

## CHAPTER 13

## GOVERNMENT DATA PRACTICES

13.072	Opinions by the commissioner.	13.552	Human rights data coded elsewhere.
13.08	Civil remedies.	13.585	Housing agency data.
13.15	Computer data.	13.598	Development data coded elsewhere.
13.319	Education data coded elsewhere.	13.635	General state agency data coded elsewhere.
13.32	Educational data.	13.6401	Administration and finance data coded elsewhere.
13.3215	University of Minnesota data.	13.643	Agricultural data.
13.355	Social security numbers.	13.69	Public Safety Department data.
13.37	General nonpublic data.	13.6905	Public safety data coded elsewhere.
13.3806	Public health data coded elsewhere.	13.717	Insurance; health care cost containment data coded elsewhere.
13.383	Health occupations investigative data coded elsewhere.	13.7191	Miscellaneous insurance data coded elsewhere.
13.43	Personnel data.	13.746	Gaming data coded elsewhere.
13.44	Property data.	13.785	Veterans data coded elsewhere.
13.46	Welfare data.	13.821	Videotapes of child abuse victims.
13.461	Human services data coded elsewhere.	13.87	Criminal justice data.
13.462	Benefit data.	13.871	Criminal justice data coded elsewhere.
13.468	Data sharing within counties.	13.89	Dissemination of data to protection and advocacy systems.
13.4963	Classification and disclosure tax data coded elsewhere.		
13.4967	Other tax data coded elsewhere.		

**13.072 OPINIONS BY THE COMMISSIONER.**

Subdivision 1. **Opinion; when required.** (a) Upon request of a government entity, 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 government entity, 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.

(b) Upon request of a body subject to chapter 13D, the commissioner may give a written opinion on any question relating to the body's duties under chapter 13D. Upon request of a person who disagrees with the manner in which members of a governing body perform their duties under chapter 13D, the commissioner may give a written opinion on compliance with chapter 13D. A governing body or person requesting an opinion under this paragraph must pay the commissioner a fee of \$200. Money received by the commissioner under this paragraph is appropriated to the commissioner for the purposes of this section.

(c) If the commissioner determines that no opinion will be issued, the commissioner shall give the government entity or body subject to chapter 13D 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.

(d) 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 government entity or the members of a body subject to chapter 13D must be provided a reasonable opportunity to explain the reasons for its decision regarding the data or how they perform their duties under chapter 13D. The commissioner or the government entity or body subject to chapter 13D may choose to give notice to the subject of the data concerning the dispute regarding the data or compliance with chapter 13D.

(e) 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.

(f) 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 government entity or members of a body subject to chapter 13D whose data or performance of duties is the subject of the opinion, but an opinion described in subdivision 1, paragraph (a), 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 government entity, members of a body subject to chapter 13D, or person that acts in conformity with a written opinion of the commissioner issued to the government entity, members, or person or to another party 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 or for fines, awards of attorney fees, or any other penalty under chapter 13D. A member of a body subject to chapter 13D is not subject to forfeiture of office if the member was acting in reliance on an opinion.

*[For text of subd 4, see M.S.2002]*

**History:** *1Sp2003 c 8 art 2 s 1,2*

### 13.08 CIVIL REMEDIES.

*[For text of subs 1 to 3, see M.S.2002]*

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 acted in conformity with an opinion issued under section 13.072 that was sought by another person; or

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

(c) The court shall award reasonable attorney fees to a prevailing plaintiff who has brought an action under this subdivision if the government entity that is the defendant in the action was also the subject of a written opinion issued under section 13.072 and the court finds that the opinion is directly related to the cause of action being litigated and that the government entity did not act in conformity with the opinion.

*[For text of subds 5 and 6, see M.S.2002]*

**History:** *1Sp2003 c 8 art 2 s 3*

### 13.15 COMPUTER DATA.

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

(a) **Electronic access data.** "Electronic access data" means data created, collected, or maintained about a person's access to a government entity's computer for the purpose of:

- (1) gaining access to data or information;
- (2) transferring data or information; or
- (3) using government services.

(b) **Cookie.** "Cookie" means any data that a government-operated computer electronically places on the computer of a person who has gained access to a government computer.

Subd. 2. **Classification of data.** Electronic access data are private data on individuals or nonpublic data.

Subd. 3. **Notice; refusal to accept cookie.** (a) A government entity that creates, collects, or maintains electronic access data or uses its computer to install a cookie on a person's computer must inform persons gaining access to the entity's computer of the creation, collection, or maintenance of electronic access data or the entity's use of cookies before requiring the person to provide any data about the person to the government entity. As part of that notice, the government entity must inform the person how the data will be used and disseminated, including the uses and disseminations in subdivision 4.

(b) Notwithstanding a person's refusal to accept a cookie on the person's computer, a government entity must allow the person to gain access to data or information, transfer data or information, or use government services by the government entity's computer.

Subd. 4. **Use of electronic access data.** Electronic access data may be disseminated:

- (1) to the commissioner for the purpose of evaluating electronic government services;
- (2) to another government entity to prevent unlawful intrusions into government electronic systems; or
- (3) as otherwise provided by law.

**History:** *1Sp2003 c 8 art 2 s 4*

### 13.319 EDUCATION DATA CODED ELSEWHERE.

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

*[For text of subd 2, see M.S.2002]*

Subd. 3. **Program services.** Data on individuals receiving services under certain programs administered by the Department of Education are classified under sections 119A.376, subdivision 4; 119A.44, subdivision 7; and 119A.50, subdivision 2.

*[For text of subs 4 to 7, see M.S.2002]*

**History:** 2003 c 130 s 12

### 13.32 EDUCATIONAL DATA.

*[For text of subs 1 and 2, see M.S.2002]*

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 postsecondary institution during the previous academic year by a student who graduated from a Minnesota school district within two years before receiving the remedial instruction;
- (i) to appropriate authorities as provided in United States Code, title 20, section 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the system to effectively serve, prior to adjudication, the student whose records are released; provided that the authorities to whom the data are released submit a written request for the data that certifies that the data will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student and the request and a record of the release are maintained in the student's file;
- (j) to volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
- (k) to provide student recruiting information, from educational data held by colleges and universities, as required by and subject to Code of Federal Regulations, title 32, section 216;
- (l) to the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;
- (m) with respect to social security numbers of students in the adult basic education system, to Minnesota State Colleges and Universities and the Department of Economic Security for the purpose and in the manner described in section 124D.52, subdivision 7; or

(n) to the commissioner of education for purposes of an assessment or investigation of a report of alleged maltreatment of a student as mandated by section 626.556. Upon request by the commissioner of education, data that are relevant to a report of maltreatment and are from charter school and school district investigations of alleged maltreatment of a student must be disclosed to the commissioner, including, but not limited to, the following:

- (1) information regarding the student alleged to have been maltreated;
- (2) information regarding student and employee witnesses;
- (3) information regarding the alleged perpetrator; and
- (4) what corrective or protective action was taken, if any, by the school facility in response to a report of maltreatment by an employee or agent of the school or school district.

*[For text of subd 4, see M.S.2002]*

Subd. 4a. **Nonpublic school students.** Data collected by a public school on a child or parent of a child, whose identity must be reported pursuant to section 120A.24, is private data which:

- (1) shall not be designated directory information pursuant to subdivision 5 unless prior written consent is given by the child's parent or guardian; and
- (2) may be disclosed only pursuant to subdivision 3, clause (a), (b), (c), or (f).

This provision does not apply to students who receive shared time educational services from a public agency or institution.

*[For text of subs 5 and 5a, see M.S.2002]*

Subd. 6. **Admissions forms; remedial instruction.** (a) Minnesota postsecondary 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 postsecondary institution about an identifiable student shall maintain the data as educational data and use that data to conduct studies to improve instruction. Public postsecondary systems annually shall provide summary data to the Department of Education 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.

*[For text of subs 7 to 9, see M.S.2002]*

**History:** 2003 c 130 s 12; 1Sp2003 c 8 art 2 s 5

### 13.3215 UNIVERSITY OF MINNESOTA DATA.

Claims experience and all related information received from carriers and claims administrators participating in a University of Minnesota group health, dental, life, or disability insurance plan or the University of Minnesota workers' compensation program, and survey information collected from employees or students participating in these plans and programs, except when the university determines that release of the data will not be detrimental to the plan or program, are classified as nonpublic data not on individuals pursuant to section 13.02, subdivision 9.

**History:** 1Sp2003 c 8 art 2 s 6

**13.355 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; 1999 c 227 s 22.

**13.37 GENERAL NONPUBLIC DATA.**

*[For text of subs 1 and 2, see M.S.2002]*

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. The location of a National Night Out event is public data.

**History:** 1Sp2003 c 8 art 2 s 7

**13.3806 PUBLIC HEALTH DATA CODED ELSEWHERE.**

*[For text of subs 1 to 3, see M.S.2002]*

Subd. 4. **Vital statistics. (a) Parents' social security number; birth record.** Parents' social security numbers provided for a child's birth record 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 record of birth.** In circumstances in which a new record of birth may be issued under section 144.218, the original record 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 record of child of unmarried parents.** Access to the birth record 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) **Birth record; sharing.** Sharing of birth record data and data prepared under section 257.75, is governed by section 144.225, subdivision 2b.

(h) **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.

*[For text of subs 5 to 20, see M.S.2002]*

**History:** 2003 c 2 art 3 s 1

**13.383 HEALTH OCCUPATIONS INVESTIGATIVE DATA CODED ELSEWHERE.**

*[For text of subs 1 to 7, see M.S.2002]*

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. Data obtained by the Board of Psychology when requiring a mental, physical, or chemical dependency examination or evaluation of a regulated individual or when accessing the medical records of a regulated individual are classified under section 148.941, subdivision 8.

*[For text of subds 9 to 11, see M.S.2002]*

Subd. 11a. **Alcohol and drug counselor licensing; sharing.** Sharing of data collected for licensing of alcohol and drug counselors is governed by section 148C.099, subdivision 2.

*[For text of subds 12 to 16, see M.S.2002]*

**History:** 2003 c 2 art 3 s 2; 2003 c 122 s 1

### 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. Personnel data includes data submitted by an employee to a government entity as part of an organized self-evaluation effort by the government entity to request suggestions from all employees on ways to cut costs, make government more efficient, or improve the operation of government. An employee who is identified in a suggestion shall have access to all data in the suggestion except the identity of the employee making the suggestion.

*[For text of subds 2 to 13, see M.S.2002]*

Subd. 14. **Maltreatment data.** When a report of alleged maltreatment of a student in a school facility, as defined in section 626.556, subdivision 2, paragraph (f), is made to the commissioner of education under section 626.556, data that are relevant to a report of maltreatment and are collected by the school facility about the person alleged to have committed maltreatment must be provided to the commissioner of education upon request for purposes of an assessment or investigation of the maltreatment report. Data received by the commissioner of education pursuant to these assessments or investigations are classified under section 626.556.

*[For text of subds 15 and 16, see M.S.2002]*

**History:** 2003 c 130 s 12; 1Sp2003 c 8 art 2 s 8

### 13.44 PROPERTY DATA.

*[For text of subds 1 and 2, see M.S.2002]*

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;
- (4) the negotiating parties enter into an agreement for the purchase and sale of the property; or
- (5) the data are submitted to the owner under section 117.036.

**History:** 1Sp2003 c 19 art 2 s 1

**13.46 WELFARE DATA.**

*[For text of subd 1, see M.S.2002]*

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 Education, 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 support, 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 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:

(i) 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

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

(ii) 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 support 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 support 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 support 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 Education for the purpose of matching Department of Education 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 Education, on recipients and former recipients of food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;

(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; or

(29) counties operating child care assistance programs under chapter 119B may disseminate data on program participants, applicants, and providers to the commissioner of education.

(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.

*[For text of subd 3, see M.S.2002]*

**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)(1) Except as provided in paragraph (c), the following data on current and former licensees are public: name, address, telephone number of licensees, date of receipt of a completed application, dates of licensure, 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 a correction order or fine has been issued, a license is suspended, immediately suspended, revoked, denied, or made conditional, or a complaint is resolved, the following data on current and former licensees are public: the substance and investigative findings of the complaint, licensing violation, or substantiated maltreatment; the record of informal resolution of a licensing violation; orders of hearing; findings of fact; conclusions of law; specifications of the final correction order, fine, suspension, immediate suspension, revocation, denial, or conditional license contained in the record of licensing action; and the status of any appeal of these actions. When an individual licensee is a substantiated perpetrator of maltreatment, and the substantiated maltreatment is a reason for the licensing action, the identity of the licensee as a perpetrator is public data. For purposes of this clause, a person is a substantiated perpetrator if the maltreatment determination has been upheld under section 626.556, subdivision 10i, 626.557, subdivision 9d, or 256.045, or an individual or facility has not timely exercised appeal rights under these sections.

(2) For applicants who withdraw their application prior to licensure or denial of a license, the following data are public: the name of the applicant, the city and county in which the applicant was seeking licensure, the dates of the commissioner's receipt of the initial application and completed application, the type of license sought, and the date of withdrawal of the application.

(3) For applicants who are denied a license, the following data are public: the name of the applicant, the city and county in which the applicant was seeking licensure, the dates of the commissioner's receipt of the initial application and completed application, the type of license sought, the date of denial of the application, the nature of the basis for the denial, and the status of any appeal of the denial.

(4) The following data on persons subject to disqualification under section 245C.14 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 245C.22, subdivisions 2 and 4, and the reasons for setting aside the disqualification; and the reasons for granting any variance under section 245A.04, subdivision 9.

(5) When maltreatment is substantiated under section 626.556 or 626.557 and the victim and the substantiated perpetrator are affiliated with a program licensed under chapter 245A, the commissioner of human services, local social services agency, or county welfare agency may inform the license holder where the maltreatment occurred of the identity of the substantiated perpetrator and the victim.

(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 a license which has been suspended, immediately suspended, revoked, or denied.

(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, or 626.5572, subdivision 18, are subject to the destruction provisions of sections 626.556, subdivision 11c, and 626.557, subdivision 12b.

(h) Upon request, not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report of substantiated maltreatment as defined in section 626.556 or 626.557 may be exchanged with the Department of Health for purposes of completing background studies pursuant to section 144.057 and with the Department of Corrections for purposes of completing background studies pursuant to section 241.021.

(i) Data on individuals collected according to licensing activities under chapters 245A and 245C, and data on individuals collected by the commissioner of human services according to maltreatment investigations under sections 626.556 and 626.557, may be shared with the Department of Human Rights, the Department of Health, the Department of Corrections, the Ombudsman for Mental Health and Retardation, and the individual's professional regulatory board when there is reason to believe that laws or standards under the jurisdiction of those agencies may have been violated.

(j) In addition to the notice of determinations required under section 626.556, subdivision 10f, if the commissioner or the local social services agency has determined that an individual is a substantiated perpetrator of maltreatment of a child based on sexual abuse, as defined in section 626.556, subdivision 2, and the commissioner or local social services agency knows that the individual is a person responsible for a child's care in another facility, the commissioner or local social services agency shall notify the head of that facility of this determination. The notification must include an explanation of the individual's available appeal rights and the status of any appeal. If a notice is given under this paragraph, the government entity making the notification shall provide a copy of the notice to the individual who is the subject of the notice.

*[For text of subs 5 to 11, see M.S.2002]*

**History:** 2003 c 15 art 1 s 33; 2003 c 130 s 12; 1Sp2003 c 14 art 1 s 106

### 13.461 HUMAN SERVICES DATA CODED ELSEWHERE.

*[For text of subs 1 to 6, see M.S.2002]*

**Subd. 7. Application procedures.** Tribal licensing agency access to criminal history data is governed by section 245C.12.

*[For text of subs 8 to 26, see M.S.2002]*

**Subd. 27. State soldiers assistance program.** Access to information for purposes of verifying eligibility for the state soldiers assistance program is governed by section 197.065.

**History:** 2003 c 15 art 1 s 33; 2003 c 25 s 1

### 13.462 BENEFIT DATA.

*[For text of subd 1, see M.S.2002]*

**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, rehabilitation, or other purposes related to housing or other real property are classified as public data on individuals. If an applicant or recipient is a corporation, the names and addresses of the officers of the corporation are public data on individuals. If an applicant or recipient is a partnership, the names and addresses of the partners are public data on individuals. The amount or value of benefits, aid, or assistance received is public data.

*[For text of subd 3, see M.S.2002]*

**History:** 2003 c 128 art 15 s 1

### 13.468 DATA SHARING WITHIN COUNTIES.

County welfare, human services, corrections, public health, and veterans service units within a county may inform each other as to whether an individual or family currently is being served by the county unit, without the consent of the subject of the data. Data that may be shared are limited to the following: the name, telephone number, and last known address of the data subject; and the identification and contact information regarding personnel of the county unit responsible for working with the individual or family. If further information is necessary for the county unit to carry out its duties, each county unit may share additional data if the unit is authorized by state statute or federal law to do so or the individual gives written, informed consent.

**History:** 1Sp2003 c 8 art 2 s 9

### 13.49 [Renumbered 13.355]

### 13.4963 CLASSIFICATION AND DISCLOSURE TAX DATA CODED ELSEWHERE.

*[For text of subd 1, see M.S.2002]*

Subd. 2. **Generally.** Classification and disclosure of tax data created, collected, or maintained by the Department of Revenue under chapter 115B (except taxes imposed under sections 115B.21 to 115B.24), 289A (except for taxes imposed under sections 298.01, 298.015, and 298.24), 290, 290A, 291, 295, 297A, or 297H, or any similar Indian tribal tax administered by the commissioner according to a tax agreement between the state and an Indian tribal government are governed by chapter 270B.

*[For text of subds 3 to 18, see M.S.2002]*

**History:** 2003 c 2 art 1 s 3

### 13.4967 OTHER TAX DATA CODED ELSEWHERE.

*[For text of subds 1 and 2, see M.S.2002]*

Subd. 2a. **Assignment of refund.** Data regarding assignment of individual income tax refunds is classified by section 290.0679, subdivision 9.

*[For text of subds 3 to 7, see M.S.2002]*

**History:** 2003 c 2 art 3 s 3

### 13.552 HUMAN RIGHTS DATA CODED ELSEWHERE.

*[For text of subd 1, see M.S.2002]*

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 363A.

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 363A.06, 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 363A.06, subdivision 4.

Subd. 5. **Access to documents.** Access to a copy of the charge and the respondent's answer to the charge is governed by section 363A.28, subdivision 9.

Subd. 6. **Access to case files.** Access to Human Rights Department investigative data by persons other than department employees is governed by section 363A.35.

**13.585 HOUSING AGENCY DATA.**

*[For text of subd 1, see M.S.2002]*

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 eviction actions; admission denial hearings concerning prospective tenants; commencement of actions against independent contractors of the agency; and tenant grievance hearings.

*[For text of subs 3 to 6, see M.S.2002]*

**History:** 2003 c 2 art 2 s 1

**13.598 DEVELOPMENT DATA CODED ELSEWHERE.**

*[For text of subd 1; see M.S.2002]*

Subd. 2. [Repealed, 2003 c 128 art 13 s 40]

*[For text of subs 3 to 5, see M.S.2002]*

Subd. 6. **Local economic development data.** (a) **Preliminary information.** Access to preliminary information submitted to the commissioner of employment 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 employment 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:** 1Sp2003 c 4 s 1

**13.635 GENERAL STATE AGENCY DATA CODED ELSEWHERE.**

*[For text of subs 1 to 3, see M.S.2002]*

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 15B.11, subdivision 3.

**History:** 2003 c 17 s 2

**13.6401 ADMINISTRATION AND FINANCE DATA CODED ELSEWHERE.**

*[For text of subs 1 and 2, see M.S.2002]*

Subd. 4. [Repealed, 1Sp2003 c 8 art 2 s 20]

*[For text of subs 5 and 6, see M.S.2002]*

**13.643 AGRICULTURAL DATA.**

*[For text of subs 1 to 3, see M.S.2002]*

Subd. 5. **Data received from federal government.** All data received by the Department of Agriculture from the United States Department of Health and Human Services, the Food and Drug Administration, and the Agriculture, Food Safety, and Inspection Service that is necessary for the purpose of carrying out the Department of Agriculture's statutory food safety regulatory and enforcement duties are classified as

nonpublic data under section 13.02, subdivision 9, and private data on individuals under section 13.02, subdivision 12. This section does not preclude the obligation of the Department of Agriculture to appropriately inform consumers of issues that could affect public health.

**History:** *1Sp2003 c 8 art 2 s 10*

### 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, the Department of Labor and Industry for purposes of workers' compensation administration and enforcement, and the Department of Natural Resources for purposes of license application administration; 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.

The department may release the social security number only as provided in clause (3) and must not sell or otherwise provide individual social security numbers or lists of social security numbers for any other purpose.

(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.

**History:** *1Sp2003 c 14 art 10 s 1*

### 13.6905 PUBLIC SAFETY DATA CODED ELSEWHERE.

*[For text of subs 1 to 20, see M.S.2002]*

Subd. 20a. **Crime Prevention and Privacy Compact.** Data sharing under the National Crime Prevention and Privacy Compact is governed by section 299C.58.

*[For text of subs 21 to 32, see M.S.2002]*

**History:** *2003 c 2 art 3 s 4*

### 13.717 INSURANCE; HEALTH CARE COST CONTAINMENT DATA CODED ELSEWHERE.

*[For text of subd 1, see M.S.2002]*

Subd. 2. [Obsolete, 1Sp2003 c 14 art 7 s 88]

*[For text of subs 3 to 7, see M.S.2002]*

Subd. 8. [Obsolete, 1Sp2003 c 14 art 7 s 88]

Subd. 9. **Health care cost containment.** Data required to be submitted under health care cost containment provisions are classified by section 62J.321, subdivision 5.

*[For text of subd 10, see M.S.2002]*

**History:** *1Sp2003 c 14 art 7 s 88*

**13.7191 MISCELLANEOUS INSURANCE DATA CODED ELSEWHERE.**

*[For text of subs 1 to 5, see M.S.2002]*

Subd. 6. **Insurance producers.** (a) **Licensing; termination.** Access to data on insurance producer terminations held by the commissioner of commerce is governed by section 60K.51.

(b) **Data sharing.** Sharing of licensing and investigative data on insurance producers is governed by section 60K.52.

*[For text of subs 7 to 18, see M.S.2002]*

**History:** 2003 c 2 art 3 s 5

**13.746 GAMING DATA CODED ELSEWHERE.**

*[For text of subs 1 and 2, see M.S.2002]*

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.

(c) **Electronic transmissions.** Data on individuals requesting electronic transmissions from the lottery are classified in section 349A.08, subdivision 9.

**History:** 1Sp2003 c 8 art 2 s 11

**13.785 VETERANS DATA CODED ELSEWHERE.**

*[For text of subd 1, see M.S.2002]*

Subd. 2. **Department of Veterans Affairs.** (a) **Certain veterans benefits and military certificates of discharge.** Access to military certificates of discharge and 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.

*[For text of subd 3, see M.S.2002]*

**History:** 2003 c 124 s 1; 1Sp2003 c 8 art 2 s 12

**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 prohibit rights of access pursuant to discovery in a court proceeding.

**History:** 2003 c 116 s 1

**13.855 [Repealed, 1Sp2003 c 2 art 5 s 18]****13.87 CRIMINAL JUSTICE DATA.**

*[For text of subs 1 and 2, see M.S.2002]*

Subd. 3. **Internet access.** (a) The Bureau of Criminal Apprehension shall establish and maintain an Internet Web site containing public criminal history data by July 1, 2004.



(b) Notwithstanding section 13.03, subdivision 3, paragraph (a), the bureau may charge a fee for Internet access to public criminal history data provided through August 1, 2005. The fee may not exceed \$5 per inquiry or the amount needed to recoup the actual cost of implementing and providing Internet access, whichever is less. Fees collected must be deposited in the general fund as a nondedicated receipt.

(c) The Web site must include a notice to the subject of data of the right to contest the accuracy or completeness of data, as provided under section 13.04, subdivision 4, and provide a telephone number and address that the subject may contact for further information on this process.

(d) The Web site must include the effective date of data that is posted.

(e) The Web site must include a description of the types of criminal history data not available on the site, including arrest data, juvenile data, criminal history data from other states, federal data, data on convictions where 15 years have elapsed since discharge of the sentence, and other data that are not accessible to the public.

(f) A person who intends to access the Web site to obtain information regarding an applicant for employment, housing, or credit must disclose to the applicant the intention to do so. The Web site must include a notice that a person obtaining such access must notify the applicant when a background check using this Web site has been conducted.

(g) This subdivision does not create a civil cause of action on behalf of the data subject.

(h) This subdivision expires July 31, 2007.

**History:** *1Sp2003 c 2 art 4 s 1*

### 13.871 CRIMINAL JUSTICE DATA CODED ELSEWHERE.

*[For text of subs 1 to 4, see M.S.2002]*

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) **Personal history; internal auditing.** Certain personal history and internal auditing data is classified by section 611A.46.

(f) **Crime victim claims for reparations.** Claims and supporting documents filed by crime victims seeking reparations are classified under section 611A.57, subdivision 6.

(g) **Crime Victim Oversight Act.** Data maintained by the commissioner of public safety under the Crime Victim Oversight Act 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.

(q) **Racial profiling study data.** Racial profiling study data is governed by section 626.951.

*[For text of subs 7 and 8, see M.S.2002]*

Subd. 9. **Pistol permit data.** Data on persons permitted to carry pistols under the terms of a permit must be shared as required by section 624.714, subdivision 6.

**History:** 2003 c 2 art 3 s 6,7; 2003 c 28 art 2 s 1

### 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, 245C.01 to 245C.32, 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 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.

*[For text of subd 2, see M.S.2002]*

**History:** 2003 c 15 art 1 s 33