortality review panel are governed by section 256 01, subdivision 12

Subd 17 **Vulnerable adult maltreatment review panel** Data of the vulnerable adult maltreatment review panel are classified under section 256 021

Subd 18 **State agency hearings** Disclosure of private data relating to an investigation conducted by the agency is governed by section 256 045

Subd 19 **Action to recover assistance furnished** Disclosure of private data on the location of a party to the action is governed by section 256 87

Subd 20 **Ombudsman for older Minnesotans** Access to data of a state agency that is required to fulfill the ombudsman's duties is governed by section 256 9742

Subd 21 **Ombudsman on aging** Data held by the ombudsman on aging are classified under section 256 9744

Subd 22 **Child support** Access to information and disclosure of information collected for purposes of child support enforcement is governed by section 256 978, subdivisions 1 and 2

Subd 23 **Medical assistance dental plans** Access to welfare data by dental plans contracted to provide services under the medical assistance program is governed by section 256B 037

Subd 24 **Medical assistance cost reports** Medical records of medical assistance recipients obtained by the commissioner of human services for purposes of section 256B 27, subdivision 5, are classified under that section

Subd 25 **Medical assistance enrollee safeguards** Privacy, data collection, and confidentiality safeguards under the coordinated service delivery system are required under section 256B 77, subdivision 9

Subd 26 **MinnesotaCare** Data sharing with other government agencies that is needed to verify income for eligibility and premium payment is governed by section 256L 05

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70 1999 c 227 s 22 1999 c 245 art 9 s 1,2, 2000 c 422 s 2, 2000 c 465 s 1

13 462 BENEFIT DATA

Subdivision 1 Definition As used in this section, "benefit data" means data on individuals collected or created because an individual seeks information about becoming, is, or was an applicant for or a recipient of benefits or services provided under various housing, home ownership, rehabilitation and community action agency, Head Start, and food assistance programs administered by state agencies, political subdivisions, or statewide systems. Benefit data does not include welfare data which shall be administered in accordance with section 13 46

Subd 2 Public data The names and addresses of applicants for and recipients of benefits, aid, or assistance through programs administered by any political subdivision, state agency, or statewide system that are intended to assist with the purchase of housing or other real property are classified as public data on individuals

Subd 3 Private data Unless otherwise provided by law, all other benefit data are private data on individuals, and shall not be disclosed except pursuant to court order or to an agent of the state agency, political subdivision, or statewide system, including appropriate law enforcement personnel, who are acting in an investigation or prosecution of a criminal or civil proceeding relating to the administration of a program described in subdivision 1

History 1981 c 311 s 29,39, 1982 c 545 s 24, 1984 c 436 s 12,13, 1995 c 259 art 1 s 5, 1999 c 227 s 22

13 465 DOMESTIC RELATIONS DATA CODED ELSEWHERE

Subdivision 1 Scope The sections referred to in subdivisions 2 to 14 are codified outside this chapter. Those sections classify domestic relations data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 Child support parties Certain data regarding the location of parties in connection with child support proceedings are governed by sections 256 87, subdivision 8, 257 70, and 518 005, subdivision 5. Certain data regarding the suspension of licenses of persons owing child support are governed by section 518 551, subdivision 13a, and certain data on newly hired employees maintained by the public authority for support enforcement are governed by section 256 998

Subd 3 Records of artificial insemination Access to records held by a court or other agency concerning artificial insemination performed on a married woman with her husband's consent is governed by section 257 56, subdivision 1

Subd 4 Parentage action records Inspection of records in parentage actions held by the court, the commissioner of human services, or elsewhere is governed by section 257 70

Subd 5 Adoption background check. Data related to background checks of prospective adoptive parents are governed by section 259 41, subdivision 3

Subd 6 Fathers' adoption registry Data in the fathers' adoption registry are classified under section 259 52, subdivision 4

Subd 7 Commissioner's records of adoption Records of adoption held by the commissioner of human services are classified, and access to them is governed by section 259 79, subdivisions 1 and 3

Subd 8 Adoption records Various adoption records are classified under section 259 53, subdivision 1. Access to the original birth certificate of a person who has been adopted is governed by section 259 89

Subd 9 Parent education program Certain data involving participation in a parent education program are governed by section 518 157, subdivision 5

Subd 10 Visitation dispute resolution Certain data involving visitation dispute resolution are governed by section 518 1751, subdivision 4a

Subd 11 Child custody proceedings Court records of child custody proceedings may be sealed as provided in section 518 168

Subd 12 **Child support attorneys** Certain data provided by an applicant or recipient of child support enforcement services are classified under section 518 255

Subd 13 **Custody mediation** Child custody or visitation mediation records are classified under section 518 619, subdivision 5

Subd 14 **Domestic abuse, petitioner's residence** Court records on the location or residence of a petitioner in a domestic abuse proceeding are governed by section 518B 01, subdivision 3b

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1-51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3 1997 c 22 art 2 s 1 8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 467 FOSTER CARE DATA

Subdivision 1 **General** The following data collected, created and maintained by a community action agency in a study of the impact of foster care policies on families are classified as confidential data, pursuant to section 13 02, subdivision 3 names of persons interviewed foster care placement plans obtained from other public and private agencies, and all information gathered during interviews with study participants

Subd 2 **Hennepin county foster care review team** The foster care policy redesign commission and the foster care review team created by the Hennepin county board of commissioners to review the foster care system shall have access to not public data as defined in Minnesota Statutes, section 13 02, subdivision 8a, as provided in this section The commission and the team shall have access to not public data on foster care cases Access is limited to records created, collected, or maintained by any local social services agency that provided services to a child or a child's family during the five years immediately preceding any out of home placement of the child and continuing through out the period of the placement until the child was returned to the custody of a parent, adopted or otherwise was no longer the subject of a case plan developed by a county social service agency A county social service agency shall provide the not public data described in this section to the foster care review team or the foster care policy redesign commissioner upon request

Not public data received by the foster care review team or the foster care policy redesign commission maintains the same classification in the possession of the team or commission as it had in the possession of the entity providing the data Not public data received under this section shall be returned to the entity providing it upon completion of the work of the foster care policy redesign commission and the foster care review team

History 1981 c 311 s 28,39, 1982 c 545 s 24, 1999 c 227 s 22

EMPLOYMENT, ECONOMIC SECURITY DATA

13 47 EMPLOYMENT AND TRAINING DATA

Subdivision 1 **Definition** (a) "Employment and training data" means data on individuals collected, maintained, used, or disseminated because an individual applies for, is currently enrolled in, or has been enrolled in employment and training programs funded with federal, state, or local resources, including those provided under the Workforce Investment Act of 1998, United States Code, title 29, section 2801

(b) **Employment and training service provider** means an entity certified, or seeking to be certified, by the commissioner of economic security to deliver employment and training services under section 268 0122, subdivision 3, or an organization that contracts with a certified entity or the department of economic security to deliver employment and training services

(c) **“Provider of training services** means an organization or entity that provides training under the Workforce Investment Act of 1998, United States Code, title 29, section 2801

Subd 2 Classification Employment and training data are private data on individuals

Subd 3 Dissemination Employment and training data may be disseminated by employment and training service providers

(a) to other employment and training service providers to coordinate the employment and training services for the data subject or to determine eligibility or suitability for services from other programs,

(b) to local and state welfare agencies for monitoring the eligibility of the participant for assistance programs, or for any employment or training program administered by those agencies, and

(c) to the commissioner of economic security

Subd 4 Data preparation To produce data required to certify the eligibility of training service providers under section 268 0122, subdivision 3, clause (7), the Workforce Investment Act of 1998, United States Code, title 29, section 2801, or other studies required by law, the commissioner of economic security, in consultation with the governor's workforce development council, may

(1) enter into a data exchange agreement with a training service provider whereby the commissioner of economic security shall furnish to the provider wage information under section 268 044 on individuals who have received training services from the provider The provider shall use this wage information to prepare summary data determined necessary by the commissioner in consultation with the governor's workforce development council The provider may use this wage information for conducting studies to improve instruction or

(2) if there is no agreement under clause (1), require the training service provider to furnish employment and training data determined necessary by the commissioner in consultation with the governor's workforce development council

Subd 5 Summary data The commissioner of economic security shall provide the training service providers, as well as make available to the public, summary data on the performance of the training services

History 1988 c 598 s 2, 1994 c 483 s 1, 1999 c 227 s 7

13 475 DEPARTMENT OF ECONOMIC SECURITY DATA CODED ELSEWHERE

Subdivision 1 Scope The sections referred to in subdivisions 2 to 9 are codified outside this chapter Those sections classify economic security data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 Program data Program data collected on individuals are classified by section 268 0122, subdivision 7

Subd 3 Reemployment insurance hearings Disclosure of reemployment insurance hearing data is governed by section 268 105, subdivision 5

Subd 4 Commissioner of economic security Data maintained by the commissioner of economic security are classified under section 268 19

Subd 5 Wage subsidy program Data on individuals collected under section 268 552, subdivision 7, are classified under that subdivision

Subd 6 Minnesota youth program Data on individuals under the Minnesota youth program are classified under section 268 561, subdivision 7

Subd 7 **Emergency jobs program** Data maintained by the commissioner of economic security for the emergency jobs program are classified under section 268 673, subdivision 5

Subd 8 **Employment and training programs, data sharing** Data sharing of employment and training program data between the commissioner of economic security, the commissioner of human services, state agency personnel, and other users of the inventory, referral and intake system, is governed by section 268 86, subdivision 10

Subd 9 **Vocational rehabilitation data** Disclosure of data obtained by the commissioner of economic security regarding the vocational rehabilitation of an injured or disabled employee is governed by section 268A 05

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

BUSINESS ORGANIZATION AND TRADE REGULATION DATA

13 48 AWARD DATA

Financial data on business entities submitted to a state agency, statewide system, or political subdivision for the purpose of presenting awards to business entities for achievements in business development or performance are private data on individuals or nonpublic data

History 1991 c 319 s 7

13 485 CORPORATION DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 4 are codified outside this chapter. Those sections classify corporation data as other than public, place restrictions on access to government data, or involve data sharing.

Subd 2 **Foreign corporations, disclosure of taxable net income** Disclosure of taxable net income of foreign corporations required to file an annual report under section 303 14 by public officials is prohibited under section 303 14, subdivision 5

Subd 3 **Social and charitable organizations** (a) **Solicitation investigations** Disclosure of investigative information relating to charitable organizations is governed under section 309 533

(b) **Books and records** Access to books and records, including registration statements, annual reports, and other documents of charitable organizations, is governed under section 309 54

(c) **Names of contributors** Disclosure of names of contributors to charitable organizations is governed under section 309 55

(d) **Reciprocal agreements, exchange of information** Interstate sharing of charitable contribution information is authorized under section 309 60

Subd 4 **Professional corporations or firms** Access to records of a professional firm held by a licensing board under section 319B 11 is governed by that section

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 487 TRADE REGULATION AND CONSUMER DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 and 3 are codified outside this chapter Those sections classify trade regulation and consumer protection data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Motor vehicles, informal dispute settlement mechanism** Disclosure of data relating to informal dispute settlement mechanisms is governed by section 325F 665, subdivision 12

Subd 3 **Data on videotape consumers** Personally identifiable information on videotape consumers received by law enforcement agencies is classified under section 325I 02, subdivision 2

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59 1995 c 229 art 4 s 3 1995 c 234 art 5 s 1 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

TAXATION AND ASSESSMENT DATA

13 49 SOCIAL SECURITY NUMBERS

Subdivision 1 **General** The social security numbers of individuals collected or maintained by a state agency, statewide system, or political subdivision are private data on individuals, except to the extent that access to the social security number is specifically authorized by law

Subd 2 **County recorder or registrar of titles** Subdivision 1 does not apply to social security numbers that appear in documents or records filed or recorded with the county recorder or registrar of titles, other than documents filed under section 600 23

History 1994 c 618 art 1 s 12, 1995 c 259 art 1 s 13

13 491 [Renumbered 13 201, 13 72, subd 9]

13 495 LODGING TAX DATA

Data other than basic taxpayer identification data, collected from taxpayers under a lodging tax ordinance are nonpublic

History 1990 c 573 s 8, 1999 c 227 s 22

13 4961 GENERAL TAX DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 and 3 are codified outside this chapter. Those sections classify tax data as other than public, place restrictions on access to government data, or involve data sharing.

Subd 2 **Revenue department (a) Revenue department access to criminal justice data communications network.** Access to the criminal justice data communications network by designated employees of the revenue department is governed under section 270 062.

(b) **Criminal tax investigations** Disclosure of revenue department information to prosecuting attorneys in criminal tax investigations is governed under section 270 064.

(c) **Equalization real property tax hearing** Access to commissioner of revenue data, records, and files regarding real property, which is the subject of a hearing, by municipalities participating in the hearing, is governed under section 270 21.

Subd 3 **Revenue Recapture Act** Data maintained by the commissioner of revenue under the Revenue Recapture Act are classified under section 270A 11.

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2 1995 c 186 s 8 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 4963 CLASSIFICATION AND DISCLOSURE TAX DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 18 are codified outside this chapter. Those sections classify tax data as other than public, place restrictions on access to government data, or involve data sharing.

Subd 2 **Generally** Classification and disclosure of tax data created, collected, or maintained by the department of revenue under chapter 290 290A, 291, or 297A are governed by chapter 270B.

Subd 3 **Data subjects** Disclosure of tax return information to defined data subjects is governed under section 270B 03.

Subd 4 **Statistical data** Disclosure of tax statistical data to specified parties is governed under section 270B 04.

Subd 5 **Tax proceeding** Disclosure of tax return information in a judicial or administrative proceeding pertaining to or relating to tax administration is governed under section 270B 05.

Subd 6 **Investigations** Disclosure of tax return information for investigative purposes is governed under section 270B 06.

Subd 7 **Licensing authorities** Disclosure of tax return information to licensing authorities of the state, political subdivisions, and certain boards, to the extent necessary to enforce license clearance programs, is governed under section 270B 07

Subd 8 **Sales tax permits** Disclosure of information regarding the issuance of sales tax permits to retailers is governed under section 270B 08

Subd 9 **Sales tax exemption certificates** Disclosure of information regarding issuance of sales tax exemption certificates is governed under section 270B 081

Subd 10 **Collection actions** Disclosure of information regarding collection actions following execution of writs of entry are governed under section 270B 085

Subd 11 **Contracts with state or political subdivision** Disclosure to state agencies or political subdivisions regarding vendor uncontested delinquent tax liabilities is governed under section 270B 09

Subd 12 **Disclosure to locate taxpayers owed refunds** Disclosure of lists of names of persons owed tax refunds to newspapers or other media is governed under section 270B 11

Subd 13 **State, federal, and county taxing authorities** Disclosure of tax return information to governmental taxing authorities is governed under section 270B 12

Subd 14 **Access to data by vendors performing services** Access to classified tax data for certain vendors performing services for the department of revenue is governed under section 270B 13

Subd 15 **Disclosure for purposes other than tax administration** Disclosure of tax return information to governmental entities for purposes other than tax administration is governed under section 270B 14

Subd 16 **Legislative auditor** Disclosure of tax return information to the legislative auditor is governed under section 270B 15

Subd 17 **Discovery or subpoena** Disclosure of tax data by discovery or subpoena is governed under section 270B 16

Subd 18 **Data on mine value of ore** Data regarding value of mine ore for tax purposes are governed under section 270B 161

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10 art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 4965 PROPERTY TAX DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 4 are codified outside this chapter. Those sections classify tax data as other than public, place restrictions on access to government data, or involve data sharing.

Subd 2 **Certificate of value** Data in a real estate certificate of value filed with the county auditor are classified under section 272 115, subdivision 1.

Subd 3 **Homestead applications** The classification and disclosure of certain information collected to determine homestead classification are governed by section 273 124, subdivision 13.

Subd 4 **Assessor's records** Disclosure of assessor's real estate tax records for litigation purposes is governed under section 278 05

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 4967 OTHER TAX DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 7 are codified outside this chapter Those sections classify tax data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Political contribution refund** Certain political contribution refund data in the revenue department are classified under section 290 06, subdivision 23

Subd 3 **Gross earnings taxes** Certain patient data provided to the department of revenue under chapter 295 are classified under section 295 57, subdivision 2

Subd 4 **Motor vehicle registrar data** Disclosure of certain information obtained by motor vehicle registrars is governed by section 297B 12

Subd 5 **Marijuana and controlled substance tax information** Disclosure of information obtained under chapter 297D is governed by section 297D 13, subdivisions 1 to 3

Subd 6 **Gambling taxes (a) Administration of taxes** Records concerning administration of gambling taxes are classified under section 297E 02, subdivision 9

(b) **Sports bookmaking tax** Disclosure of facts contained in a sports bookmaking tax return is prohibited by section 297E 03, subdivision 8

Subd 7 **Mineral rights filings** Data filed pursuant to section 298 48 with the commissioner of revenue by owners or lessees of mineral rights are classified under section 298 48, subdivision 4

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3-5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1-14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 50 [Renumbered 13 44, subd 3]

13 51 ASSESSOR'S DATA

Subdivision 1 **Generally** The following data collected, created and maintained by pohltical subdivisions are classified as private, pursuant to section 13 02, subdivision 12, or nonpublic depending on the content of the specific data

Data contained on sales sheets received from private multiple listing service organizations where the contract with the organizations requires the political subdivision to refrain from making the data available to the public

Subd 2 Income property assessment data The following data collected by political subdivisions from individuals or business entities concerning income properties are classified as private or nonpublic data pursuant to section 13 02, subdivisions 9 and 12

- (a) detailed income and expense figures for the current year plus the previous three years,
- (b) average vacancy factors for the previous three years,
- (c) verified net rentable areas or net usable areas, whichever is appropriate,
- (d) anticipated income and expenses for the current year,
- (e) projected vacancy factor for the current year, and
- (f) lease information

Subd 3 Data on income of individuals Income information on individuals collected and maintained by political subdivisions to determine eligibility of property for classification 4c under section 273 13 subdivision 25, paragraph (c) is private data on individuals as defined in section 13 02, subdivision 12

History 1981 c 311 s 30,39, 1982 c 545 s 15,24, 1991 c 291 art 1 s 1,2

13 511 [Renumbered 13 495]

13 52 DEFERRED ASSESSMENT DATA

Any data, collected by political subdivisions pursuant to section 435 193, which indicate the amount or location of cash or other valuables kept in the homes of applicants for deferred assessment, are private data pursuant to section 13 02, subdivision 12

History 1980 c 603 s 16, 1981 c 311 s 39, 1982 c 545 s 24

13 521 [Renumbered 13 72, subd 10]

13 528 [Renumbered 13 467, subd 2]

13 53 [Renumbered 13 467, subdivision 1]

13 531 [Renumbered 13 643, subd 2]

HOUSING DATA

13 54 HOUSING AGENCY DATA

Subdivision 1 Definition For purposes of this section 'housing agency' means the public housing agency or housing and redevelopment authority of a political subdivision

Subd 2 Confidential data The following data on individuals maintained by the housing agency are classified as confidential data, pursuant to section 13 02, subdivision 3 correspondence between the agency and the agency's attorney containing data collected as part of an active investigation undertaken for the purpose of the commencement or defense of potential or actual litigation, including but not limited to referrals to the office of the inspector general or other prosecuting agencies for possible prosecution for fraud, initiation of lease terminations and unlawful detainer actions, admission denial hearings concerning prospective tenants, commencement of actions against independent contractors of the agency, and tenant grievance hearings

Subd 3 Protected nonpublic data The following data not on individuals maintained by the housing agency are classified as protected nonpublic data, pursuant to

section 13 02, subdivision 13 correspondence between the agency and the agency's attorney containing data collected as part of an active investigation undertaken for the purpose of the commencement or defense of potential or actual litigation, including but not limited to, referrals to the office of the inspector general or other prosecuting bodies or agencies for possible prosecution for fraud and commencement of actions against independent contractors of the agency

Subd 4 Nonpublic data The following data not on individuals maintained by the housing agency are classified as nonpublic data, pursuant to section 13 02, subdivision 9 all data pertaining to negotiations with property owners regarding the purchase of property With the exception of the housing agency's evaluation of properties not purchased, all other negotiation data shall be public at the time of the closing of the property sale

Subd 5 Private data on individuals Income information on individuals collected and maintained by a housing agency to determine eligibility of property for classification 4c under section 273 13, subdivision 25, paragraph (c), is private data on individuals as defined in section 13 02, subdivision 12 The data may be disclosed to the county and local assessors responsible for determining eligibility of the property for classification 4c

Subd 6 Law enforcement access to certain data A public housing agency that enters a contract for assistance under United States Code, title 42, sections 1437 to 1440, shall furnish a local, state, or federal law enforcement officer, upon the officer's request, with the current address, social security number, and photograph, if available, of a recipient of assistance under United States Code, title 42, sections 1437 to 1440, if the officer

- (1) provides the name of the recipient to the housing agency, and
- (2) notifies the agency that
 - (i) the recipient
 - (A) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the jurisdiction from which the individual is fleeing, for a crime which is a felony under the laws of that jurisdiction,
 - (B) is violating a condition of probation or parole imposed under state or federal law
 - (C) is a person required to register under section 243 166 and is not residing at the address at which the person is registered under section 243 166 or
 - (D) has information necessary for the officer to conduct the officer's official duties,
 - (ii) the location or apprehension of the individual is within the officer's official duties, and
 - (iii) the request is made in writing and in the proper exercise of the officer's official duties

History 1981 c 311 s 32,39, 1982 c 545 s 24, 1991 c 291 art 1 s 3, 1Sp1997 c 3 s 6, 1999 c 227 s 22, 2000 c 311 art 6 s 2

13 5401 HOUSING DATA CODED ELSEWHERE

Subdivision 1 Scope The section referred to in subdivision 2 is codified outside this chapter That section classifies housing agency data as other than public

Subd 2 **Housing finance agency, financial data** Financial information regarding a housing finance agency loan or grant recipient is classified under section 462A 065

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 541 EMERGENCY SERVICES FOR HOMELESS PERSONS, PRIVATE DATA

(a) "Grant recipient" includes a local government unit or nonprofit organization that receives grants from a state agency to provide emergency services for homeless persons

(b) Data on individuals maintained by a grant recipient from which the identity of any individual receiving emergency services may be determined are private data on individuals and the grant recipient shall maintain the data in accordance with this chapter

History 1Sp1997 c 3 s 7

CONVENTION DATA

13 55 CONVENTION CENTER DATA

Subdivision 1 **Not public classification** The following data received, created, or maintained by or for publicly owned and operated convention facilities, civic center authorities, or the metropolitan sports facilities commission are classified as nonpublic data pursuant to section 13 02, subdivision 9, or private data on individuals pursuant to section 13 02, subdivision 12

- (a) a letter or other documentation from any person who makes inquiry to or who is contacted by the facility regarding the availability of the facility for staging events,
- (b) identity of firms and corporations which contact the facility,
- (c) type of event which they wish to stage in the facility,
- (d) suggested terms of rentals, and
- (e) responses of authority staff to these inquiries

Subd 2 **Public data** The data made not public by the provisions of subdivision 1 shall become public upon the occurrence of any of the following

- (a) five years elapse from the date on which the lease or contract is entered into between the facility and the inquiring party or parties or the event which was the subject of inquiry occurs at the facility, whichever occurs earlier,
- (b) the event which was the subject of inquiry does not occur, or
- (c) the event which was the subject of inquiry occurs elsewhere

Subd 3 **Exhibitor data** The names, addresses, and contact persons for individual exhibitors at an exhibition may be withheld at the discretion of the facility to protect the competitive position of the facility or its customers

History 1981 c 311 s 39, 1982 c 545 s 19,24, 1991 c 319 s 8

13 551 [Renumbered 13 592 and 13 593]

HUMAN RIGHTS DATA

13 552 HUMAN RIGHTS DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 6 are codified outside this chapter. Those sections classify human rights data as other than public, place restrictions on access to government data, or involve data sharing.

Subd 2 **Data of a political subdivision, investigative data** Data maintained by the human rights department of a political subdivision, including human rights investigative data and data contained in closed or open case files, are classified the same as and administered in accordance with chapter 363.

Subd 3 **Data provided under subpoena** Data supplied by a state agency, statewide system, or political subdivision pursuant to a subpoena issued by the commissioner of human rights is governed by section 363.05, subdivision 2.

Subd 4 **Human rights conciliation efforts** Disclosure of information concerning efforts in a particular case to resolve a charge through education conference, conciliation, and persuasion is governed by section 363.06, subdivision 6.

Subd 5 **Access to documents** Access to a copy of the charge and the respondent's answer to the charge is governed by section 363.06, subdivision 8.

Subd 6 **Access to case files** Access to human rights department investigative data by persons other than department employees is governed by section 363.061.

History 1989 c 351 s 7, 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20, 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9, 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1, 2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1, 51, 1996 c 305 art 1 s 3, 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1, 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1, 8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8, 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6, 7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1, 2.

13 56 [Renumbered 13 822]

SOCIAL RECREATIONAL DATA

13 57 SOCIAL RECREATIONAL DATA

The following data collected and maintained by political subdivisions for the purpose of enrolling individuals in recreational and other social programs are classified as private, pursuant to section 13.02, subdivision 12: the name, address, telephone number, any other data that identifies the individual, and any data which describes the health or medical condition of the individual, family relationships and living arrangements of an individual or which are opinions as to the emotional makeup or behavior of an individual.

History 1981 c 311 s 21, 39, 1982 c 545 s 24, 1994 c 618 art 1 s 13.

13 58 [Repealed, 1987 c 268 art 6 s 53]

HOUSING, PORT, AND REDEVELOPMENT AUTHORITIES,
TRADE AND ECONOMIC DEVELOPMENT DATA

13 59 REDEVELOPMENT DATA

Subdivision 1 **Private data** The following data collected in surveys of individuals conducted by cities and housing and redevelopment authorities for the purposes of

planning, development, and redevelopment, are classified as private data pursuant to section 13 02, subdivision 12 the names and addresses of individuals and the legal descriptions of property owned by individuals

Subd 2 **Nonpublic data** The following data collected in surveys of businesses conducted by cities and housing and redevelopment authorities, for the purposes of planning, development, and redevelopment, are classified as nonpublic data pursuant to section 13 02, subdivision 9 the names, addresses, and legal descriptions of business properties and the commercial use of the property to the extent disclosure of the use would identify a particular business

History 1984 c 436 s 26, 1999 c 227 s 22

13 592 SAINT PAUL PORT AUTHORITY

The following data not on individuals collected and maintained by the Saint Paul port authority are classified as protected nonpublic, until 30 days before the date of a hearing on a proposed sale pursuant to section 469 065 financial studies and reports that are part of appraisers estimates of value of or concerning projects as defined in chapter 469, prepared by personnel of the port authority or independent accountants, consultants and appraisers for the purpose of marketing by sale or lease a project which the port authority has acquired or repossessed as the result of the default under and the termination of a revenue agreement as defined in chapter 469

History 1987 c 351 s 14, 1989 c 209 art 2 s 1, 1995 c 259 art 1 s 15, 1999 c 227 s 22, 2000 c 260 s 4

13 5921 ST PAUL HOUSING AND REDEVELOPMENT AUTHORITY DATA

Subdivision 1 **Private and nonpublic data** The following data that are submitted to the St Paul housing and redevelopment authority by individuals and business entities that are requesting financial assistance are private data on individuals or nonpublic data financial statements, credit reports, business plans, income and expense projections, customer lists, balance sheets, income tax returns, and design, market, and feasibility studies not paid for with public funds

Subd 2 **Public data** Data submitted to the authority under subdivision 1 become public data if the authority provides financial assistance to the individual or business entity, except that the following data remain private or nonpublic business plans, income and expense projections not related to the financial assistance provided, customer lists, income tax returns, and design, market, and feasibility studies not paid for with public funds

History 1999 c 227 s 22, 2000 c 468 s 12

13 5922 ST PAUL ECONOMIC ASSISTANCE DATA

Subdivision 1 **Private and nonpublic data** The following data that are submitted to the city of St Paul by individuals and business entities that are requesting financial assistance are private data on individuals or nonpublic data financial statements, credit reports, business plans, income and expense projections, customer lists, balance sheets, income tax returns, and design, market and feasibility studies not paid for with public funds

Subd 2 **Public data** Data submitted to the city under subdivision 1 become public data if the city provides financial assistance to the individual or business entity, except that the following data remain private or nonpublic business plans, income and expense projections not related to the financial assistance provided customer lists, income tax returns, and design, market, and feasibility studies not paid for with public funds

History 1999 c 227 s 22, 2000 c 468 s 13

13 593 RED WING PORT AUTHORITY

Data maintained by the Red Wing port authority that pertain to negotiations with property owners regarding the purchase of property are nonpublic data not on individuals. With the exception of the authority's evaluation of properties not purchased, all other negotiation data become public at the time of the closing of the property sale.

History 1987 c 351 s 14, 1989 c 209 art 2 s 1, 1995 c 259 art 1 s 15, 1999 c 227 s 22

13 594 ECONOMIC ASSISTANCE DATA

The following data collected by cities in their administration of the city economic development assistance program are classified as nonpublic data:

(1) application data, except company names, addresses and other data that identify the applicant, until the application is approved by the city,

(2) application data, except company names, addresses, and other data that identify the applicant, that pertain to companies whose applications have been disapproved,

(3) attachments to applications including but, not limited to, business and personal financial records, until the application is approved,

(4) income tax returns either personal or corporate, that are filed by applicants, and

(5) correspondence between the program administrators and the applicant until the application has been approved or disapproved.

History 1985 c 298 s 19, 1999 c 227 s 22

13 5951 TWO HARBORS DEVELOPMENT COMMISSION DATA

Subdivision 1 Nonpublic data The following data that are submitted to the Two Harbors development commission by businesses that are requesting financial assistance are nonpublic data: financial statements, business plans, income and expense projections, customer lists, balance sheets, net worth calculations, and market data, including feasibility studies not paid for with public funds.

Subd 2 Public data Data submitted to the commission under subdivision 1 become public data if the commission provides financial assistance to the business except that the following data remain nonpublic: business plans, income and expense projections, customer lists, and market data, including feasibility studies not paid for with public funds.

History 1996 c 440 art 1 s 14, 1999 c 227 s 22

13 5952 MOORHEAD ECONOMIC DEVELOPMENT AUTHORITY DATA

Subdivision 1 Nonpublic data The following data submitted to the city of Moorhead and to the Moorhead economic development authority by businesses that are requesting financial assistance are nonpublic data: financial statements, business plans, income and expense projections, customer lists, balance sheets, and market and feasibility studies not paid for with public funds.

Subd 2 Public data Data submitted to the city and the city's economic development authority under subdivision 1 become public data if the city provides financial assistance to the business except that the following data remain nonpublic: business plans, income and expense projections, customer lists, and market and feasibility studies not paid for with public funds.

History 1996 c 440 art 1 s 15, 1999 c 227 s 22

13 5953 IRON RANGE RESOURCES AND REHABILITATION BOARD DATA

Subdivision 1 Nonpublic data The following data that are submitted to the commissioner of the iron range resources and rehabilitation board by businesses that are requesting financial assistance are nonpublic data: the identity of the business and

financial information about the business including, but not limited to, credit reports, financial statements, net worth calculations, business plans, income and expense projections, customer lists, and market and feasibility studies not paid for with public funds

Subd 2 **Public data** Data submitted to the commissioner under subdivision 1 become public data upon submission of the request for financial assistance to the iron range resources and rehabilitation board except that the following data remain nonpublic business plans, income and expense projections, customer lists, and market and feasibility studies not paid for with public funds

History 1989 c 351 s 9, 1999 c 227 s 22

13 596 DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT DATA

Subdivision 1 **Development loan data** All financial information on individuals and business entities including, but not limited to, credit reports, financial statements, and net worth calculations, that are contained in an application received by the department of trade and economic development in its administration of the certified state development loan program are classified as private data with regard to data on individuals, and as nonpublic data with regard to data not on individuals until the application is approved

Subd 2 **Financial incentive data** Data collected by the department of trade and economic development relating to financial incentives offered by private businesses and organizations, other than state government, to companies for locating their proposed business operations in Minnesota are classified as nonpublic data

Subd 3 **Businesses seeking state incentives** Notwithstanding subdivision 1, any business seeking \$250,000 or more in financial assistance from the state of Minnesota in the form of grants, loans, or tax incentives shall make available for public inspection its audited financial statements for the three most recent years. These statements shall include all information that would be required by the United States Securities and Exchange Commission prior to any public stock offering. This subdivision does not apply to financial assistance sought from the iron range resources and rehabilitation board or from a political subdivision of the state, including home rule charter and statutory cities, towns, counties, and all agencies, commissions and councils established under chapter 473, as well as any authority or agency of such a political subdivision.

History 1985 c 298 s 25, 1987 c 312 art 1 s 26 subd 2, 1987 c 351 s 17, 1989 c 351 s 10, 1992 c 592 s 3, 1999 c 227 s 22

13 5965 MINNESOTA EXPORT AUTHORITY DATA

Financial information concerning business persons received or prepared by the export authority in connection with applications for financial assistance pursuant to section 116J 9673, including, but not limited to, credit reports, financial statements, net worth calculations, income and expense projections and proposed terms of trade and foreign risk coverage, is classified as nonpublic data if it is data not on an individual and as private data if it is data on an individual.

History 1985 c 298 s 28, 1987 c 396 art 10 s 8, 1999 c 227 s 22

13 598 DEVELOPMENT DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 6 are codified outside this chapter and include classification of development data as other than public, place restrictions on access to government data, or involve data sharing.

Subd 2 **World trade center** Certain data received or developed by the commissioner of trade and economic development with respect to the Minnesota world trade center are classified in section 116J 9665, subdivision 7.

Subd 3 **Minnesota Technology, Inc** Data on a tape of a closed board meeting of Minnesota Technology, Inc are classified under section 116O 03, subdivision 6. Certain

data disclosed to the board or employees of Minnesota Technology, Inc are classified under section 116O 03, subdivision 7

Subd 4 **Aircraft facilities** Specified data about an airline submitted in connection with state financing of certain aircraft maintenance facilities are classified under section 116R 02, subdivision 3

Subd 5 **Minnesota Business Finance, Inc** Various data held by Minnesota Business Finance, Inc are classified under section 116S 02, subdivision 8

Subd 6 **Local economic development data** (a) **Preliminary information** Access to preliminary information submitted to the commissioner of trade and economic development under sections 469 142 to 469 151 or sections 469 152 to 469 165 is limited under section 469 154, subdivision 2

(b) **Enterprise zones** Data sharing between the commissioner of revenue and the commissioner of trade and economic development or a municipality receiving an enterprise zone designation is governed by section 469 173, subdivision 5

(c) **Tax incentives** Disclosure of data by the department of revenue to determine eligibility for tax incentives available under section 272 0212, 469 1732, or 469 1734, is governed by section 469 1733, subdivision 1

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2, 2000 c 260 s 5

13 60 [Renumbered 13 601, subdivision 1]

ELECTED AND APPOINTED OFFICIALS, LEGISLATIVE DATA

13 601 ELECTED AND APPOINTED OFFICIALS

Subdivision 1 **Financial disclosure statements** Financial disclosure statements of elected or appointed officials which, by requirement of the political subdivision, are filed with the political subdivision, are public data on individuals

Subd 2 **Correspondence** Correspondence between individuals and elected officials is private data on individuals, but may be made public by either the sender or the recipient

History 1979 c 328 s 22, 1981 c 311 s 39, 1982 c 545 s 24, 1984 c 436 s 27, 1999 c 227 s 22

13 602 ELECTED AND APPOINTED OFFICIAL DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivision 2 are codified outside this chapter Those sections classify elected and appointed official data as other than public, place restrictions on access to government data or involve data sharing

Subd 2 **State auditor data** (a) **Public accountants** Data sharing between the state auditor and public accountants is governed by section 6 69, subdivision 1

(b) **Audit data** Data relating to an audit under chapter 6 are classified under section 6 715

(c) **Local records** Data sharing between the state auditor and legislative auditor of information collected from local governments is governed by section 6 74

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 605 LEGISLATIVE DATA

Subdivision 1 **Legislative and budget proposal data** (a) **Definition** As used in this section, “state administration” means the governor’s office, the department of finance, and any state agency that is under the direct control of the governor

(b) **Classifications** Legislative and budget proposals, including preliminary drafts, that are created, collected, or maintained by the state administration are protected nonpublic data After the budget is presented to the legislature by the state administration, supporting data, including agency requests, are public data Supporting data do not include preliminary drafts The state administration may disclose any of the data within the state administration and to the public at any time if disclosure would aid the administration in considering and preparing its proposals

Subd 2 **Indian affairs council data** All financial information on individuals and business entities including, but not limited to, credit reports, financial statements, and net worth calculations, that are contained in applications received by the Indian affairs council in its administration of the Indian business development loan program are classified as private data with regard to data on individuals and as nonpublic data with regard to data not on individuals

History 1985 c 298 s 26, 1995 c 259 art 1 s 16, 1999 c 227 s 22

13 606 LEGISLATIVE DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 5 are codified outside this chapter Those sections classify legislative data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Legislative coordinating commission** Sharing of data with the legislative coordinating commission is governed by section 3 885, subdivision 4

Subd 3 **Council on Black Minnesotans** Data sharing between the commissioner of human services and the council on Black Minnesotans is governed by section 3 9225, subdivision 3, paragraph (j)

Subd 4 **Legislative audit data** Data relating to an audit performed under sections 3 97, 3 971, and 3 979 are governed by section 3 979

Subd 5 **Revisor of statutes** Disclosure of data relating to drafting services provided by the revisor of statutes is governed by section 3C 05, subdivision 1, paragraph (a)

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

ETHICS AND ELECTION DATA

13 607 ETHICS AND ELECTION DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 7 are codified outside this chapter. Those sections classify campaign, ethics, and election data as other than public, place restrictions on access to government data, or involve data sharing.

Subd 2 **Campaign finance and public disclosure board information** Disclosure by the campaign finance and public disclosure board of information about a complaint or investigation is governed by section 10A 02, subdivision 11.

Subd 3 **Ethical practices investigation data** The record of certain investigations conducted under chapter 10A is classified, and disposition of certain information is governed, by section 10A 02, subdivision 11a.

Subd 4 **Campaign finance and public disclosure board opinions** A request for a campaign finance and public disclosure board advisory opinion and the opinion itself are classified under section 10A 02, subdivision 12.

Subd 5 **Statements of economic interest** Disclosure of statements of economic interest filed by local officials is governed by section 10A 09, subdivision 6a.

Subd 6 **Registered voter lists** Access to registered voter lists is governed by section 201 091.

Subd 7 **Absentee ballots** Disclosure of names of voters submitting absentee ballots is governed by section 203B 12, subdivision 7.

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 61 [Renumbered 13 714]

13 612 [Renumbered 13 685]

13 62 [Renumbered 13 594]

13 621 [Renumbered 13 5951]

13 622 [Renumbered 13 5952]

RETIREMENT DATA

13 63 RETIREMENT DATA

Subdivision 1 **Minneapolis employees retirement fund data** (a) **Beneficiary and survivor data** The following data on beneficiaries and survivors of Minneapolis employees retirement fund members are private data on individuals home address, date of birth, direct deposit account number, and tax withholding data

(b) **Limits on disclosure** Required disclosure of data about members, survivors, and beneficiaries is limited to name, gross pension, and type of benefit awarded

Subd 2 **Teachers retirement association data** The following data on beneficiaries and survivors of teachers retirement association members are considered private data on individuals

- (1) address,
- (2) birth date,
- (3) direct deposit account number, and
- (4) tax withholding data

Subd 3 **Public employees retirement association data** The following data on individual beneficiaries and survivors of public employment retirement association members are classified as private home address, date of birth, direct deposit account number, and tax withholding data

History 1987 c 284 art 1 s 3, 1987 c 351 s 15, 1993 c 351 s 11, 1999 c 227 s 22

13 631 RETIREMENT DATA CODED ELSEWHERE

Subdivision 1 **Scope** The section referred to in subdivision 2 is codified outside this chapter That section governs the disclosure of retirement data

Subd 2 **Retirement systems, generally, marriage dissolution, access to data** Access to and disclosure of retirement data, in the event of marriage dissolution, is governed by section 356 80

History 1999 c 227 s 22

STATE AGENCY DATA

13 635 GENERAL STATE AGENCY DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 4 are codified outside this chapter Those sections classify state agency data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Official records, generally** Access to government data kept pursuant to section 15 17 is governed by sections 13 03 and 138 17

Subd 3 **Commissioners of finance and administration** Access to government data of all state departments and agencies by the commissioner of finance and the commissioner of administration is governed by section 15 08

Subd 4 **Capitol area architectural and planning board** Disclosure of data to the capitol area architectural and planning board's advisory committee is governed by section 15 50, subdivision 2, paragraph (h)

History 1999 c 227 s 22

ADMINISTRATION AND FINANCE DATA

13 64 DEPARTMENT OF ADMINISTRATION DATA

Notes and preliminary drafts of reports created, collected, or maintained by the management analysis division, department of administration, and prepared during management studies audits, reviews, consultations, or investigations are classified as confidential or protected nonpublic data until the final report has been published or preparation of the report is no longer being actively pursued. Data that support the conclusions of the report and that the commissioner of administration reasonably believes will result in litigation are confidential or protected nonpublic until the litigation has been completed or until the litigation is no longer being actively pursued. Data on individuals that could reasonably be used to determine the identity of an individual supplying data for a report are private if (a) the data supplied by the individual were needed for a report and (b) the data would not have been provided to the management analysis division without an assurance to the individual that the individual's identity would remain private.

History 1984 c 436 s 28, 1986 c 444, 1989 c 351 s 8

13 6401 ADMINISTRATION AND FINANCE DATA CODED ELSEWHERE

Subdivision 1 Scope The sections referred to in subdivisions 2 to 6 are codified outside this chapter. Those sections classify administration and finance data as other than public, place restrictions on access to government data, or involve data sharing.

Subd 2 Department of finance (a) Financial documents Data sharing of financial documents between agencies and the commissioner of finance is governed by section 16A 055.

(b) Electronic payments Data relating to government services transactions is governed by section 16A 626.

(c) Register of ownership of bonds or certificates Information in a register of ownership of state bonds or certificates is classified under section 16A 672, subdivision 11.

Subd 3 State agency information technology activities The commissioner of administration's responsibilities regarding state agency information technology activities is governed by section 16B 415.

Subd 4 State procurement, information in bids and proposals Data relating to vendor bids and proposals is governed by section 16C 06, subdivision 3.

Subd 5 State debt collection, data Data on debtors received, collected, created, or maintained by the commissioner of finance are classified under section 16D 06.

Subd 6 Office of technology (a) Business data Data submitted to the office of technology by businesses are governed by section 16E 06.

(b) North Star Data sharing involving North Star, the state's comprehensive government online information service, is governed by section 16E 07, subdivisions 2 and 3.

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 641 [Repealed, 1990 c 573 s 23]

13 642 [Renumbered 13 63, subd 2]

AGRICULTURAL DATA

13 643 AGRICULTURAL DATA

Subdivision 1 **Department of agriculture data** (a) **Loan and grant applicant data** The following data on applicants, collected by the department of agriculture in its sustainable agriculture revolving loan and grant programs under sections 17 115 and 17 116, are private or nonpublic nonfarm income, credit history, insurance coverage, machinery and equipment list, financial information, and credit information requests

(b) **Farm advocate data** The following data supplied by farmer clients to Minnesota farm advocates and to the department of agriculture are private data on individuals financial history, including listings of assets and debts, and personal and emotional status information

Subd 2 **Farm assistance data** The following data collected and maintained by counties that provide assistance to individual farmers who are experiencing economic or emotional distress are classified as private data financial history, including listings of assets and debts, and personal and emotional status information

Subd 3 **Aquaculture permit data** The following data collected and maintained by an agency issuing aquaculture permits under sections 17 47 to 17 498 are classified as private or nonpublic the names and addresses of customers provided in the permit application

Subd 4 **Agricultural resource loan board data** (a) **Nonpublic data** Financial information concerning business persons received or prepared by the agriculture resource loan guaranty board in connection with applications for loan guarantees pursuant to Laws 1984, chapter 502, article 10, sections 1 to 12, including, but not limited to, credit reports, financial statements, and net worth calculations, is classified as nonpublic data

(b) **Private data** Financial information concerning individuals received or prepared by the agriculture resource loan guaranty board in connection with applications for loan guarantees pursuant to Laws 1984, chapter 502, article 10, sections 1 to 12, including, but not limited to, credit reports, financial statements, and net worth calculations is classified as private data

History 1985 c 298 s 27, 1987 c 351 s 13, 1990 c 573 s 10, 1991 c 309 s 1, 1993 c 351 s 12, 1999 c 227 s 22

13 6435 AGRICULTURAL DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 12 are codified outside this chapter Those sections classify agricultural data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Department of agriculture** (a) **Agriculture best management practices loan program** Data collected by the commissioner on applicants or borrowers for the agriculture best management practices loan program are governed by section 17 117

(b) **Aquaculture data** Data on aquatic farming held by the pollution control agency are classified under section 17 498

(c) **Aquatic farm license** Data, kept by licensees, on the operation of an aquatic farm are governed by section 17 4984, subdivision 7

(d) **Agricultural commodities promotion council** Financial information on producers of agricultural commodities that is provided to the agricultural commodities promotion council is governed by section 17 62

(e) **Agricultural producer association and commodity handlers** Access to data filed with the commissioner of agriculture by agricultural producer associations and agricultural commodity handlers is governed by section 17 694, subdivision 1

Subd 3 **Pesticide control** (a) **Registration** Disclosure of data relating to pesticide registration is governed by section 18B 26, subdivision 3, paragraph (c)

(b) **Dealer and applicator records** Records of pesticide dealers and applicators inspected or copied by the commissioner of agriculture are classified under sections 18B 37, subdivision 5, and 18B 38

Subd 4 **Agricultural applications, protection of trade secrets** Treatment of data submitted to the commissioner of agriculture for the purpose of substantiating claims made by a product under section 18C 401 is governed by section 18C 405

Subd 5 **Wholesale produce dealers** Financial data submitted by a license applicant are classified under section 27 04, subdivision 2

Subd 6 **Meat inspection data** Access to information obtained by the commissioner of agriculture under the meat inspection law is governed by section 31A 27, subdivision 3

Subd 7 **Packer and stockyard data, daily price reports** Data reported to the commissioner of agriculture for the purpose of submitting daily price reports are governed by section 31B 07, subdivision 1

Subd 8 **Dairy products** (a) **Reports to commissioner of agriculture** Disclosure of information in reports about dairy production required to be filed with the commissioner of agriculture under section 32 19 is governed by that section

(b) **Financial and production data** Financial and production information obtained by the commissioner of agriculture to administer chapter 32 are classified under section 32 71, subdivision 2

Subd 9 **Family farm security** Data received or prepared by the commissioner of agriculture regarding family farm security loans are classified in section 41 63

Subd 10 **Rural finance authority** Certain data received or prepared by the rural finance authority are classified pursuant to section 41B 211

Subd 11 **Farm products, grain buyer licensee data** Financial data submitted to the commissioner by grain buyer s license applicants are classified under section 223 17, subdivision 6

Subd 12 **Farmer lender mediation** Data on debtors and creditors under the Farmer Lender Mediation Act are classified under section 583 29

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 644 [Repealed, 1993 c 351 s 41]

13 645 [Renumbered 13 643, subd 3]

13 646 [Renumbered 13 605, subdivision 1]

ATTORNEY GENERAL

13 65 ATTORNEY GENERAL DATA

Subdivision 1 **Private data** The following data created, collected and maintained by the office of the attorney general are classified as private data on individuals

(a) the record, including but not limited to, the transcript and exhibits of all disciplinary proceedings held by a state agency, board or commission, except in those instances where there is a public hearing,

(b) communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions,

(c) consumer complaint data, other than that data classified as confidential, including consumers' complaints against businesses and follow up investigative materials,

(d) investigative data, obtained in anticipation of, or in connection with litigation or an administrative proceeding where the investigation is not currently active, and

(e) data collected by the consumer division of the attorney general's office in its administration of the home protection hot line including the name, address, and phone number of the consumer, the name and address of the mortgage company, the total amount of the mortgage, the amount of money needed to bring the delinquent mortgage current, the consumer's place of employment, the consumer's total family income, and the history of attempts made by the consumer to renegotiate a delinquent mortgage

Subd 2 **Confidential data** The following data created, collected and maintained by the office of the attorney general are classified as confidential, pursuant to section 13 02, subdivision 3 data acquired through communications made in official confidence to members of the attorney general's staff where the public interest would suffer by disclosure of the data

Subd 3 **Public data** Data describing the final disposition of disciplinary proceedings held by any state agency, board or commission are classified as public, pursuant to section 13 02, subdivision 15

History 1981 c 311 s 35,39, 1982 c 545 s 24, 1985 c 298 s 20

13 66 [Renumbered 13 855, subs 1-3]

EMPLOYEE RELATIONS DATA

13 67 EMPLOYEE RELATIONS DATA

The following data collected, created, or maintained by the department of employee relations are classified as nonpublic data pursuant to section 13 02, subdivision 9

(a) The commissioner's plan prepared by the department, pursuant to section 3 855, which governs the compensation and terms and conditions of employment for employees not covered by collective bargaining agreements until the plan is submitted to the legislative commission on employee relations,

(b) Data pertaining to grievance or interest arbitration that has not been presented to the arbitrator or other party during the arbitration process,

(c) Notes and preliminary drafts of reports prepared during personnel investigations and personnel management reviews of state departments and agencies,

(d) The managerial plan prepared by the department pursuant to section 43A 18 that governs the compensation and terms and conditions of employment for employees in managerial positions, as specified in section 43A 18, subdivision 3, until the plan is submitted to the legislative commission on employee relations, and

(e) Claims experience and all related information received from carriers and claims administrators participating in either the state group insurance plan, the Minnesota employee insurance program, the state workers' compensation program, or the public employees insurance program as defined in chapter 43A, and survey information collected from employees and employers participating in these plans and programs, except when the department determines that release of the data will not be detrimental to the plan or program

History 1981 c 311 s 34,39, 1982 c 545 s 24, 1984 c 436 s 29, 1988 c 670 s 2, 1994 c 429 s 1, 1995 c 248 art 10 s 1, 1997 c 97 s 1

13 6705 EMPLOYEE RELATIONS DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivision 2 are codified outside this chapter Those sections classify employee relations data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Department of employee relations (a) Personnel data** The commissioner of employee relation's access to personnel data is governed by section 43A 04

(b) **Code of ethics, confidential data** Use and disclosure of confidential data by employees in the executive branch are governed by section 43A 38, subdivision 3

History 1999 c 227 s 22

13 671 [Renumbered 13 5953]

UTILITIES AND PUBLIC SERVICE DATA

13 679 DEPARTMENT OF PUBLIC SERVICE DATA

Subdivision 1 **Tenant** Data collected by the department of public service that reveals the identity of a tenant who makes a complaint regarding energy efficiency standards for rental housing are private data on individuals

Subd 2 **Utility or telephone company employee or customer (a)** The following are private data on individuals data collected by the department of public service or the public utilities commission, including the names or any other data that would reveal the identity of either an employee or customer of a telephone company or public utility who files a complaint or provides information regarding a violation or suspected violation by the telephone company or public utility of any federal or state law or rule, except this data may be released as needed to law enforcement authorities

(b) The following are private data on individuals data collected by the commission or the department of public service on individual public utility or telephone company customers or prospective customers, including copies of tax forms, needed to administer federal or state programs that provide relief from telephone company bills, public utility bills, or cold weather disconnection The determination of eligibility of the customers or prospective customers may be released to public utilities or telephone companies to administer the programs

History 1987 c 351 s 16, 1993 c 351 s 13, 1999 c 227 s 22

13 68 ENERGY AND FINANCIAL DATA AND STATISTICS

Subdivision 1 **Nonpublic data** Energy and financial data, statistics, and information furnished to the commissioner of public service development by a coal supplier or petroleum supplier, or information on individual business customers of a public utility pursuant to section 216C 16 or 216C 17, either directly or through a federal department or agency are classified as nonpublic data as defined by section 13 02, subdivision 9

Subd 2 **Energy audit data** Data contained in copies of bids, contracts, letters of agreement between utility companies and third party auditors and firms, and in utility statements or documents showing costs for employee performance of energy audits which are received by the commissioner of public service in order to arbitrate disputes arising from complaints concerning the award of contracts to perform energy conserva

tion audits are classified as protected nonpublic data not on individuals as defined by section 13 02, subdivision 13

History 1981 c 85 s 1, 1981 c 311 s 39, 1981 c 356 s 248, 1982 c 545 s 7,24, 1983 c 231 s 1, 1983 c 289 s 115 subd 1, 1Sp1985 c 13 s 78, 1987 c 312 art 1 s 10 subds 1,2

13 681 ENERGY AND UTILITIES DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 4 are codified outside this chapter Those sections classify certain energy or utility data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Energy forecasts, statistics** Certain energy data maintained by the commissioner of public service are classified under section 216C 17, subdivision 4

Subd 3 **Energy audit of residential or commercial building** Certain data gathered about consumer comments on state programs of energy audits of residential and commercial buildings may be shared under section 216C 31

Subd 4 **Energy conservation investment loan** Data contained in applications for energy conservation investment loans, including supporting technical documentation, are governed by section 216C 37, subdivisions 3a and 3b

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3-5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 685 MUNICIPAL UTILITY CUSTOMER DATA

Data on customers of municipal electric utilities are private data on individuals or nonpublic data, but may be released to

(1) a law enforcement agency that requests access to the data in connection with an investigation,

(2) a school for purposes of compiling pupil census data,

(3) the metropolitan council for use in studies or analyses required by law,

(4) a public child support authority for purposes of establishing or enforcing child support, or

(5) a person where use of the data directly advances the general welfare, health, or safety of the public, the commissioner of administration may issue advisory opinions construing this clause pursuant to section 13 072

History 1999 c 227 s 9,22

PUBLIC SAFETY DATA

13 69 PUBLIC SAFETY DEPARTMENT DATA

Subdivision 1 **Classifications** (a) The following government data of the department of public safety are private data

(1) medical data on driving instructors, licensed drivers, and applicants for parking certificates and special license plates issued to physically handicapped persons,

(2) other data on holders of a disability certificate under section 169 345, except that data that are not medical data may be released to law enforcement agencies,

(3) social security numbers in driver's license and motor vehicle registration records, except that social security numbers must be provided to the department of revenue for purposes of tax administration and the department of labor and industry for purposes of workers' compensation administration and enforcement, and

(4) data on persons listed as standby or temporary custodians under section 171 07, subdivision 11, except that the data must be released to

(i) law enforcement agencies for the purpose of verifying that an individual is a designated caregiver, or

(ii) law enforcement agencies who state that the license holder is unable to communicate at that time and that the information is necessary for notifying the designated caregiver of the need to care for a child of the license holder

(b) The following government data of the department of public safety are confidential data data concerning an individual's driving ability when that data is received from a member of the individual's family

Subd 2 [Repealed, 1995 c 259 art 1 s 62]

History 1981 c 311 s 18,37,39, 1982 c 545 s 24, 1990 c 573 s 12, 1995 c 85 s 1, 1995 c 231 art 2 s 1, 1996 c 455 art 6 s 1, 1997 c 65 s 5, 1999 c 227 s 22

13 6905 PUBLIC SAFETY DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 32 are codified outside this chapter Those sections classify department of public safety data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Vehicle registration application data** Certain information provided in applications for motor vehicle registrations is governed under section 168 10, subdivision 1

Subd 3 **Motor vehicle registration** Various data on motor vehicle registrations are classified under sections 168 345 and 168 346

Subd 4 **Accident report** Release of accident reports provided to the department of public safety under section 169 09 is governed by section 169 09, subdivision 13

Subd 5 **Chemical use assessment** A report of an assessment conducted in connection with a conviction for driving while intoxicated is governed by section 169A 70, subdivisions 3 and 4

Subd 6 **Driver's license cancellations** Access to data on individuals whose driver's licenses have been canceled is governed by section 171 043

Subd 7 **Driver's license photograph or image** Photographs or electronically produced images taken by the commissioner of public safety for drivers' licenses are classified under section 171 07, subdivision 1a

Subd 8 **Driver's license photograph, exceptions** Allowing headwear in a driver's license photograph or allowing driver's license identification other than a photograph, under certain circumstances, are governed under section 171 071

Subd 9 **Driver's alcohol concentration** Data on the alcohol concentration of a driver whose driver's license is revoked or suspended are classified under section 171 12, subdivision 2a

Subd 10 **Driver's license address** The residence address of certain individuals provided to the commissioner of public safety in drivers' license applications is classified under section 171 12, subdivision 7

Subd 11 **Driver's license cancellation due to blindness** Data on a visual examination performed for purposes of driver's license cancellation are classified under section 171 32, subdivision 3

Subd 12 **Criminal alert network.** Data on private sector members of the criminal alert network are classified under section 299A 61, subdivision 2

Subd 13 **Undercover buy fund** Records relating to applications for grants under section 299C 065 are classified under section 299C 065, subdivision 4

Subd 14 **Criminal gang investigative data system** Data in the criminal gang investigative data system are classified in section 299C 091

Subd 15 **Registered predatory offenders** Data maintained relating to predatory offenders are governed by section 299C 093

Subd 16 **Juvenile history data** Data maintained by the bureau of criminal apprehension in the juvenile history record system are governed by section 299C 095

Subd 17 **DNA evidence** DNA identification data maintained by the bureau of criminal apprehension are governed by section 299C 155

Subd 18 **Criminal justice information network.** Data collected by the criminal justice data communications network are classified under section 299C 46, subdivision 5

Subd 19 **Access to criminal justice database** Access by criminal justice agencies to the criminal justice data communications network maintained by the department of public safety is governed by section 299C 48

Subd 20 **Missing children** Identifying information on missing children is governed under sections 299C 53 and 299C 56

Subd 21 **Residence managers** Data gathered for a background check of a residence manager are governed by section 299C 68

Subd 22 **Fire department access to criminal history data** Access to criminal history data by fire departments is governed by section 299F 035

Subd 23 **Arson investigative data system** Data in the arson investigative data system are classified in section 299F 04, subdivision 3a

Subd 24 **Arson investigation, reporting** Arson investigation data relating to reporting requirements are governed by section 299F 05

Subd 25 **Fire insurance information** Data gathered by an insurance company following a fire loss or related to a potential fire loss are governed by sections 299F 054, 299F 055, and 299F 056

Subd 26 **Arson investigation, evidence, enforcement** Data maintained as part of arson investigations are governed by sections 299F 055 and 299F 056

Subd 27 **Hazardous substance emergency** Data collected by a fire department under sections 299F 091 to 299F 099 are classified under sections 299F 095 and 299F 096, subdivision 1

Subd 28 **Records of state fire marshal** Records on file in the state fire marshal's office are governed by section 299F 28

Subd 29 **Pipeline safety** Data related to the pipeline safety responsibilities of the commissioner of public safety are governed by section 299F 63

Subd 30 **Office of pipeline safety** Data obtained by the director of the office of pipeline safety are classified under section 299J 13

Subd 31 **Director of alcohol and gambling enforcement** Access by the director of alcohol and gambling enforcement of the department of public safety to criminal history data on licensees, contractors, and employees of the state lottery, racing commission, or gambling control board is governed by section 299L 03, subdivision 4

Subd 32 **Gambling enforcement investigative data** Data provided to the director of the division of alcohol and gambling enforcement by a governmental entity located

outside Minnesota for use in an authorized investigation, audit, or background check are governed by section 299L 03, subdivision 11

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20-22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1-14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 691 [Renumbered 13 63, subd 3]

13 692 [Renumbered 13 679]

13 70 [Repealed, 1989 c 184 art 1 s 20]

13 71 Subdivision 1 [Renumbered 13 715]

Subd 2 [Renumbered 13 719, subd 3, para (a)]

Subd 3 [Renumbered 13 719, subd 3, para (b)]

Subd 4 [Renumbered 13 719, subd 4]

Subd 5 [Renumbered 13 719, subd 5]

Subd 6 [Renumbered 13 719, subdivision 1]

Subd 7 [Renumbered 13 719, subd 2]

Subd 8 [Renumbered 13 711]

Subd 9 [Repealed, 1995 c 259 art 1 s 62]

Subd 10 [Repealed, 1995 c 259 art 1 s 62]

Subd 11 [Repealed, 1995 c 259 art 1 s 62]

Subd 12 [Repealed, 1995 c 259 art 1 s 62]

Subd 13 [Repealed, 1995 c 259 art 1 s 62]

Subd 14 [Repealed, 1995 c 259 art 1 s 62]

Subd 15 [Repealed, 1995 c 259 art 1 s 62]

Subd 16 [Repealed, 1995 c 259 art 1 s 62]

Subd 17 [Repealed, 1995 c 259 art 1 s 62]

Subd 18 [Repealed, 1Sp1997 c 3 s 47]

Subd 19 [Repealed 1Sp1997 c 3 s 47]

Subd 20 [Repealed, 1Sp1997 c 3 s 47]

Subd 21 [Repealed, 1Sp1997 c 3 s 47]

COMMERCE, BANKING, AND INSURANCE DATA

13 711 DEPARTMENT OF COMMERCE DATA, RELEASE OF COMPLAINT TO RESPONDENT

The commissioner may provide a copy of a complaint to the subject of the complaint when the commissioner determines that the access is necessary in order to effectively conduct the investigation

History 1980 c 603 s 18, 1981 c 311 s 39, 1982 c 545 s 24, 1983 c 289 s 114 subd 1, 1984 c 655 art 1 s 92, 1985 c 298 s 21, 1986 c 313 s 1, 1987 c 384 art 2 s 1, 1990 c 523 s 1, 1991 c 165 s 1, 1994 c 400 s 1,2, 1994 c 618 art 2 s 1 8, 1995 c 151 s 1, 1995 c 214 s 1, 1995 c 253 s 1, 1996 c 414 art 1 s 2, 1999 c 227 s 22

13 712 COMMERCE DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivision 2 are codified outside chapter 13. Those sections classify department of commerce data as other than public, place restrictions on access to government data, or involve data sharing.

Subd 2 **Department of commerce, generally** (a) **Certain data received by commissioner of commerce** Certain data received because of the participation of the commissioner of commerce in various organizations are classified under section 45 012.

(b) **Investigations** Classification, disclosure, and collection of data relating to investigations conducted by the commissioner of commerce pursuant to section 45 027, are governed by subdivisions 1, 7, and 7a of that section.

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9-64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1-14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 713 BANKING DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 4 are codified outside this chapter. Those sections classify banking data as other than public, place restrictions on access to government data, or involve data sharing.

Subd 2 **General banking powers** (a) **Incorporators data** Financial data on individuals submitted by incorporators proposing to organize a bank are classified under section 46 041, subdivision 1.

(b) **Commerce department data on financial institutions** The disclosure by the commissioner of commerce of facts and information obtained in the course of examining financial institutions and in relation to complaints filed with the commissioner is governed by section 46 07, subdivisions 2 and 3.

Subd 3 **Financial corporations** (a) **Electronic financial terminal data** Information obtained by the commissioner of commerce in the course of verifying electronic financial terminal equipment is classified under section 47 66.

(b) **Electronic financial transaction confidential information** Disclosure of confidential information acquired in the course of electronic financial terminal transactions is governed by section 47 69, subdivision 2.

Subd 4 **Currency exchanges, reports** Financial information in annual reports submitted to the commissioner of commerce by currency exchanges is classified in section 53A 081, subdivision 4.

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 714 INSURANCE TRUST DATA, PRIVATE AND NONPUBLIC DATA

The following data collected or created by the league of Minnesota cities insurance trust, association of Minnesota counties insurance trust, or by the Minnesota school board association insurance trust in order to process claims for workers compensation are classified as either private data in regard to claims when the insured worker is living, or nonpublic data in regard to claims when the insured worker is deceased name, address, phone number, and social security account number of the claimant if the claimant is not a public employee, claim number, date of claimed injury, employee's social security number, home phone number, home address, date of birth, sex, and marital status, whether claimed injury caused loss of time from work, whether the employee lost time from work on the day of the claimed injury and the number of hours lost, whether the employee has returned to work, whether full or partial wages were paid for the first day of lost time and the amount paid, time of day, and location where injury occurred, whether the injury occurred on employer's premises, the name, address, and phone number of the treating physician or practitioner, identification of the hospital where treated, nature of the claimed injury or occupational illness, part of body affected, name or type of object involved in causing the injury, nature of injury, type of accident, description of actions taken to prevent recurrence, names of coworker witnesses, and all data collected or created as a result of the investigation of the claim including, but not limited to, physicians' reports, other data on the medical condition of the claimant, data collected from the claimant's physicians, and data collected in interviews of the claimant's employer, coworkers, family members, and neighbors

History 1985 c 298 s 18, 1999 c 227 s 22

13 715 GENERAL INSURANCE POWERS DATA, SURPLUS LINE INSURANCE

All data appearing on copies of surplus line insurance policies collected by the department of commerce pursuant to sections 60A 195 to 60A 209 are classified as private data

History 1980 c 603 s 18, 1981 c 311 s 39, 1982 c 545 s 24 1983 c 289 s 114 subd 1, 1984 c 655 art 1 s 92, 1985 c 298 s 21, 1986 c 313 s 1, 1987 c 384 art 2 s 1, 1990 c 523 s 1, 1991 c 165 s 1, 1994 c 400 s 1,2, 1994 c 618 art 2 s 1 8, 1995 c 151 s 1, 1995 c 214 s 1, 1995 c 253 s 1, 1996 c 414 art 1 s 2, 1999 c 227 s 22

13 716 GENERAL INSURANCE POWERS DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 7 are codified outside chapter 13 Those sections classify general insurance powers data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Examination of insurance companies** Information obtained by the commissioner of commerce in the course of supervising or examining insurance companies is classified under section 60A 03, subdivision 9 An examination report of a domestic or foreign insurance company prepared by the commissioner is classified pursuant to section 60A 031, subdivision 4

Subd 3 **Material transaction reports** Reports required to be filed by insurers regarding certain material transactions are classified under section 60A 135, subdivision 4

Subd 4 **Surplus lines insurer data** Reports and recommendations on the financial condition of eligible surplus lines insurers submitted to the commissioner of commerce are classified under section 60A 208, subdivision 7

Subd 5 **Risk based capital data** Risk based capital reports and related reports, data, and orders maintained by the commissioner of commerce are classified under section 60A 67

Subd 6 **Insurance company information** Data received by the department of commerce under section 60A 93 are classified as provided by that section

Subd 7 **Viatical settlements data** Viatical settlements data provided to the commissioner of commerce are classified under section 60A 968, subdivision 2

History *1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2*

13 717 INSURANCE, HEALTH CARE COST CONTAINMENT DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 10 are codified outside chapter 13 Those sections classify health care cost containment data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Health technology data** Data obtained by the health technology advisory committee about a specific technology are classified under section 62J 152, subdivision 7

Subd 3 **Provider conflicts of interest** Certain data in transition plans submitted by providers to comply with section 62J 23, subdivision 2, on conflicts of interest are classified under that section

Subd 4 **Information clearinghouse** Data sharing involving the information clearinghouse is governed by section 62J 2930

Subd 5 **Health data and research initiatives** Data collected by the commissioner of health for data and research initiatives are classified under section 62J 321, subdivision 5 Data collected for purposes of section 62J 301 to 62J 42 that identify patients or providers are classified under section 62J 321, subdivision 5

Subd 6 **Prescription drug disclosure** Data collected under section 62J 381 are governed by section 62J 321, subdivision 5a

Subd 7 **Provider data** Provider data shared by the commissioner of commerce with the commissioners of revenue and health is governed by section 62J 41, subdivision 2

Subd 8 **Health data institute data** Data created, collected, received, maintained, or disseminated by the Minnesota health data institute established under section 62J 451 are classified under section 62J 452, access to and disclosure of such data are governed by section 62J 452

Subd 9 **Health care cost containment** Data required to be submitted under health care cost containment provisions are classified by sections 62J 321, subdivision 5, and 62J 452, subdivision 2

Subd 10 **Ambulance services financial data** Data collected by the emergency medical services regulatory board are classified by section 62J 49, subdivision 2

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 719 MISCELLANEOUS INSURANCE DATA

Subdivision 1 **Comprehensive health insurance data** The following data on eligible persons and enrollees of the state comprehensive health insurance plan are classified as private all data collected or maintained by the Minnesota comprehensive health association, the writing carrier, and the department of commerce

The Minnesota comprehensive health association is considered a state agency for purposes of this chapter

The Minnesota comprehensive health association may disclose data on eligible persons and enrollees of the state comprehensive health insurance plan to conduct actuarial and research studies, notwithstanding the classification of this data, if

- (1) the board authorizes the disclosure,
- (2) no individual may be identified in the actuarial or research report,
- (3) materials allowing an individual to be identified are returned or destroyed as soon as they are no longer needed, and
- (4) the actuarial or research organization agrees not to disclose the information unless the disclosure would be permitted under this chapter is made by the association

Subd 2 **Classification of PPO agreement data** Data described in section 62E 13, subdivision 11, are nonpublic data

Subd 3 **Workers' compensation self insurance** (a) **Group workers' compensation self insurance data** Financial data relating to nonpublic companies that are submitted to the commissioner of commerce for the purpose of obtaining approval to self-insure workers' compensation liability as a group are classified as nonpublic data

(b) **Workers' compensation self-insurance data** Financial documents, including income statements, balance sheets, statements of changes in financial positions, and supporting financial information, submitted by nonpublic companies seeking to self-insure their workers' compensation liability or to be licensed as self insurance plan administrators are classified as nonpublic data

Subd 4 **Pollution liability insurance survey data** Data that could identify a company that responded to a pollution liability insurance survey taken by the department of commerce are classified as nonpublic data

Subd 5 **Data on insurance companies and township mutual companies** The following data collected and maintained by the department of commerce are classified as nonpublic data

(a) that portion of any of the following data which would identify the affected insurance company or township mutual company (1) any order issued pursuant to section 60A 031, subdivision 5, or 67A 241, subdivision 4, and based in whole or in part upon a determination or allegation by the commerce department or commissioner that an insurance company or township mutual company is in an unsound, impaired, or

potentially unsound or impaired condition or (2) any stipulation, consent agreement, letter agreement, or similar document evidencing the settlement of any proceeding commenced pursuant to an order of a type described in clause (1), or an agreement between the department and an insurance company or township mutual company entered in lieu of the issuance of an order of the type described in clause (1), and

(b) any correspondence or attachments relating to the data listed in this subdivision

History 1980 c 603 s 18, 1981 c 311 s 39, 1982 c 545 s 24, 1983 c 289 s 114 subd 1, 1984 c 655 art 1 s 92, 1985 c 298 s 21, 1986 c 313 s 1, 1987 c 384 art 2 s 1, 1990 c 523 s 1, 1991 c 165 s 1, 1994 c 400 s 1,2, 1994 c 618 art 2 s 1 8, 1995 c 151 s 1, 1995 c 214 s 1, 1995 c 253 s 1, 1996 c 414 art 1 s 2, 1999 c 227 s 22

13 7191 MISCELLANEOUS INSURANCE DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 18 are codified outside chapter 13 Those sections classify insurance data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Proceeding and records in summary proceedings against insurers** Access to proceedings and records of summary proceedings by the commissioner of commerce against insurers and judicial review of such proceedings is governed by section 60B 14, subdivisions 1, 2, and 3

Subd 3 **Insurance guaranty association (a) Powers of commissioner** The commissioner may share data with the board of the Minnesota Insurance Guaranty Association as provided by section 60C 14, subdivision 2

(b) **Insurer financial condition data** Recommendations on the financial condition of an insurer submitted to the commissioner of commerce by the insurance guaranty association are classified under section 60C 15

Subd 4 **Insurance holding company systems, various insurance data** Disclosure of information obtained by the commissioner of commerce under section 60D 18, 60D 19, or 60D 20 is governed by section 60D 22

Subd 5 **Insurer supervision data** Data on insurers supervised by the commissioner of commerce under chapter 60G are classified under section 60G 03, subdivision 1

Subd 6 **Insurance agent licensing, termination** Access to data on insurance agent terminations held by the commissioner of commerce is governed by section 60K 10

Subd 7 **Life and health guaranty association data** Certain data submitted to the commissioner of commerce by a life and health guaranty association are classified under section 61B 28, subdivision 2

Subd 8 **Nonprofit health service plan corporation, solicitor or agent data** Data relating to suspension or revocation of a solicitor's or agent's license are classified under section 62C 17, subdivision 4

Subd 9 **Health maintenance organizations (a) Financial statements** Unaudited financial statements submitted to the commissioner by a health maintenance organization are classified under section 62D 08, subdivision 6

(b) **Examinations** Data obtained by the commissioner of health in the course of an examination of the affairs of a health maintenance organization are classified under section 62D 14, subdivisions 1 and 4a

(c) **Disclosure** Disclosure of certain information held by health maintenance organizations is governed by section 62D 145

(d) **Access to data** Data obtained by any person or committee conducting a review of a health maintenance organization or a participating entity is authorized by section 62D 22, subdivision 10

(e) **Filings and reports** Filings, reports, and other data required under sections 62D 10 to 62D 30 are classified under section 62D 23

Subd 10 **Preferred provider agreements** The terms and conditions of certain preferred provider agreements are classified under section 62E 13, subdivision 11

Subd 11 **Legal service plan solicitor or agent data** Information contained in a request by a legal service plan for termination of a solicitor's or agent's license is classified under section 62G 20, subdivision 3

Subd 12 **Small employer insurance reform** (a) **Health carrier data** Data received by the commissioner from health carriers under chapter 62L are classified under section 62L 10, subdivision 3

(b) **Small employer reinsurance association data** Patient identifying data held by the reinsurance association are classified under section 62L 16, subdivision 6

Subd 13 **Utilization review of health care** (a) **Data sharing** Data sharing involving utilization review organizations are governed by section 62M 04, subdivision 5

(b) **Confidentiality of data** Confidentiality of certain data obtained by a utilization review organization is governed by section 62M 08

Subd 14 **Requirements for health plan companies** (a) **Minnesota risk adjustment association** Data privacy issues concerning the Minnesota risk adjustment association are governed by section 62Q 03, subdivision 9

(b) **Essential community provider** Data on applications for designation as an essential community provider are classified under section 62Q 19, subdivision 2

(c) **Disclosure of executive compensation** Disclosure of certain data to consumer advisory boards is governed by section 62Q 64

Subd 15 **Automobile insurance, theft data** The sharing of data on automobile thefts between law enforcement and prosecutors and insurers is governed by section 65B 82

Subd 16 **Regulation of trade practices** (a) **Insurance contract data** Certain insurance contract data held by the commissioner of commerce are classified under section 72A 20, subdivision 15

(b) **Health claims appeals** Documents that are part of an appeal from denial of health care coverage for experimental treatment are classified under section 72A 327

Subd 17 **Workers' compensation insurance, ratemaking data** Access to ratemaking data is governed by section 79 096

Subd 18 **Workers' compensation self insurance** (a) **Self insurers' advisory committee** Data received by the self insurers' advisory committee from the commissioner are classified under section 79A 02, subdivision 2

(b) **Self insurers' security fund** Disclosure of certain data received by the self insurers' security is governed by section 79A 09, subdivision 4

(c) **Commercial self insurers' security fund** Disclosure of certain data received by the commercial self insurers' security fund is governed by section 79A 26, subdivision 4

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9-64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1 8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2, 2000 c 468 s 16

TRANSPORTATION DATA

13 72 TRANSPORTATION DEPARTMENT DATA

Subdivision 1 **Estimates for construction projects** An estimate of the cost of a construction project of the Minnesota department of transportation prepared by department employees is nonpublic data and is not available to the public from the time of final design until the project is awarded

Subd 2 [Repealed, 1999 c 227 s 23]

Subd 3 [Repealed, 1988 c 544 s 27, 1988 c 670 s 14]

Subd 4 **Motor carrier accident data** All data submitted to the department of transportation in the form of motor vehicle carrier accident reports, except the portions of the report forms in which the carrier and the driver provide their version of the accident, are classified as nonpublic data with regard to data not on individuals, and private data with regard to data on individuals

Subd 5 **Motor carrier accident version data** Those portions of the motor vehicle carrier accident report forms, that motor vehicle carriers are required to submit to the department of transportation, that contain the carrier's and driver's version of the accident are classified as protected nonpublic data with regard to data not on individuals, and confidential data with regard to data on individuals

Subd 6 **Complaint data** Names of complainants, complaint letters, and other unsolicited data furnished to the department of transportation by a person other than the data subject or department employee, which provide information that a person who is subject to chapter 221 or rules adopted under that chapter may not be in compliance with those requirements, are classified as confidential data or protected nonpublic data

Subd 7 **Public investigative data** The following data created, collected, or maintained about persons subject to chapter 221 and rules adopted under that chapter are public data contained in inspection and compliance forms and data contained in audit reports that are not prepared under contract to the federal highway administration

Subd 8 **Motor carrier operating data** The following data submitted by Minnesota intrastate motor carriers to the department of transportation are nonpublic data all payroll reports including wages, hours or miles worked, hours earned, employee benefit data, and terminal and route-specific operating data including percentage of revenues paid to agent operated terminals, line haul load factors, pickup and delivery (PUD) activity, and peddle driver activity

Subd 9 **Rideshare data** The following data on participants, collected by the Minnesota department of transportation and the metropolitan council to administer rideshare programs, are classified as private under section 13 02, subdivision 12 residential address and telephone number, beginning and ending work hours, current mode of commuting to and from work, and type of rideshare service information requested

Subd 10 **Transportation service data** Personal, medical, financial, familial, or locational information data pertaining to applicants for or users of services providing transportation for the disabled or elderly, with the exception of the name of the applicant or user of the service, are private

History 1981 c 209 s 1, 1981 c 311 s 39, 1982 c 545 s 20,24, 1985 c 298 s 22 24, 1989 c 318 s 1,2, 1990 c 573 s 9, 1991 c 339 s 2, 1993 c 351 s 14, 1999 c 227 s 8,22

13 721 TRANSPORTATION DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 7 are codified outside this chapter Those sections classify transportation data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Special transportation service provider** Certain data relating to alleged violations by special transportation service providers are governed under section 174 30, subdivision 9

Subd 3 **Special transportation service, ambulance service** Data relating to a person's physical condition or medical treatment gathered by the commissioner of transportation or the commissioner of health in an investigation of an alleged violation by a special transportation service provider, are governed by section 174 315

Subd 4 **Transporting hazardous material or waste, permit application** Data submitted under section 221 0355, subdivision 9, and received by the commissioner of transportation on applications for permits to transport hazardous material or hazardous waste are classified under section 221 0355, subdivision 9

Subd 5 **Rail service data** Information provided to the commissioner of transportation under the Rail Service Improvement Act is governed under section 222 54

Subd 6 **Rail carrier data** Certain data submitted to the commissioner of transportation and the attorney general by acquiring and divesting rail carriers are classified under section 222 86, subdivision 3

Subd 7 **Aeronautical accident data** Information relating to aeronautical accidents is governed under section 360 015

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1-51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 73 [Repealed, 1985 c 298 s 45]

13 74 [Renumbered 13 741 subd 3]

ENVIRONMENTAL PROTECTION DATA

13 741 POLLUTION CONTROL, ENVIRONMENTAL QUALITY DATA

Subdivision 1 **Harmful substance compensation board data** The following data on individuals filing claims for compensation with the harmful substance compensation board for injury from harmful substances are classified as confidential while the claim is being investigated and private after a decision is made by the board about the claim the name, address, and all other information that may identify an individual filing a claim, all medical data provided to the board by the claimant or providers of health care to the claimant, including reports of physical examinations, mental health treatment, hospital care, physical therapy, laboratory testing, X ray studies, and prescriptions, and all financial data provided to the board by the claimant or the claimant's employer, insurance carrier, or other provider of benefits, including state or federal tax forms, W 2 forms, salary records, records of insurance payments, unemployment or disability benefits

Subd 2 **Pollution control agency data** Data that identify specific locations within the state where intensive and global survey site investigations are under way, or are determined by the pollution control agency as appropriate for studying the cause of malformations in frogs, are nonpublic data until the agency determines that it will not

investigate or has completed its scientific investigation at the reported abnormal frog site

Subd 3 Environmental quality data The following data collected and maintained by the environmental quality board are classified as private data pursuant to section 13 02, subdivision 12 the names and addresses of individuals who submitted information and letters concerning personal health problems associated with transmission lines

History 1984 c 436 s 30, 1987 c 351 s 18, 1989 c 325 s 78, 1999 c 227 s 10,22

13 7411 POLLUTION CONTROL AND ENVIRONMENTAL QUALITY DATA CODED ELSEWHERE

Subdivision 1 Scope The sections referred to in subdivisions 2 to 9 are codified outside this chapter Those sections classify pollution control and environmental quality data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 Environmental audits, performance schedules Information that is a trade secret and is submitted to the commissioner of the pollution control agency as part of an environmental audit performance schedule is classified under section 114C 23

Subd 3 Office of environmental assistance Information held by the director of the office of environmental assistance that is trade secret or sales information is governed by section 115A 06, subdivision 13

Subd 4 Waste management (a) Transfer station data Data received by a county or district from a transfer station under section 115A 84, subdivision 5, are classified under that section

(b) Solid waste records Records of solid waste facilities received, inspected, or copied by a county pursuant to section 115A 882 are classified pursuant to section 115A 882, subdivision 3

(c) Customer lists Customer lists provided to counties or cities by solid waste collectors are classified under section 115A 93, subdivision 5

Subd 5 Environmental response and liability (a) Responsible persons Certain data obtained by the pollution control agency from a person who may be responsible for a release are classified in section 115B 17, subdivision 5

(b) Hazardous waste generators Data exchanged between the pollution control agency and the department of revenue under sections 115B 24 and 116 075, subdivision 2, are classified under section 115B 24, subdivision 5

(c) Harmful substance compensation board Access to data collected and maintained by the harmful substance compensation board is governed by sections 115B 28, subdivision 2, and 115B 35, subdivision 2

(d) Drycleaners environmental account Disclosure of data collected under section 115B 49, subdivision 4, is governed by chapter 270B

Subd 6 Petroleum tank release Certain data in connection with a petroleum tank release are classified under section 115C 03, subdivision 3

Subd 7 Toxic pollution prevention plans Toxic pollution prevention plans are classified under section 115D 09

Subd 8 Pollution control agency (a) Hazardous waste generators Information provided by hazardous waste generators under section 473 151 and for which confidentiality is claimed is governed by section 116 075 subdivision 2

(b) Tests Trade secret information made available by applicants for certain projects of the pollution control agency is classified under section 116 54

Subd 9 Environmental quality board (a) Study data for radioactive waste disposal Access to data derived from testing or studies for the disposal of radioactive waste is governed by section 116C 724, subdivision 3

(b) **Low level radioactive waste** Certain data given to the pollution control agency by persons who generate, transport, or dispose of low level radioactive waste are classified under section 116C 840

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

RACING, GAMING DATA

13 745 PARI MUTUEL HORSE RACING CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivision 2 are codified outside this chapter. Those sections classify horse racing data as other than public, place restrictions on access to government data, or involve data sharing.

Subd 2 **Access to criminal data** (a) **Racetrack licenses** The Minnesota racing commission's access to criminal history data, in determining whether to grant a class A license, is governed by section 240 06, subdivision 3.

(b) **Racing licenses** The Minnesota racing commission's access to criminal history data, in determining whether to grant a class B license, is governed by section 240 07 subdivision 2.

(c) **Occupation licenses** The Minnesota racing commission's access to criminal history, in determining whether to grant a class C license, is governed by section 240 08, subdivision 3.

(d) **County fair licenses** The director of the Minnesota racing commission's access to criminal history data, in determining whether to grant a class D license, is governed by section 240 09, subdivision 3a.

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1-14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 746 GAMING DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 and 3 are codified outside this chapter. Those sections classify gaming data as other than public, place restrictions on access to government data, or involve data sharing.

Subd 2 **Lawful gambling, access to criminal data** The gambling control board's access to criminal history data of licensees and applicants is governed by section 349 151, subdivision 8

Subd 3 **State lottery** (a) **Access to criminal data** The state lottery director's access to criminal history data on certain persons is governed by sections 349A 06, subdivision 4, and 349A 07, subdivision 2

(b) **Lottery prize winners** Certain data on lottery prize winners are classified under section 349A 08, subdivision 9

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 75 [Renumbered 13 79, subd 2]

13 76 [Renumbered 13 596]

13 761 [Renumbered 13 605, subd 2]

13 77 [Renumbered 13 643, subd 4]

13 771 [Renumbered 13 741, subdivision 1]

13 772 [Renumbered 13 741, subd 2]

13 78 [Renumbered 13 5965]

VETERANS DATA

13 785 VETERANS DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 and 3 are codified outside this chapter Those sections classify veterans data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Department of veterans affairs** (a) **Certain veterans benefits** Access to files pertaining to claims for certain veterans benefits is governed by section 196 08

(b) **Agent Orange Information and Assistance Act** Disclosure of summary data and of the identity of a veteran about whom information is received under sections 196 19 to 196 26, is governed by section 196 25

Subd 3 **Veterans rewards and privileges, service officers** Data maintained by veterans service officers are classified under section 197 603

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10 art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

LABOR AND INDUSTRY DATA

13 79 DEPARTMENT OF LABOR AND INDUSTRY DATA

Subdivision 1 **Identity of employees making complaints** Data that identify complaining employees and that appear on complaint forms received by the department of labor and industry concerning alleged violations of the Fair Labor Standards Act, section 181 75 or 181 9641, are classified as private data

Subd 2 **Labor relations, bureau of mediation services data** (a) **Representation data** Authorization signatures or cards furnished in support of a petition filed or election conducted under sections 179 16, 179 18 to 179 25, and 179A 12, and all ballots, prior to the time of tabulation, are classified as protected nonpublic data with regard to data not on individuals pursuant to section 13 02, subdivision 13, and as confidential data on individuals with regard to data on individuals pursuant to section 13 02, subdivision 3

(b) **Mediation data** All data received or maintained by the commissioner or staff of the bureau of mediation services during the course of providing mediation services to the parties to a labor dispute under the provisions of chapter 179 are classified as protected nonpublic data with regard to data not on individuals, pursuant to section 13 02, subdivision 13, and as confidential data on individuals pursuant to section 13 02, subdivision 3, except to the extent the commissioner of the bureau of mediation services determines such data are necessary to fulfill the requirements of section 179A 16, or to identify the general nature of or parties to a labor dispute

History 1984 c 436 s 31, 1985 c 298 s 29, 1986 c 444, 1987 c 186 s 15, 1987 c 384 art 2 s 1, 1989 c 209 art 2 s 3, 1995 c 259 art 1 s 17, 1999 c 227 s 22

13 7905 LABOR AND INDUSTRY DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 6 are codified outside chapter 13 Those sections classify labor and industry data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Department of labor and industry** (a) **Workers' compensation division** Disclosure of proceedings of the workers' compensation division is governed by section 175 10

(b) **Computer access to data** Computer access to and electronic data interchange of data maintained by the department of labor and industry are governed by section 175 171

(c) **Reporters** Disclosure of the names of certain persons supplying information to the department of labor and industry is prohibited by sections 175 24 and 175 27

Subd 3 **Workers' compensation** (a) **Loggers, payroll data** Data sharing of payroll data by the commissioner of labor and industry with a workers' compensation insurer

or the workers' compensation insurance association is governed by section 176 130, subdivision 5

(b) **Medical data** Access to medical data in connection with a workers' compensation claim is governed by section 176 138

(c) **Employment status** Data sharing, between the commissioner of labor and industry and other persons, regarding the employment status of individuals, is governed by section 176 181, subdivision 8

(d) **Identity of reporters** Access to the identity of anyone reporting that an employer may not have workers' compensation insurance is governed by section 176 184, subdivision 5

(e) **Report of death or injury to labor and industry** Access to a report of worker injury or death during the course of employment filed by an employer under section 176 231 is governed by sections 176 231, subdivisions 8 and 9, and 176 234

Subd 4 **Employee organization, authorization signatures** Representation authorization signatures, contained in employee organization petitions or joint requests, are classified by section 179A 12, subdivision 6

Subd 5 **Terms of employment** (a) **Disclosure of lie detector tests** Disclosure of lie detector tests is governed by section 181 76

(b) **Identity of employees making complaints** The disclosure of the identity of employees making certain complaints is also governed by section 181 932, subdivision 2

(c) **Employee drug and alcohol test results** Test results and other information acquired in the drug and alcohol testing process, with respect to public sector employees and applicants, are classified by section 181 954, subdivision 2, and access to them is governed by section 181 954, subdivision 3

Subd 6 **Occupational safety and health** Certain data gathered or prepared by the commissioner of labor and industry as part of occupational safety and health inspections are classified under sections 182 659, subdivision 8, and 182 668, subdivision 2

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8-18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 791 REHABILITATION DATA

Subdivision 1 **General** Unless the data is summary data or is otherwise classified by statute or federal law, all data collected and maintained by the department of labor and industry or the department of economic security that pertain to individuals applying for or receiving rehabilitation services is private data on individuals

Subd 2 **Harmful data** Medical, psychological, or other rehabilitation data determined to be harmful to the individual by either the commissioner of labor and industry or the commissioner of economic security shall not be released directly to the individual but must be provided through the individual's legal representative, a physician, or a psychological practitioner

Subd 3 **Data on blind vendors** The commissioner of economic security may release the name, business address, and business telephone number of an individual licensed under section 248 07, subdivision 8 The state committee of blind vendors

organized in accordance with Code of Federal Regulations, title 34, section 395.14, has access to private data in the department of economic security on an individual licensed under section 248.07, subdivision 8, to the extent necessary to complete its duties

History 1986 c 337 s 2, 1988 c 670 s 3, 1989 c 86 s 1,2, 1991 c 255 s 19, 1992 c 464 art 1 s 3, 1993 c 13 art 1 s 11, 1994 c 483 s 1

GIFT DATA

13 792 PRIVATE DONOR GIFT DATA

The following data maintained by the Minnesota zoological garden, the University of Minnesota, the Minnesota state colleges and universities, and any related entity subject to chapter 13 are classified as private or nonpublic

(1) research information about prospects and donors gathered to aid in determining appropriateness of solicitation and level of gift request

(2) specific data in prospect lists that would identify prospects to be solicited, dollar amounts to be requested, and name of solicitor,

(3) portions of solicitation letters and proposals that identify the prospect being solicited and the dollar amount being requested,

(4) letters, pledge cards, and other responses received from donors regarding prospective gifts in response to solicitations,

(5) portions of thank you letters and other gift acknowledgment communications that would identify the name of the donor and the specific amount of the gift, pledge, or pledge payment,

(6) donor financial or estate planning information, or portions of memoranda, letters, or other documents commenting on any donor's financial circumstances, and

(7) data detailing dates of gifts, payment schedule of gifts, form of gifts, and specific gift amounts made by donors

Names of donors and gift ranges are public data

History 1988 c 670 s 4, 1993 c 351 s 15, 1996 c 395 s 18

NATURAL RESOURCE DATA

13 793 NATURAL RESOURCE DATA, MINERAL DATA

(a) **Nonpublic data** Except as provided in paragraph (b), the following data received and maintained by the commissioner of natural resources are nonpublic data

(1) a letter or other documentation from a person that is supplied to the commissioner before a public lease sale of metallic or other minerals for the purpose of making suggestions or recommendations about which state lands may be offered for public lease sale,

(2) a written report or other documentation of private analyses of a state owned or controlled drill core that is public data and is under the custody of the commissioner, or

(3) exploration data received by the commissioner under the terms of a state mineral lease

(b) **Data become public** (1) Data under paragraph (a), clause (1), become public data three years after the date the lease sale was held or, if not held, within three years after the date the lease sale was scheduled to be held. Except as provided in clause (2), data under paragraph (a), clause (2), become public data one year after receipt by the commissioner. Except as provided in clause (3) or as otherwise provided for by law, data under paragraph (a), clause (3), become public data upon termination of the state mineral lease under which the data were gathered

(2) If data under paragraph (a), clause (2), relate to private land that is under mineral lease to the person submitting the data, and the mineral lease is in force at the time the data are submitted, the data become public data only after the mineral lease is no longer in force. The person submitting the data that relate to private land that is under mineral lease shall provide to the commissioner at the time the data are submitted and annually thereafter, in a format designated by the commissioner, satisfactory evidence that the mineral lease is in effect. If, in a given year, satisfactory evidence that the mineral lease is still in effect is not provided to the commissioner before the anniversary date of receipt of the data by the commissioner, the data immediately become public data.

(3) If data under paragraph (a), clause (3), are nonpublic data under the provisions of section 103I 605, subdivision 4, clause (c), the data become public data pursuant to the provisions of section 103I 605, subdivision 4, clauses (c) and (d).

History 1989 c 182 s 1, 1991 c 228 s 1, 1995 c 259 art 1 s 18, 1999 c 227 s 22

13 7931 NATURAL RESOURCE DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 4 are codified outside this chapter. Those sections classify natural resource data as other than public, place restrictions on access to government data, or involve data sharing.

Subd 2 **Forest resource data** The development and use of forest resource data are coordinated by the interagency information cooperative established under section 89A 09.

Subd 3 **Private fish hatchery data** Information on production, harvest, and sales of aquatic life by a private fish hatchery is classified under section 97C 211, subdivision 6.

Subd 4 **Exploratory boring data** Data submitted in applying for a permit for mineral deposit evaluation and as a result of exploration are classified under sections 103I 601, subdivision 7, and 103I 605, subdivisions 2 and 4.

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 794 [Renumbered 13 392]

LAW ENFORCEMENT, JUDICIAL, CORRECTIONS, CRIMINAL JUSTICE DATA

13 80 DOMESTIC ABUSE DATA

All government data on individuals which is collected, created, received or maintained by police departments, sheriffs' offices or clerks of court pursuant to the Domestic Abuse Act, section 518B 01, are classified as confidential data, pursuant to section 13 02, subdivision 3, until a temporary court order made pursuant to subdivision 5 or 7 of section 518B 01 is executed or served upon the data subject who is the respondent to the action.

History 1981 c 311 s 23,39, 1982 c 545 s 24

13 81 [Repealed, 1985 c 298 s 45]

13 82 COMPREHENSIVE LAW ENFORCEMENT DATA

Subdivision 1 **Application** This section shall apply to agencies which carry on a law enforcement function, including but not limited to municipal police departments, county sheriff departments, fire departments, the bureau of criminal apprehension, the Minnesota state patrol the board of peace officer standards and training, the department of commerce, and the department of labor and industry fraud investigation unit, the program integrity section of, and county human service agency client and provider fraud prevention and control units operated or supervised by the department of human services

Subd 2 **Arrest data** The following data created or collected by law enforcement agencies which documents any actions taken by them to cite, arrest, incarcerate or otherwise substantially deprive an adult individual of liberty shall be public at all times in the originating agency

- (a) Time, date and place of the action,
- (b) Any resistance encountered by the agency,
- (c) Any pursuit engaged in by the agency,
- (d) Whether any weapons were used by the agency or other individual,
- (e) The charge, arrest or search warrants, or other legal basis for the action,
- (f) The identities of the agencies, units within the agencies and individual persons taking the action,
- (g) Whether and where the individual is being held in custody or is being incarcerated by the agency,
- (h) The date, time and legal basis for any transfer of custody and the identity of the agency or person who received custody,
- (i) The date, time and legal basis for any release from custody or incarceration,
- (j) The name, age, sex and last known address of an adult person or the age and sex of any juvenile person cited, arrested, incarcerated or otherwise substantially deprived of liberty,
- (k) Whether the agency employed wiretaps or other eavesdropping techniques, unless the release of this specific data would jeopardize an ongoing investigation,
- (l) The manner in which the agencies received the information that led to the arrest and the names of individuals who supplied the information unless the identities of those individuals qualify for protection under subdivision 17, and
- (m) Response or incident report number

Subd 3 **Request for service data** The following data created or collected by law enforcement agencies which documents requests by the public for law enforcement services shall be public government data

- (a) The nature of the request or the activity complained of,
- (b) The name and address of the individual making the request unless the identity of the individual qualifies for protection under subdivision 17,
- (c) The time and date of the request or complaint, and
- (d) The response initiated and the response or incident report number

Subd 4 **Audio recording of 911 call** The audio recording of a call placed to a 911 system for the purpose of requesting service from a law enforcement, fire, or medical agency is private data on individuals with respect to the individual making the call, except that a written transcript of the audio recording is public, unless it reveals the identity of an individual otherwise protected under subdivision 17. A transcript shall be prepared upon request. The person requesting the transcript shall pay the actual cost of transcribing the call, in addition to any other applicable costs provided under section 13 03, subdivision 3. The audio recording may be disseminated to law enforcement agencies for investigative purposes. The audio recording may be used for public safety and emergency medical services training purposes.

Subd 5 **Domestic abuse data** The written police report required by section 629 341, subdivision 4, of an alleged incident described in section 629 341, subdivision 1, and arrest data, request for service data, and response or incident data described in subdivision 2, 3, or 6 that arise out of this type of incident or out of an alleged violation of an order for protection must be released upon request at no cost to an organization designated by the Minnesota center for crime victims services, the department of corrections, or the department of public safety as providing services to victims of domestic abuse The executive director or the commissioner of the appropriate state agency shall develop written criteria for this designation in consultation with the advisory council on battered women and domestic abuse

Subd 6 **Response or incident data** The following data created or collected by law enforcement agencies which documents the agency's response to a request for service including, but not limited to, responses to traffic accidents, or which describes actions taken by the agency on its own initiative shall be public government data

- (a) date, time and place of the action,
- (b) agencies, units of agencies and individual agency personnel participating in the action unless the identities of agency personnel qualify for protection under subdivision 17,
- (c) any resistance encountered by the agency,
- (d) any pursuit engaged in by the agency,
- (e) whether any weapons were used by the agency or other individuals,
- (f) a brief factual reconstruction of events associated with the action,
- (g) names and addresses of witnesses to the agency action or the incident unless the identity of any witness qualifies for protection under subdivision 17,
- (h) names and addresses of any victims or casualties unless the identities of those individuals qualify for protection under subdivision 17,
- (i) the name and location of the health care facility to which victims or casualties were taken,
- (j) response or incident report number
- (k) dates of birth of the parties involved in a traffic accident,
- (l) whether the parties involved were wearing seat belts, and
- (m) the alcohol concentration of each driver

Subd 7 **Criminal investigative data** Except for the data defined in subdivisions 2, 3, and 6, investigative data collected or created by a law enforcement agency in order to prepare a case against a person, whether known or unknown, for the commission of a crime or other offense for which the agency has primary investigative responsibility is confidential or protected nonpublic while the investigation is active Inactive investigative data is public unless the release of the data would jeopardize another ongoing investigation or would reveal the identity of individuals protected under subdivision 17 Photographs which are part of inactive investigative files and which are clearly offensive to common sensibilities are classified as private or nonpublic data, provided that the existence of the photographs shall be disclosed to any person requesting access to the inactive investigative file An investigation becomes inactive upon the occurrence of any of the following events

- (a) a decision by the agency or appropriate prosecutorial authority not to pursue the case,
- (b) expiration of the time to bring a charge or file a complaint under the applicable statute of limitations, or 30 years after the commission of the offense, whichever comes earliest, or
- (c) exhaustion of or expiration of all rights of appeal by a person convicted on the basis of the investigative data

Any investigative data presented as evidence in court shall be public Data determined to be inactive under clause (a) may become active if the agency or appropriate prosecutorial authority decides to renew the investigation

During the time when an investigation is active, any person may bring an action in the district court located in the county where the data is being maintained to authorize disclosure of investigative data The court may order that all or part of the data relating to a particular investigation be released to the public or to the person bringing the action In making the determination as to whether investigative data shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the agency or to any person identified in the data The data in dispute shall be examined by the court in camera

Subd 8 Child abuse identity data Active or inactive investigative data that identify a victim of child abuse or neglect reported under section 626 556 are private data on individuals Active or inactive investigative data that identify a reporter of child abuse or neglect under section 626 556 are confidential data on individuals, unless the subject of the report compels disclosure under section 626 556, subdivision 11

Subd 9 Inactive child abuse data Investigative data that become inactive under subdivision 7, clause (a) or (b), and that relate to the alleged abuse or neglect of a child by a person responsible for the child's care, as defined in section 626 556, subdivision 2, are private data

Subd 10 Vulnerable adult identity data Active or inactive investigative data that identify a victim of vulnerable adult maltreatment under section 626 557 are private data on individuals Active or inactive investigative data that identify a reporter of vulnerable adult maltreatment under section 626 557 are private data on individuals

Subd 11 Inactive vulnerable adult maltreatment data Investigative data that becomes inactive under subdivision 7, paragraph (a) or (b), and that relate to the alleged maltreatment of a vulnerable adult by a caregiver or facility are private data on individuals

Subd 12 Name change data Data on court records relating to name changes under section 259 10, subdivision 2, which is held by a law enforcement agency is confidential data on an individual while an investigation is active and is private data on an individual when the investigation becomes inactive

Subd 13 Access to data for crime victims On receipt of a written request, the prosecuting authority shall release investigative data collected by a law enforcement agency to the victim of a criminal act or alleged criminal act or to the victim's legal representative unless the release to the individual subject of the data would be prohibited under section 13 821 or the prosecuting authority reasonably believes

(a) that the release of that data will interfere with the investigation, or

(b) that the request is prompted by a desire on the part of the requester to engage in unlawful activities

Subd 14 Withholding public data A law enforcement agency may temporarily withhold response or incident data from public access if the agency reasonably believes that public access would be likely to endanger the physical safety of an individual or cause a perpetrator to flee, evade detection or destroy evidence In such instances, the agency shall, upon the request of any person, provide a statement which explains the necessity for its action Any person may apply to a district court for an order requiring the agency to release the data being withheld If the court determines that the agency's action is not reasonable, it shall order the release of the data and may award costs and attorney's fees to the person who sought the order The data in dispute shall be examined by the court in camera

Subd 15 Public benefit data Any law enforcement agency may make any data classified as confidential or protected nonpublic pursuant to subdivision 7 accessible to any person, agency, or the public if the agency determines that the access will aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest

Subd 16 **Public access** When data is classified as public under this section, a law enforcement agency shall not be required to make the actual physical data available to the public if it is not administratively feasible to segregate the public data from the confidential. However, the agency must make the information described as public data available to the public in a reasonable manner. When investigative data becomes inactive, as described in subdivision 7, the actual physical data associated with that investigation, including the public data, shall be available for public access.

Subd 17 **Protection of identities** A law enforcement agency or a law enforcement dispatching agency working under direction of a law enforcement agency shall withhold public access to data on individuals to protect the identity of individuals in the following circumstances:

(a) when access to the data would reveal the identity of an undercover law enforcement officer, as provided in section 13 43, subdivision 5,

(b) when access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or of a violation of section 617 246, subdivision 2,

(c) when access to the data would reveal the identity of a paid or unpaid informant being used by the agency if the agency reasonably determines that revealing the identity of the informant would threaten the personal safety of the informant,

(d) when access to the data would reveal the identity of a victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly unless the agency reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual,

(e) when access to the data would reveal the identity of a deceased person whose body was unlawfully removed from a cemetery in which it was interred,

(f) when access to the data would reveal the identity of a person who placed a call to a 911 system or the identity or telephone number of a service subscriber whose phone is used to place a call to the 911 system and (1) the agency determines that revealing the identity may threaten the personal safety or property of any person, or (2) the object of the call is to receive help in a mental health emergency. For the purposes of this paragraph, a voice recording of a call placed to the 911 system is deemed to reveal the identity of the caller.

(g) when access to the data would reveal the identity of a juvenile witness and the agency reasonably determines that the subject matter of the investigation justifies protecting the identity of the witness, or

(h) when access to the data would reveal the identity of a mandated reporter under sections 626 556 and 626 557.

Data concerning individuals whose identities are protected by this subdivision are private data about those individuals. Law enforcement agencies shall establish procedures to acquire the data and make the decisions necessary to protect the identity of individuals described in clauses (c), (d), (f), and (g).

Subd 18 **Data retention** Nothing in this section shall require law enforcement agencies to create, collect or maintain data which is not required to be created, collected or maintained by any other applicable rule or statute.

Subd 19 **Data in arrest warrant indices** Data in arrest warrant indices are classified as confidential data until the defendant has been taken into custody, served with a warrant, or appears before the court, except when the law enforcement agency determines that the public purpose is served by making the information public.

Subd 20 **Property data** Data that uniquely describe stolen, lost, confiscated, or recovered property are classified as either private data on individuals or nonpublic data depending on the content of the not public data.

Subd 21 **Reward program data** To the extent that the release of program data would reveal the identity of an informant or adversely affect the integrity of the fund, financial records of a program that pays rewards to informants are protected nonpublic.

data in the case of data not on individuals or confidential data in the case of data on individuals

Subd 22 **Data on registered criminal offenders** Data described in section 243 166 shall be classified as described in that section

Subd 23 **Data in missing children bulletins** Data described in section 299C 54 shall be classified as described in that section

Subd 24 **Exchanges of information** Nothing in this chapter prohibits the exchange of information by law enforcement agencies provided the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing an investigation, except not public personnel data

Subd 25 **Deliberative processes** Data that reflect deliberative processes or investigative techniques of law enforcement agencies are confidential data on individuals or protected nonpublic data, provided that information, reports, or memoranda that have been adopted as the final opinion or justification for a decision of a law enforcement agency are public data

Subd 26 **Booking photographs** (a) For purposes of this subdivision, ‘booking photograph’ means a photograph or electronically produced image taken by law enforcement for identification purposes in connection with the arrest of a person

(b) Except as otherwise provided in this subdivision, a booking photograph is public data A law enforcement agency may temporarily withhold access to a booking photograph if the agency determines that access will adversely affect an active investigation

Subd 27 **Pawnshop data** Data that would reveal the identity of persons who are customers of a licensed pawnbroker or secondhand goods dealer are private data on individuals Data describing the property in a regulated transaction with a licensed pawnbroker or secondhand goods dealer are public

History 1979 c 328 s 21, 1981 c 311 s 36,39, 1982 c 545 s 24, 1982 c 558 s 1, 1984 c 552 s 2, 1985 c 298 s 30 36, 1986 c 444, 1988 c 625 s 1, 1989 c 177 s 1, 1989 c 351 s 12,13, 1990 c 402 s 1, 1991 c 285 s 1,2, 1991 c 319 s 9,10, 1993 c 351 s 16 18, 1994 c 618 art 1 s 14,15, 1994 c 636 art 4 s 3, 1995 c 229 art 3 s 1 3, 1995 c 231 art 2 s 2, 1995 c 259 art 1 s 19 23, art 4 s 3, 1996 c 440 art 1 s 16,17, 1997 c 85 art 5 s 1, 1998 c 371 s 4, 1999 c 227 s 22, 2000 c 445 art 2 s 1

13 821 VIDEOTAPES OF CHILD ABUSE VICTIMS

(a) Notwithstanding section 13 04, subdivision 3, an individual subject of data may not obtain a copy of a videotape in which a child victim or alleged victim is alleging, explaining, denying, or describing an act of physical or sexual abuse without a court order under section 13 03, subdivision 6, or 611A 90 The definitions of physical abuse and sexual abuse in section 626 556, subdivision 2, apply to this section, except that abuse is not limited to acts by a person responsible for the child’s care or in a significant relationship with the child or position of authority

(b) This section does not limit other rights of access to data by an individual under section 13 04, subdivision 3, other than the right to obtain a copy of the videotape, nor limit rights of access pursuant to discovery in a court proceeding

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 2,4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6 7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 822 SEXUAL ASSAULT DATA

Subdivision 1 **Definitions** (a) “Community-based program” means any office, institution, or center offering assistance to victims of sexual assault and their families through crisis intervention, medical, and legal accompaniment and subsequent counseling

(b) “Sexual assault counselor” means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is the rendering of advice, counseling, or assistance to victims of sexual assault

(c) “Victim” means a person who consults a sexual assault counselor for the purpose of securing advice, counseling, or assistance concerning a mental, physical, or emotional condition caused by a sexual assault

(d) “Sexual assault communication data” means all information transmitted in confidence between a victim of sexual assault and a sexual assault counselor and all other information received by the sexual assault counselor in the course of providing assistance to the victim. The victim shall be deemed the subject of sexual assault communication data

Subd 2 **Classification** All sexual assault communication data are classified as private data on individuals

History 1981 c 311 s 39, 1982 c 545 s 24, 1982 c 558 s 2, 1999 c 227 s 22

13 83 MEDICAL EXAMINER DATA

Subdivision 1 **Definition** As used in this section, “medical examiner data” means data relating to deceased individuals and the manner and circumstances of their death which is created, collected, used or maintained by a county coroner or medical examiner in the fulfillment of official duties pursuant to chapter 390, or any other general or local law on county coroners or medical examiners

Subd 2 **Public data** Unless specifically classified otherwise by state statute or federal law, the following data created or collected by a medical examiner or coroner on a deceased individual is public: name of the deceased, date of birth, date of death, address, sex, race, citizenship, height, weight, hair color, eye color, build, complexion, age, if known, or approximate age, identifying marks, scars and amputations, a description of the decedent’s clothing, marital status, location of death including name of hospital where applicable, name of spouse, whether or not the decedent ever served in the armed forces of the United States, occupation, business, father’s name (also birth name, if different), mother’s name (also birth name, if different), birthplace, birthplace of parents, cause of death, causes of cause of death, whether an autopsy was performed and if so, whether it was conclusive, date and place of injury, if applicable, including work place, how injury occurred, whether death was caused by accident, suicide, homicide, or was of undetermined cause, certification of attendance by physician, physician’s name and address, certification by coroner or medical examiner, name and signature of coroner or medical examiner, type of disposition of body, burial place name and location, if applicable, date of burial, cremation or removal, funeral home name and address, and name of local register or funeral director

Subd 3 **Unidentified individual, public data** A county coroner or medical examiner unable during an investigation to identify a deceased individual, may release to the public any relevant data which would assist in ascertaining identity

Subd 4 **Investigative data** Data created or collected by a county coroner or medical examiner which is part of an active investigation mandated by chapter 390, or any other general or local law relating to coroners or medical examiners is confidential data or protected nonpublic data, until the completion of the coroner’s or medical examiner’s final summary of findings but may be disclosed to a state or federal agency charged by law with investigating the death of the deceased individual about whom the medical examiner or coroner has medical examiner data. Upon completion of the coroner’s or medical examiner’s final summary of findings, the data collected in the

investigation and the final summary of it are private or nonpublic data. However, if the final summary and the death certificate indicate the manner of death is homicide, undetermined, or pending investigation and there is an active law enforcement investigation, within the meaning of section 13 82, subdivision 7, relating to the death of the deceased individual, the data remain confidential or protected nonpublic. Upon review by the county attorney of the jurisdiction in which the law enforcement investigation is active, the data may be released to persons described in subdivision 8 if the county attorney determines release would not impede the ongoing investigation. When the law enforcement investigation becomes inactive, the data are private or nonpublic data. Nothing in this subdivision shall be construed to make not public the data elements identified in subdivision 2 at any point in the investigation or thereafter.

Subd 5 Other data on deceased individuals All other medical examiner data on deceased individuals are nonpublic and shall not be disclosed except

(1) pursuant to the provisions of chapter 390, or any other general or local law on county coroners or medical examiners,

(2) to a state or federal agency charged by law with investigating the death of the deceased individual about whom the medical examiner or coroner has medical examiner data, or

(3) pursuant to a valid court order.

Subd 6 Classification of other data Unless a statute specifically provides a different classification, all other data created or collected by a county coroner or medical examiner that is not data on deceased individuals or the manner and circumstances of their death is public pursuant to section 13 03.

Subd 7 Court review Any person may petition the district court located in the county where medical examiner data is being maintained to authorize disclosure of nonpublic, protected nonpublic, or confidential medical examiner data. The petitioner shall notify the medical examiner or coroner. The court may notify other interested persons and require their presence at a hearing. A hearing may be held immediately if the parties agree, and in any event shall be held as soon as practicable. After examining the data in camera, the court may order disclosure of the data if it determines that disclosure would be in the public interest.

Subd 8 Access to nonpublic data The data made nonpublic by this section are accessible to the physician who attended the decedent at the time of death, the legal representative of the decedent's estate and to the decedent's surviving spouse, parents, children and siblings and their legal representatives.

Subd 9 Change in classification Data classified as nonpublic, protected nonpublic, or confidential by this section shall be classified as public 30 years after the date of death of the decedent.

Subd 10 Classification of certain medical examiner and coroner data Data described in sections 383B 225, subdivision 6 390 11, subdivision 7, and 390 32, subdivision 6, shall be classified as described therein.

History 1981 c 311 s 24,39, 1982 c 545 s 24, 1985 c 298 s 37, 1986 c 444, 1987 c 49 s 1, 1989 c 175 s 2, 1990 c 573 s 13 17, 1991 c 319 s 11 13, 1995 c 29 s 1,2, 1995 c 259 art 1 s 24

13 84 COURT SERVICES DATA

Subdivision 1 Definition As used in this section "court services data" means data that are created, collected, used or maintained by a court services department, parole or probation authority, correctional agency, or by an agent designated by the court to perform studies or other duties and that are on individuals who are or were defendants, parolees or probationers of a municipal, district or county court, participants in diversion programs, petitioners or respondents to a family court or juveniles adjudicated delinquent and committed, detained prior to a court hearing or hearings, or found to be dependent or neglected and placed under the supervision of the court.

Subd 2 **General** Unless the data is summary data or a statute, including sections 609 115 and 257 70, specifically provides a different classification, the following court services data are classified as private pursuant to section 13 02, subdivision 12

(a) Court services data on individuals gathered at the request of a municipal, district or county court to determine the need for any treatment, rehabilitation, counseling, or any other need of a defendant, parolee, probationer, or participant in a diversion program, and used by the court to assist in assigning an appropriate sentence or other disposition in a case,

(b) Court services data on petitioners or respondents to a family court gathered at the request of the court for purposes of, but not limited to, individual, family, marriage, chemical dependency and marriage dissolution adjustment counseling, including recommendations to the court as to the custody of minor children in marriage dissolution cases,

(c) Court services data on individuals gathered by psychologists in the course of providing the court or its staff with psychological evaluations or in the course of counseling individual clients referred by the court for the purpose of assisting them with personal conflicts or difficulties

Subd 3 **Third party information** Whenever, in the course of gathering the private data specified above, a psychologist, probation officer or other agent of the court is directed by the court to obtain data on individual defendants, parolees, probationers, or petitioners or respondents in a family court, and the source of that data provides the data only upon the condition of its being held confidential, that data and the identity of the source shall be confidential data on individuals, pursuant to section 13 02, subdivision 3

Subd 4 **Probation data** Progress reports and other reports and recommendations provided at the request of the court by parole or probation officers for the purpose of determining the appropriate legal action or disposition regarding an individual on probation are confidential data on individuals

Subd 5 **Disclosure** Private or confidential court services data shall not be disclosed except

- (a) Pursuant to section 13 05,
- (b) Pursuant to a statute specifically authorizing disclosure of court services data,
- (c) With the written permission of the source of confidential data,
- (d) To the court services department parole or probation authority or state or local correctional agency or facility having statutorily granted supervision over the individual subject of the data,
- (e) Pursuant to subdivision 6, or
- (f) Pursuant to a valid court order

Subd 6 **Public benefit data** (a) The responsible authority or its designee of a parole or probation authority or correctional agency may release private or confidential court services data related to

(1) criminal acts to any law enforcement agency, if necessary for law enforcement purposes, and

(2) criminal acts or delinquent acts to the victims of criminal or delinquent acts to the extent that the data are necessary for the victim to assert the victim's legal right to restitution

(b) A parole or probation authority, a correctional agency, or agencies that provide correctional services under contract to a correctional agency may release to a law enforcement agency the following data on defendants, parolees, or probationers current address, dates of entrance to and departure from agency programs, and dates and times of any absences, both authorized and unauthorized, from a correctional program

(c) The responsible authority or its designee of a juvenile correctional agency may release private or confidential court services data to a victim of a delinquent act to the extent the data are necessary to enable the victim to assert the victim's right to request notice of release under section 611A 06 The data that may be released include only the

name, home address, and placement site of a juvenile who has been placed in a juvenile correctional facility as a result of a delinquent act

Subd 7 **Public data** The following court services data on adult individuals is public

(a) name, age, date of birth, sex, occupation and the fact that an individual is a parolee, probationer or participant in a diversion program, and if so, at what location,

(b) the offense for which the individual was placed under supervision,

(c) the dates supervision began and ended and the duration of supervision,

(d) court services data which was public in a court or other agency which originated the data

(e) arrest and detention orders, orders for parole or probation revocation and the reasons for revocation,

(f) the conditions of parole, probation or participation and the extent to which those conditions have been or are being met,

(g) identities of agencies, units within agencies and individuals providing supervision, and

(h) the legal basis for any change in supervision and the date, time and locations associated with the change

Subd 8 **Limitation** Nothing in this section shall limit public access to data made public by section 13 82

Subd 9 **Child abuse data, release to child protective services** A court services agency may release private or confidential data on an active case involving assessment or investigation of actions that are defined as sexual abuse, physical abuse, or neglect under section 626 556 to a local welfare agency if

(1) the local welfare agency has an active case involving a common client or clients who are the subject of the data, and

(2) the data are necessary for the local welfare agency to effectively process the agency's case, including investigating or performing other duties relating to the case required by law

Court services data disclosed under this subdivision may be used only for purposes of the active case described in clause (1) and may not be further disclosed to any other person or agency, except as authorized by law

History 1981 c 311 s 39, 1982 c 545 s 18,24, 1985 c 298 s 38,39, 1988 c 670 s 5,6, 1989 c 278 s 1, 1990 c 573 s 18, 1990 c 579 s 1, 1991 c 319 s 14, 1994 c 618 art 1 s 16, 1999 c 227 s 22, 2000 c 468 s 15

13 841 COURT SERVICES DATA CODED ELSEWHERE

Subdivision 1 **Scope** The section referred to in subdivision 2 is codified outside this chapter This section classifies court services data as other than public, places restrictions on access to government data, or involves data sharing

Subd 2 **Name changes of protected witnesses and victims** Court records of name changes of participants in a witness and victim protection program are governed by section 259 10, subdivision 2

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2 1998 c 371 s 6,7 1998 c 373 s 1, 1998 c 382 art 2 s 1 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 85 CORRECTIONS AND DETENTION DATA

Subdivision 1 **Definition** As used in this section, 'corrections and detention data' means data on individuals created, collected, used or maintained because of their lawful confinement or detainment in state reformatories, prisons and correctional facilities, municipal or county jails, lockups, work houses, work farms and all other correctional and detention facilities

Subd 2 **Corrections and detention private data** Unless the data are summary data or arrest data, or a statute specifically provides a different classification, corrections and detention data on individuals are classified as private pursuant to section 13 02, subdivision 12, to the extent that the release of the data would either (a) disclose medical, psychological, or financial information, or personal information not related to their lawful confinement or detainment or (b) endanger an individual's life

Subd 3 **Corrections and detention confidential data** Corrections and detention data are confidential, pursuant to section 13 02, subdivision 3, to the extent that release of the data would (a) endanger an individual's life, (b) endanger the effectiveness of an investigation authorized by statute and relating to the enforcement of rules or law, (c) identify a confidential informant, or (d) clearly endanger the security of any institution or its population

Subd 4 **Corrections and detention public data** After any presentation to a court, any data made private or confidential by this section shall be public to the extent reflected in court records

Subd 5 **Corrections and detention public benefit data** The responsible authority or its designee of any agency that maintains corrections and detention data may release private or confidential corrections and detention data to any law enforcement agency, if necessary for law enforcement purposes, or to the victim of a criminal act where the data are necessary for the victim to assert the victim's legal right to restitution

History 1981 c 311 s 39, 1982 c 545 s 17,24, 1988 c 670 s 7, 1998 c 371 s 5, 1999 c 227 s 22

13 851 CORRECTIONS AND DETENTION DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 8 are codified outside this chapter Those sections classify corrections and detention data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Blood test results** Blood test results obtained under sections 241 33 to 241 342 are classified under section 241 339

Subd 3 **Sex offender treatment information** Access to sex offender treatment information prepared by sex offender treatment facilities by the commissioner of corrections is governed by section 241 67, subdivision 9

Subd 4 **Predatory offenders (a) Use of information** Data provided under section 243 166, subdivision 7, are classified under that section

(b) **Availability of information** Requests to treat offender information as private is governed by section 243 166, subdivision 7a

Subd 5 **Sex offenders, civil commitment determination, commissioner of corrections** Data provided to the county attorney under section 244 05, subdivision 7, are governed by that section

Subd 6 **Predatory offenders, end of confinement review committee** Certain data classified under chapter 13 are made accessible to the end of confinement review committee in state correctional facilities under section 244 052

Subd 7 **Registration of predatory offenders, data sharing** Release of information about predatory offenders to certain persons under the community notification provisions of section 244 052 is governed by section 244 053, subdivision 2

Subd 8 **Release of predatory offenders** Release of information about persons convicted of an offense which requires registration as a predatory offender under

section 243 166 and who are released on probation is governed by section 244 10, subdivision 2a

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59 1995 c 229 art 4 s 3 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2, 2000 c 422 s 2

13 855 CORRECTIONS OMBUDSMAN DATA

Subdivision 1 **Private data** The following data maintained by the ombudsman for corrections are classified as private, pursuant to section 13 02, subdivision 12

(a) All data on individuals pertaining to contacts made by clients seeking the assistance of the ombudsman, except as specified in subdivisions 2 and 3,

(b) Data recorded from personal and phone conversations and in correspondence between the ombudsman's staff and persons interviewed during the course of an investigation,

(c) Client index cards,

(d) Case assignment data, and

(e) Monthly closeout data

Subd 2 **Confidential data** The following data maintained by the ombudsman are classified as confidential, pursuant to section 13 02, subdivision 3 the written summary of the investigation to the extent it identifies individuals

Subd 3 **Public data** The following data maintained by the ombudsman are classified as public, pursuant to section 13 02, subdivision 15 client name, client location, and the inmate identification number assigned by the department of corrections

Subd 4 **Access to data** The ombudsman for corrections has access to corrections and detention data and medical data as provided under section 241 441

History 1981 c 311 s 33,39, 1982 c 545 s 24, 1999 c 227 s 22

13 86 INVESTIGATIVE DETENTION DATA

Subdivision 1 **Definition** As used in this section, investigative detention data' means government data created, collected, used or maintained by the state correctional facilities, municipal or county jails, lockups, work houses, work farms and other correctional and detention facilities which (a) if revealed, would disclose the identity of an informant who provided information about suspected illegal activities, and (b) if revealed, is likely to subject the informant to physical reprisals by others

Subd 2 **General** Investigative detention data is confidential and shall not be disclosed except

(a) Pursuant to section 13 05 or any other statute,

(b) Pursuant to a valid court order, or

(c) To a party named in a civil or criminal proceeding, whether administrative or judicial, to the extent required by the relevant rules of civil or criminal procedure

History 1979 c 102 s 13, 1980 c 603 s 22, 1981 c 311 s 20,39, 1982 c 545 s 24

13 861 SECURITY SERVICE DATA

Subdivision 1 **Definitions** As used in this section

(a) "Security service" means an organization that provides security services to a state agency or political subdivision as a part of the governmental entity or under contract to it. Security service does not include a law enforcement agency.

(b) "Security service data" means all data collected, created, or maintained by a security service for the purpose of providing security services.

Subd 2 **Classification** Security service data that are similar to the data described as request for service data and response or incident data in section 13 82, subdivisions 3 and 4, are public. If personnel of a security service make a citizen's arrest, then any security service data that are similar to the data described as arrest data in section 13 82, subdivision 2, are public. If a security service participates in but does not make an arrest it shall, upon request, provide data that identify the arresting law enforcement agency. All other security service data are security information pursuant to section 13 37.

History 1993 c 351 s 19

13 87 CRIMINAL JUSTICE DATA

Subdivision 1 **Criminal history data** (a) **Definition** For purposes of this subdivision, "criminal history data" means all data maintained in criminal history records compiled by the bureau of criminal apprehension and disseminated through the criminal justice information system, including, but not limited to fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, custody and supervision data.

(b) **Classification** Criminal history data maintained by agencies, political subdivisions and statewide systems are classified as private, pursuant to section 13 02, subdivision 12, except that data created, collected, or maintained by the bureau of criminal apprehension that identify an individual who was convicted of a crime and the offense of which the individual was convicted are public data for 15 years following the discharge of the sentence imposed for the offense.

The bureau of criminal apprehension shall provide to the public at the central office of the bureau the ability to inspect in person, at no charge, through a computer monitor the criminal conviction data classified as public under this subdivision.

(c) **Limitation** Nothing in paragraph (a) or (b) shall limit public access to data made public by section 13 82.

Subd 2 **Firearms data** All data pertaining to the purchase or transfer of firearms and applications for permits to carry firearms which are collected by state agencies, political subdivisions or statewide systems pursuant to sections 624 712 to 624 719 are classified as private, pursuant to section 13 02, subdivision 12.

History 1981 c 311 s 20,39, 1982 c 545 s 16,24, 1987 c 384 art 2 s 1, 1993 c 171 s 2, 1993 c 326 art 11 s 1, 1999 c 227 s 22

13 871 CRIMINAL JUSTICE DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 8 are codified outside this chapter. Those sections classify criminal justice data as other than public, place restrictions on access to government data, or involve data sharing.

Subd 2 **Controlled substance convictions** Data on certain convictions for controlled substances offenses may be expunged under section 152 18, subdivision 3.

Subd 3 **Criminal code** (a) **Sources of presentence investigation reports** Disclosure of confidential sources in presentence investigation reports is governed by section 609 115, subdivision 4.

(b) **Domestic abuse investigation report** Data contained in domestic abuse investigation reports are classified under section 609 2244.

(c) **Use of motor vehicle to patronize prostitutes** Use of a motor vehicle in the commission of an offense under section 609 324 is noted on the offender's driving records and the notation is classified pursuant to section 609 324, subdivision 5

(d) **Sex offender assessment** Assessor access to data relevant to sex offender assessments is governed under section 609 3452

(e) **Sexual assault crime victims** Data on sexual assault victims are governed by section 609 3471

(f) **Data for assessment of offenders** Access to data for the purpose of a mental health assessment of a convicted harassment offender is governed by section 609 749, subdivision 6

Subd 4 **Public defenders** (a) **Disclosure of financial information** Disclosure of financial information provided by a defendant seeking public defender services is governed by section 611 17

(b) **Criminal justice data** Access to the criminal justice data network is governed by section 611 272

Subd 5 **Crime victims** (a) **Crime victim notice of release** Data on crime victims who request notice of an offender's release are classified under section 611A 06

(b) **Sex offender HIV tests** Results of HIV tests of sex offenders under section 611A 19, subdivision 2, are classified under that section

(c) **Battered women** Data on battered women maintained by grantees for emergency shelter and support services for battered women are governed by section 611A 32, subdivision 5

(d) **Victims of domestic abuse** Data on battered women and victims of domestic abuse maintained by grantees and recipients of per diem payments for emergency shelter for battered women and support services for battered women and victims of domestic abuse are governed by sections 611A 32, subdivision 5, and 611A 371, subdivision 3

(e) **Crime victim claims for reparations** Claims and supporting documents filed by crime victims seeking reparations are classified under section 611A 57, subdivision 6

(f) **Crime victim ombudsman** Data maintained by the crime victim ombudsman are classified under section 611A 74, subdivision 2

Subd 6 **Training, investigation, apprehension, reports** (a) **Reports of gunshot wounds** Disclosure of the name of a person making a report under section 626 52 subdivision 2 is governed by section 626 53

(b) **Child abuse report records** Data contained in child abuse report records are classified under section 626 556

(c) **Interstate data exchange** Disclosure of child abuse reports to agencies of another state is classified under section 626 556, subdivision 10g

(d) **Release to family court services** Release of child abuse data to a court services agency is authorized under section 626 556, subdivision 10h

(e) **Release of data to mandated reporters** Release of child abuse data to mandated reporters who have an ongoing responsibility for the health, education, or welfare of a child affected by the data is authorized under section 626 556, subdivision 10j

(f) **Release of child abuse investigative records to other counties** Release of child abuse investigative records to local welfare agencies is authorized under section 626 556, subdivision 10k

(g) **Classifying and sharing records and reports of child abuse** The classification of child abuse data and the sharing of records and reports of child abuse by and between local welfare agencies and law enforcement agencies are governed under section 626 556, subdivision 11

(h) **Disclosure of information not required in certain cases** Disclosure of certain data obtained from interviewing a minor is governed by section 626 556, subdivision 11a

(i) **Data received from law enforcement** Classifying child abuse data received by certain agencies from law enforcement agencies is governed under section 626 556, subdivision 11b

(j) **Disclosure in child fatality cases** Disclosure of information relating to a child fatality is governed under section 626 556, subdivision 11d

(k) **Reports of alcohol abuse** Data on persons making reports under section 626 5563 are classified under section 626 5563, subdivision 5

(l) **Vulnerable adult report records** Data contained in vulnerable adult report records are classified under section 626 557, subdivision 12b

(m) **Adult protection team information sharing** Sharing of local welfare agency vulnerable adult data with a protection team is governed by section 626 5571, subdivision 3

(n) **Child protection team** Data acquired by a case consultation committee or subcommittee of a child protection team are classified by section 626 558, subdivision 3

(o) **Child maltreatment reports peer review panel** Sharing data of cases reviewed by the panel is governed under section 626 5593, subdivision 2

(p) **Peace officer discipline procedures** Access by an officer under investigation to the investigating agency's investigative report on the officer is governed by section 626 89, subdivision 6

Subd 7 **Domestic abuse police reports** Police reports on domestic incidents are classified under section 629 341

Subd 8 **Board of pardons records** Access to board of pardons records is governed by section 638 07

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1 1994 c 589 s 1 1994 c 616 s 1 1994 c 618 art 1 s 17 art 2 s 9 64, 1994 c 632 art 2 s 10 art 3 s 17 1994 c 636 art 4 s 4 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27 art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18 art 2 s 1 14 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1 1997 c 218 s 1 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2, 2000 c 445 art 2 s 2

13 875 JUVENILE JUSTICE DATA CODED ELSEWHERE

Subdivision 1 **Scope** The sections referred to in subdivisions 2 to 5 are codified outside this chapter Those sections classify juvenile justice data as other than public, place restrictions on access to government data, or involve data sharing

Subd 2 **Peace officers, court services, and corrections records of juveniles** Inspection and maintenance of juvenile records held by police and the commissioner of corrections and disclosure to school officials of court services data on juveniles adjudicated delinquent are governed by section 260B 171

Subd 3 **Juvenile sex offenders** Certain data on children classified under chapters 13, 144, 260B, and 626 are made accessible to persons assessing whether a child adjudicated a sex offender is in need of and amenable to sex offender treatment under section 260B 198

Subd 4 **Court records** Court records of dispositions involving placement outside this state are classified under section 260B 235, subdivision 8

Subd 5 **Information for child placement** Certain data on children classified under chapters 13, 144, and 260C are made accessible to agencies with the legal responsibility for the residential placement of a child under section 260C 208

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2

13 88 COMMUNITY DISPUTE RESOLUTION CENTER DATA

The guidelines shall provide that all files relating to a case in a community dispute resolution program are to be classified as private data on individuals, pursuant to section 13 02, subdivision 12, with the following exceptions

(1) When a party to the case has been formally charged with a criminal offense, the data are to be classified as public data on individuals, pursuant to section 13 02, subdivision 15

(2) Data relating to suspected neglect or physical or sexual abuse of children or maltreatment of vulnerable adults are to be subject to the reporting requirements of sections 626 556 and 626 557

History 1984 c 654 art 2 s 39, 1995 c 229 art 4 s 2

13 89 DISSEMINATION OF DATA TO PROTECTION AND ADVOCACY SYSTEMS

Subdivision 1 **Mental retardation** Data on clients and residents of facilities or programs licensed pursuant to sections 144 50 to 144 58 245A 01 to 245A 16 and 252 28 subdivision 2 may be disseminated to the protection and advocacy system established in this state pursuant to Part C of Public Law Number 98 527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities or programs for these persons if

(1) the protection and advocacy system receives a complaint by or on behalf of that person, and

(2) the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person

Subd 2 **Mental illness or emotional impairment** Data on an individual who has significant mental illness or emotional impairment and who is an inpatient or resident in a facility rendering care or treatment may be disseminated to the protection and advocacy system established in this state pursuant to Public Law Number 99 319 to protect the rights of mentally ill individuals if

(1) the protection and advocacy system receives a complaint by or on behalf of the person or there is probable cause to believe that the person has been subjected to abuse or neglect, as defined in Public Law Number 99 319,

(2) the person is by reason of a mental or physical condition unable to authorize the system to have access to data, and

(3) the person does not have a legal guardian or the state is the legal guardian of the person

History 1985 c 298 s 42, 1987 c 236 s 1, 1989 c 209 art 2 s 1, 1995 c 259 art 1 s 25

13 90 JUDICIARY EXEMPT

Subdivision 1 Definition For purposes of this section, “judiciary” means any office, officer, department, division, board, commission, committee, or agency of the courts of this state, whether or not of record, including but not limited to the board of law examiners, the lawyer’s professional responsibility board, the board of judicial standards, the lawyer’s trust account board, the state law library, the state court administrator’s office, the district court administrator’s office, and the office of the court administrator

Subd 2 Exemption The judiciary is not governed by this chapter. Access to data of the judiciary is governed by rules adopted by the supreme court.

History 1985 c 298 s 44, 1Sp1986 c 3 art 1 s 82, 1995 c 259 art 1 s 26

13 99 OTHER GOVERNMENT DATA PROVISIONS

Subdivision 1 Provisions coded in other chapters The laws enumerated in this section are codified outside of this chapter and classify government data as other than public or place restrictions on access to government data. Except for records of the judiciary, the definitions and general provisions in sections 13 01 to 13 07 and the remedies and penalties provided in sections 13 08 and 13 09 also apply to data and records listed in this section and to other provisions of statute that provide access to government data and records or rights regarding government data similar to those established by section 13 04.

Subd 2 [Repealed, 1996 c 305 art 1 s 2]

Subd 3 [Renumbered 13 606, subd 4]

Subd 3a [Renumbered 13 602, subd 2, para (b)]

Subd 4 [Renumbered 13 607, subd 2]

Subd 5 [Renumbered 13 607 subd 3]

Subd 5a [Renumbered 13 607, subd 4]

Subd 6 [Renumbered 13 6401, subd 2, para (b)]

Subd 6a [Renumbered 13 6401, subd 5]

Subd 6b [Renumbered 13 6435, subd 2, para (a)]

Subd 6c [Renumbered 13 6435, subd 2, para (b)]

Subd 6d [Renumbered 13 6435, subd 2, para (e)]

Subd 6e [Renumbered 13 6435, subd 2, para (d)]

Subd 7 [Renumbered 13 6435, subd 3, para (b)]

Subd 7a [Renumbered 13 6435, subd 5]

Subd 7b [Renumbered 13 6435, subd 6]

Subd 8 [Renumbered 13 6435, subd 8, para (a)]

Subd 8a [Renumbered 13 6435, subd 8, para (b)]

Subd 9 [Renumbered 13 6435, subd 9]

Subd 10 [Renumbered 13 6435, subd 10]

Subd 11 [Renumbered 13 598, subd 2]

Subd 11a [Renumbered 13 712, subd 2]

Subd 11b [Renumbered 13 713, subd 2, para (a)]

Subd 12 [Renumbered 13 713, subd 2, para (b)]

Subd 12a [Renumbered 13 713, subd 3, para (a)]

- Subd 13 [Repealed, 1997 c 157 s 72]
- Subd 13a [Renumbered 13 713, subd 4]
- Subd 14 [Renumbered 13 716, subd 2]
- Subd 14a [Renumbered 13 716, subd 4]
- Subd 14b [Renumbered 13 716, subd 3]
- Subd 14c [Renumbered 13 716, subd 5]
- Subd 15 [Renumbered 13 716, subd 6]
- Subd 15a [Renumbered 13 716, subd 7]
- Subd 16 [Renumbered 13 7191, subd 2]
- Subd 17 [Renumbered 13 7191, subd 3, para (a)]
- Subd 17a [Renumbered 13 7191, subd 9, para (a)]
- Subd 17b [Renumbered 13 7191, subd 3, para (b)]
- Subd 18 [Renumbered 13 7191, subd 4]
- Subd 18a [Renumbered 13 7191, subd 5]
- Subd 18b [Renumbered 13 7191, subd 6]
- Subd 18c [Renumbered 13 7191, subd 7]
- Subd 18d [Renumbered 13 7191, subd 8]
- Subd 19 [Renumbered 13 7191, subd 9, para (b)]
- Subd 19a [Renumbered 13 717, subd 2]
- Subd 19b [Renumbered 13 717, subd 3]
- Subd 19c [Renumbered 13 717, subd 5]
- Subd 19d [Renumbered 13 7191, subd 12, para (a)]
- Subd 19e [Renumbered 13 7191, subd 12, para (b)]
- Subd 19f [Renumbered 13 7191, subd 11]
- Subd 19g [Repealed, 1998 c 254 art 1 s 3]
- Subd 19h [Renumbered 13 717, subd 9]
- Subd 19i [Renumbered 13 717, subd 8]
- Subd 19j [Renumbered 13 7191, subd 14, para (b)]
- Subd 19k [Renumbered 13 7191 subd 10]
- Subd 19l [Renumbered 13 7191, subd 14, para (a)]
- Subd 19m [Repealed 1999 c 245 art 2 s 45]
- Subd 20 [Renumbered 13 7191, subd 15]
- Subd 20a [Renumbered 13 7191, subd 16, para (a)]
- Subd 20b [Renumbered 13 7191, subd 16, para (b)]
- Subd 20c [Renumbered 13 7191, subd 18, para (a)]
- Subd 21 [Renumbered 13 7191, subd 18, para (b)]
- Subd 21a [Renumbered 13 7931, subd 4]
- Subd 21b [Renumbered 13 7411, subd 4, para (a)]
- Subd 21c [Renumbered 13 7411, subd 4, para (c)]
- Subd 21d [Repealed, 1997 c 7 art 1 s 1]
- Subd 21e [Renumbered 13 7411, subd 4, para (a)]
- Subd 22 [Renumbered 13 7411, subd 5]
- Subd 23 [Renumbered 13 7411, subd 5, para (b)]
- Subd 24 [Renumbered 13 7411, subds 4, para (b) and (c)]
- Subd 24a [Repealed, 1997 c 7 art 1 s 2]

- Subd 24b [Renumbered 13 7411 subd 6]
- Subd 24c [Renumbered 13 7411, subd 7]
- Subd 25 [Renumbered 13 7411, subd 8, para (a)]
- Subd 26 [Renumbered 13 7411, subd 8, para (b)]
- Subd 27 [Renumbered 13 7411, subd 9, para (b)]
- Subd 27a [Renumbered 13 598, subd 3]
- Subd 27b [Renumbered 13 598, subd 4]
- Subd 27c [Renumbered 13 598, subd 5]
- Subd 27d [Renumbered 13 321, subd 7, para (a)]
- Subd 27e [Renumbered 13 321, subd 4, para (b)]
- Subd 27f [Renumbered 13 321, subd 5]
- Subd 28 [Renumbered 13 322, subd 3, para (b)]
- Subd 28a [Renumbered 13 322, subd 3, para (c)]
- Subd 28b [Renumbered 13 381, subd 3]
- Subd 29 [Renumbered 13 401, subd 2]
- Subd 29a [Renumbered 13 3806, subd 4, para (a)]
- Subd 29b [Renumbered 13 3806, subd 3]
- Subd 29c [Renumbered 13 381, subd 4]
- Subd 30 [Renumbered 13 3806, subd 4, para (b)]
- Subd 31 [Renumbered 13 3806, subd 4, para (c)]
- Subd 31a [Renumbered 13 3806, subd 4, para (d)]
- Subd 32 [Renumbered 13 3806, subd 4, para (e)]
- Subd 33 [Renumbered 13 3806, subd 9]
- Subd 34 [Renumbered 13 3806, subd 10]
- Subd 35 [Renumbered 13 381, subd 5]
- Subd 35a [Renumbered 13 381 subd 6]
- Subd 35b [Renumbered 13 3806 subd 12]
- Subd 35c [Renumbered 13 3806, subd 13]
- Subd 36 [Renumbered 13 3806, subd 14]
- Subd 37 [Renumbered 13 381, subd 7]
- Subd 38 [Renumbered 13 381, subd 8]
- Subd 38a [Renumbered 13 381, subd 12]
- Subd 38b [Renumbered 13 381, subd 17]
- Subd 39 [Renumbered 13 411, subd 2]
- Subd 39a [Repealed, 1996 c 305 art 1 s 6]
- Subd 39b [Renumbered 13 383, subd 2]
- Subd 40 [Renumbered 13 3806, subd 18]
- Subd 41 [Renumbered 13 381, subd 13]
- Subd 42 [Renumbered 13 381, subd 14]
- Subd 42a [Renumbered 13 383, subd 4, paras (a),(b)]
- Subd 42b [Renumbered 13 383, subd 4, para (d)]
- Subd 43 [Renumbered 13 383, subd 4, para (e)]
- Subd 44 [Renumbered 13 383, subd 4, paras (a),(c)]
- Subd 45 [Renumbered 13 383, subd 6]
- Subd 46 [Renumbered 13 383, subd 7, para (a)]

- Subd 47 [Renumbered 13 383, subd 7, para (c)]
- Subd 48 [Renumbered 13 383, subd 7, para (d)]
- Subd 48a [Renumbered 13 411, subd 4]
- Subd 49 [Renumbered 13 383, subd 9, paras (a) (c)]
- Subd 50 [Renumbered 13 383, subd 10, para (a)]
- Subd 51 [Renumbered 13 383, subd 10, para (a)]
- Subd 52 [Renumbered 13 383, subd 11, para (a)]
- Subd 52a [Renumbered 13 383, subd 12,16]
- Subd 52b [Renumbered 13 383, subd 11, para (a)]
- Subd 53 [Renumbered 13 383, subd 13, paras (a),(b)]
- Subd 53a [Renumbered 13 871, subd 2]
- Subd 53b [Renumbered 13 383, subd 16, paras (a),(b)]
- Subd 54 [Renumbered 13 6905, subd 3]
- Subd 54a [Renumbered 13 6905 subd 5]
- Subd 54b [Renumbered 13 6905, subd 6]
- Subd 55 [Renumbered 13 6905, subd 7]
- Subd 56 [Renumbered 13 6905, subd 10]
- Subd 56a [Renumbered 13 6905, subd 11]
- Subd 57 [Renumbered 13 6905 subd 4]
- Subd 57a [Renumbered 13 721, subd 2]
- Subd 57b [Renumbered 13 721, subd 3]
- Subd 58 [Renumbered 13 7905, subd 2, para (c)]
- Subd 58a [Renumbered 13 7905, subd 3, para (b)]
- Subd 58b [Renumbered 13 7905, subd 3, para (d)]
- Subd 59 [Renumbered 13 7905, subd 3, para (e)]
- Subd 59a [Renumbered 13 7905, subd 5, para (c)]
- Subd 59b [Renumbered 13 7905, subd 5, para (b)]
- Subd 60 [Renumbered 13 7905, subd 6]
- Subd 61 [Renumbered 13 7905, subd 5 para (c)]
- Subd 62 [Renumbered 13 785, subd 2 para (a)]
- Subd 63 [Renumbered 13 785 subd 3]
- Subd 63a [Renumbered 13 607, subd 6]
- Subd 64 [Renumbered 13 411, subd 2, para (a)]
- Subd 64a [Renumbered 13 411, subd 2, para (b)]
- Subd 65 [Renumbered 13 681, subd 2]
- Subd 65a [Renumbered 13 681, subd 4]
- Subd 65b [Renumbered 13 721, subd 4]
- Subd 65c [Renumbered 13 721, subd 6]
- Subd 65d [Renumbered 13 6435, subd 11]
- Subd 65e [Renumbered 13 851, subd 4]
- Subd 66 [Renumbered 13 461, subd 2, para (b)]
- Subd 67 [Renumbered 13 461, subd 3, para (b)]
- Subd 68 [Renumbered 13 461, subd 4]
- Subd 68a [Renumbered 13 461, subd 6]
- Subd 69 [Renumbered 13 461, subd 8]

MINNESOTA STATUTES 2000

- Subd 70 [Renumbered 13 461, subd 9]
- Subd 71 [Repealed, 1995 c 186 s 7]
- Subd 72 [Renumbered 13 461, subd 12]
- Subd 73 [Renumbered 13 461, subd 15]
- Subd 74 [Renumbered 13 461, subd 16]
- Subd 74a [Renumbered 13 381, subd 17]
- Subd 74b [Renumbered 13 461, subd 24]
- Subd 74c [Renumbered 13 461, subd 21]
- Subd 75 [Renumbered 13 465, subd 3]
- Subd 76 [Renumbered 13 465, subd 4]
- Subd 76a [Renumbered 13 841, subd 2]
- Subd 76b [Renumbered 13 465, subd 6]
- Subd 77 [Renumbered 13 465, subd 7]
- Subd 78 [Renumbered 13 465, subd 8]
- Subd 79 [Renumbered 13 875, subd 2]
- Subd 79a [Renumbered 13 875, subd 4]
- Subd 80 [Renumbered 13 475, subd 4]
- Subd 81 [Renumbered 13 319, subd 5]
- Subd 81a [Renumbered 13 475, subd 5]
- Subd 81b [Renumbered 13 475, subd 6]
- Subd 82 [Renumbered 13 475, subd 7]
- Subd 83 [Renumbered 13 475, subd 9]
- Subd 84 [Renumbered 13 4961, subd 3]
- Subd 85 [Renumbered 13 4963, subd 2]
- Subd 85a [Renumbered 13 4965, subd 2]
- Subd 86 [Renumbered 13 4965, subd 3]
- Subd 86a [Renumbered 13 4967, subd 2]
- Subd 86b [Renumbered 13 4967, subd 3]
- Subd 87 [Renumbered 13 4967, subd 4]
- Subd 88 [Renumbered 13 4967, subd 5]
- Subd 89 [Renumbered 13 4967, subd 7]
- Subd 89a [Renumbered 13 6905, subd 12]
- Subd 90 [Renumbered 13 6905, subd 13]
- Subd 90a [Renumbered 13 6905, subd 18]
- Subd 90b [Renumbered 13 6905, subd 14]
- Subd 90c [Renumbered 13 6905, subd 23]
- Subd 91 [Renumbered 13 6905, subd 26]
- Subd 91a [Renumbered 13 6905, subd 27]
- Subd 92 [Renumbered 13 6905, subd 30]
- Subd 92a [Renumbered 13 6905, subd 32]
- Subd 92b [Renumbered 13 487, subd 3]
- Subd 92c [Renumbered 13 4967, subd 6, para (b)]
- Subd 92d [Renumbered 13 746, subd 3, para (b)]
- Subd 92e [Renumbered 13 485, subd 4]
- Subd 92f [Renumbered 13 487, subd 4]

- Subd 92g [Renumbered 13 746, subd 3, para (b)]
- Subd 93 [Renumbered 13 552, subd 4]
- Subd 94 [Renumbered 13 552, subd 6]
- Subd 94a [Renumbered 13 202, subd 2]
- Subd 95 [Renumbered 13 202, subd 3, para (a)]
- Subd 95a [Renumbered 13 202, subd 3, para (b)]
- Subd 96 [Renumbered 13 202, subd 4]
- Subd 96a [Renumbered 13 202, subd 5]
- Subd 96b [Renumbered 13 202, subd 6]
- Subd 96c [Renumbered 13 202, subd 7]
- Subd 96d [Renumbered 13 5401, subd 2]
- Subd 97 [Repealed, 1996 c 471 art 7 s 34]
- Subd 97a [Renumbered 13 598, subd 6, para (a)]
- Subd 97b [Renumbered 13 202, subd 10]
- Subd 98 [Renumbered 13 202, subd 9, para (a)]
- Subd 98a [Renumbered 13 202, subd 11, para (c)]
- Subd 98b [Renumbered 13 202, subd 11, para (d)]
- Subd 99 [Renumbered 13 202, subd 11, para (e)]
- Subd 100 [Renumbered 13 202, subd 12]
- Subd 100a [Renumbered 13 465, subd 12]
- Subd 101 [Renumbered 13 465, subd 11]
- Subd 101a [Renumbered 13 465, subd 13]
- Subd 101b [Renumbered 13 469, subd 2]
- Subd 101c [Renumbered 13 465, subd 14]
- Subd 101d [Renumbered 13 465, subd 2]
- Subd 102 [Renumbered 13 6435, subd 12]
- Subd 103 [Renumbered 13 871, subd 3, para (a)]
- Subd 104 [Renumbered 13 871, subd 3, para (c)]
- Subd 105 [Renumbered 13 871, subd 3, para (e)]
- Subd 105a [Renumbered 13 871, subd 3, para (f)]
- Subd 106 [Renumbered 13 871, subd 4]
- Subd 107 [Renumbered 13 871, subd 5, para (a)]
- Subd 107a [Renumbered 13 871, subd 5, para (b)]
- Subd 108 [Renumbered 13 871, subd 5, para (c)]
- Subd 109 [Renumbered 13 871, subd 5, para (d)]
- Subd 110 [Renumbered 13 871, subd 5, para (e)]
- Subd 110a [Renumbered 13 821]
- Subd 111 [Renumbered 13 871, subd 6, para (a)]
- Subd 112 [Renumbered 13 871, subd 6, para (b)]
- Subd 112a [Renumbered 13 871, subd 6, para (k)]
- Subd 113 [Renumbered 13 871, subd 6, para (l)]
- Subd 113a [Renumbered 13 871, subd 6, para (n)]
- Subd 114 [Renumbered 13 871, subd 6, para (p)]
- Subd 114a [Renumbered 13 871, subd 7]

MINNESOTA STATUTES 2000

Subd 115 [Renumbered 13 717, subd 8]

History 1991 c 106 s 6, 1992 c 511 art 7 s 1, 1992 c 569 s 4, 1993 c 13 art 1 s 12, 1993 c 65 s 1, 1993 c 177 s 1, 1993 c 240 s 1, 1993 c 326 art 2 s 1, 1993 c 345 art 3 s 18, 1993 c 351 s 20 22, 1994 c 483 s 1, 1994 c 589 s 1, 1994 c 616 s 1, 1994 c 618 art 1 s 17, art 2 s 9 64, 1994 c 632 art 2 s 10, art 3 s 17, 1994 c 636 art 4 s 4, 1995 c 142 s 1, 1995 c 155 s 1,2, 1995 c 186 s 8, 1995 c 212 art 3 s 59, 1995 c 229 art 4 s 3, 1995 c 234 art 5 s 1, 1995 c 259 art 1 s 27, art 4 s 4, art 5 s 1 51, 1996 c 305 art 1 s 3 5, 1996 c 334 s 1, 1996 c 408 art 9 s 1, 1996 c 415 s 1, 1996 c 440 art 1 s 18, art 2 s 1 14, 1996 c 471 art 7 s 1, 1997 c 7 art 1 s 3, 1997 c 22 art 2 s 1,8, 1997 c 66 s 79, 1997 c 129 art 2 s 15, 1997 c 193 s 1, 1997 c 199 s 14, 1997 c 202 art 2 s 63, 1997 c 203 art 6 s 2, 1997 c 215 s 1, 1997 c 218 s 1, 1997 c 239 art 8 s 1, 1Sp1997 c 3 s 8 18, 1998 c 273 s 1, 1998 c 361 s 1, 1998 c 367 art 11 s 2, 1998 c 371 s 6,7, 1998 c 373 s 1, 1998 c 382 art 2 s 1, 1998 c 397 art 11 s 3, 1998 c 407 art 2 s 1, 1999 c 99 s 23, 1999 c 139 art 4 s 2, 1999 c 205 art 1 s 70, 1999 c 227 s 22, 1999 c 245 art 9 s 1,2