

## CHAPTER 5B

### DATA PROTECTION FOR VICTIMS OF VIOLENCE

5B.01	FINDINGS; PURPOSE.	5B.07	DATA CLASSIFICATION.
5B.02	DEFINITIONS.	5B.08	ADOPTION OF RULES.
5B.03	ADDRESS CONFIDENTIALITY PROGRAM.	5B.09	REPORT TO LEGISLATURE.
5B.04	CERTIFICATION CANCELLATION.	5B.10	DISPLAY AND RELEASE OF NAME PROHIBITED.
5B.05	USE OF DESIGNATED ADDRESS.	5B.11	LEGAL PROCEEDINGS; PROTECTIVE ORDER.
5B.06	VOTING BY PROGRAM PARTICIPANT; ABSENTEE BALLOT.		

#### 5B.01 FINDINGS; PURPOSE.

The legislature finds that individuals attempting to escape from actual or threatened domestic violence, sexual assault, or stalking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for data without disclosing the location of a victim of domestic violence, sexual assault, or stalking; to enable interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic violence, sexual assault, or stalking; and to enable program participants to use an address designated by the secretary of state as a substitute mailing address for all purposes.

**History:** 2006 c 242 s 1

#### 5B.02 DEFINITIONS.

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

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

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

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

(e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in section 524.5-102 for whom there is good reason to believe (i) that the eligible person is a victim of domestic violence, sexual assault, or stalking, or (ii) that the eligible person fears for the person's safety or the safety of persons on whose behalf the application is made. A person registered or required to register as a predatory offender under section 243.166 or 243.167, or the law of another jurisdiction, is not an eligible person.

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

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

(h) "Stalking" means acts criminalized under section 609.749 and includes a threat of such acts committed against an individual, regardless of whether these acts or threats have been reported to law enforcement officers.

**History:** 2006 c 242 s 2; 2008 c 227 s 1; 2009 c 105 s 1

### **5B.03 ADDRESS CONFIDENTIALITY PROGRAM.**

Subdivision 1. **Application.** The secretary of state shall certify an eligible person as a program participant when the secretary receives an application that must contain:

- (1) the name of the eligible person;
- (2) a statement by the applicant that the applicant has good reason to believe (i) that the eligible person listed on the application is a victim of domestic violence, sexual assault, or stalking, (ii) that the eligible person fears for the person's safety or the safety of persons on whose behalf the application is made, and (iii) that the eligible person is not applying for certification as a program participant in order to avoid prosecution for a crime;
- (3) a designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;
- (4) the mailing address where the eligible person can be contacted by the secretary of state, and the phone number or numbers where the applicant or eligible person can be called by the secretary of state;
- (5) the physical address or addresses of the eligible person, disclosure of which will increase the risk of domestic violence, sexual assault, or stalking;
- (6) a statement whether the eligible person would like information on becoming an ongoing absentee ballot recipient pursuant to section 5B.06;
- (7) a statement from the eligible person that gives the secretary of state consent to confirm the eligible person's participation in Safe at Home to a third party who provides the program participant's first and last name and Safe at Home lot number listed on the program participant's card;
- (8) the signature of the applicant, an indicator of the applicant's authority to act on behalf of the eligible person, if appropriate, the name and signature of any individual or representative of any person who assisted in the preparation of the application, and the date on which the application was signed; and
- (9) any other information as required by the secretary of state.

Subd. 2. **Filing.** Applications must be filed with the secretary of state and are subject to the provisions of section 5.15.

Subd. 3. **Certification.** Upon filing a completed application, the secretary of state shall certify the eligible person as a program participant. Program participants shall be certified for four years following the date of filing unless the certification is canceled, withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

Subd. 4. **Changes in information.** Program participants or applicants must inform the secretary of state of any changes in the information submitted on the application.

Subd. 5. **Designated address.** The secretary of state must designate a mailing address to which all mail for program participants is to be sent.

Subd. 6. **Attaining age of majority.** An individual who became a program participant as a minor assumes responsibility for changes in information and renewal when the individual reaches age 18.

**History:** 2006 c 242 s 3; 2008 c 227 s 2

#### **5B.04 CERTIFICATION CANCELLATION.**

(a) If the program participant obtains a legal change of identity, the participant loses certification as a program participant.

(b) The secretary of state may cancel a program participant's certification if there is a change in the mailing address, unless the program participant or the person who signed as the applicant on behalf of an eligible person provides the secretary of state with at least two days' prior notice in writing of the change of address.

(c) The secretary of state may cancel certification of a program participant if mail forwarded by the secretary to the program participant's address is returned as nondeliverable.

(d) The secretary of state shall cancel certification of a program participant who applies using false information.

**History:** 2006 c 242 s 4

#### **5B.05 USE OF DESIGNATED ADDRESS.**

(a) When a program participant presents the address designated by the secretary of state to any person, that address must be accepted as the address of the program participant.

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

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

**History:** 2006 c 242 s 5

#### **5B.06 VOTING BY PROGRAM PARTICIPANT; ABSENTEE BALLOT.**

A program participant who is otherwise eligible to vote may register with the secretary of state as an ongoing absentee voter. The secretary of state shall determine the precinct in which the residential address of the program participant is located and shall request from and receive from the county auditor or other election official the ballot for that precinct and shall forward the absentee ballot to the program participant with the other materials for absentee balloting as required by Minnesota law. The program participant shall complete the ballot and return it to the secretary of state, who shall review the ballot in the manner provided by section 203B.24. If the ballot and ballot materials comply with the requirements of that section, the ballot must be certified by the secretary of state as the ballot of a program participant, and must be forwarded to the appropriate electoral jurisdiction for tabulation along with all other ballots. The name and address of a program participant must not be listed in the statewide voter registration system.

**History:** 2006 c 242 s 6

**5B.07 DATA CLASSIFICATION.**

Subdivision 1. **Classification of data.** (a) Data related to applicants, eligible persons, and program participants are private data on individuals as defined by section 13.02, subdivision 12. A consent for release of the address from an applicant, eligible person, or program participant is not effective.

(b) A program participant's name and address maintained by a local government entity in connection with an active investigation or inspection of an alleged health code, building code, fire code, or city ordinance violation allegedly committed by the program participant are private data on individuals as defined in section 13.02.

Subd. 2. **Release of data.** (a) Upon request from the Bureau of Criminal Apprehension, the secretary of state may share data that are private under subdivision 1 with the Bureau of Criminal Apprehension. Private data received by the Bureau of Criminal Apprehension may be released to a law enforcement agency upon verification that the release will aid the law enforcement agency in responding to an emergency situation or a criminal complaint or conducting an investigation.

(b) Data maintained by the secretary of state, the Bureau of Criminal Apprehension, and law enforcement agencies related to the process for data sharing under this section are nonpublic data as defined in section 13.02 but may be shared among those agencies. Data related to requests received from law enforcement agencies and the Bureau of Criminal Apprehension under this section are private or nonpublic data.

**History:** 2006 c 242 s 7; 2008 c 227 s 3; 2009 c 105 s 2

**5B.08 ADOPTION OF RULES.**

Enactment of this section satisfies the requirements of section 14.388, subdivision 1 for the enactment of rules to facilitate the administration of this chapter by state and local agencies.

**History:** 2006 c 242 s 8

**5B.09 REPORT TO LEGISLATURE.**

The secretary of state shall annually report to the chairs of the legislative committees having jurisdiction over government data practices and public safety stating the number of persons participating in the Safe at Home program during the previous calendar year. The report must be submitted annually by February 1.

**History:** 2008 c 227 s 4

**5B.10 DISPLAY AND RELEASE OF NAME PROHIBITED.**

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

Subd. 2. **Release to local government entity.** A landlord may provide a program participant's name to a local government entity only in response to a specific request made in connection with an active investigation or inspection of an alleged health, building, or fire code violation, or a violation of a city ordinance allegedly committed by the program participant.

**History:** 2009 c 105 s 3

**5B.11 LEGAL PROCEEDINGS; PROTECTIVE ORDER.**

If a program participant is involved in a legal proceeding as a party or witness, the court or other tribunal may issue a protective order to prevent disclosure of information that could reasonably lead to the discovery of the program participant's location.

**History:** *2011 c 116 art 1 s 1*