

15E.40 DATA PRACTICES.

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

- (b) "Confidential data on individuals" has the meaning given in section 13.02, subdivision 3.
- (c) "Government entity" has the meaning given in section 13.02, subdivision 7a.
- (d) "Nonpublic data" has the meaning given in section 13.02, subdivision 9.
- (e) "Not public data" has the meaning given in section 13.02, subdivision 8a.
- (f) "Private data on individuals" has the meaning given in section 13.02, subdivision 12.
- (g) "Protected nonpublic data" has the meaning given in section 13.02, subdivision 13.

Subd. 2. **Government Data Practices Act.** The Office of the Inspector General is a government entity and is subject to the Government Data Practices Act, chapter 13. The inspector general is the head of a state agency for purposes of section 13.43, subdivision 2, paragraph (e).

Subd. 3. **Access.** In order to perform the duties under this chapter, the inspector general has access to data of any classification, including data classified as not public data. It is not a violation of chapter 13 or any other statute classifying government data as not public data if a government entity provides data pursuant to a subpoena issued under this chapter.

Subd. 4. **Dissemination.** The inspector general may disseminate data of any classification, including not public data, to:

- (1) a government entity, other than a law enforcement agency or prosecuting authority, if the dissemination of the data aids a pending investigation or administrative action;
- (2) a law enforcement agency or prosecuting authority if there is reason to believe that the data are evidence of criminal activity within the agency's or authority's jurisdiction; or
- (3) the commissioner of human services as provided in section 15E.25, subdivision 2, paragraph (g).

Subd. 5. **Legislative auditor.** The inspector general must disseminate data of any classification, including not public data, to the legislative auditor upon request.

Subd. 6. **Data classifications; civil investigations.** (a) Notwithstanding any other law, data relating to a civil investigation conducted under this chapter are confidential data on individuals or protected nonpublic data while the investigation is active. Whether a civil investigation is active shall be determined by the inspector general.

(b) Data relating to a civil investigation conducted under this chapter become public data upon the inspector general's completion or referral of the investigation, unless:

- (1) the release of the data would jeopardize another active investigation by the inspector general or another government entity;
- (2) the inspector general reasonably believes the data will be used in litigation related to any civil, criminal, or administrative actions, including reconsideration or appeal of any such action; or
- (3) the data are classified as not public under another statute or paragraph (e).

(c) Data subject to paragraph (b), clause (2), are confidential data on individuals or protected nonpublic data and become public when the litigation has been completed or the time period to appeal has expired, or the litigation is no longer being actively pursued.

(d) Unless the data are subject to a more restrictive classification, upon the inspector general's decision to no longer actively pursue a civil investigation under this chapter, data relating to a civil investigation are private data on individuals or nonpublic data except the following data are public:

- (1) data relating to the investigation's general description, existence, status, and disposition; and
- (2) data that document the inspector general's work.

(e) Inactive civil investigative data on an individual supplying information for an investigation that could reasonably be used to determine the individual's identity are private data on individuals if the information supplied was needed for the investigation and would not have been provided to the inspector general without an assurance to the individual that the individual's identity would remain private.

(f) Data relating to a civil investigation conducted under this chapter that are obtained from an entity that is not a government entity have the same classification that the data would have if obtained from a government entity.

Subd. 7. **Privileges.** Nothing in this section or section 15E.30 requires the disclosure of documents or information that is legally privileged under statute or other law, including documents or information subject to section 13.393 or 595.02.

Subd. 8. **Criminal investigations.** This section does not apply to criminal investigations conducted by the Office of the Inspector General Anti-Fraud and Waste Bureau under section 15E.27.

History: 2026 c 92 art 1 s 11