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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 1360

February 26, 2007

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

March 27, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

A bill for an act

relating to government data practices; providing for parole and probation authorities to have access to certain records; modifying landowners' bill of rights; modifying data practices provisions in the Department of Labor and Industry; classifying certain transportation department data; classifying certain labor relations data related to the Metropolitan Council as nonpublic data; requiring state and local law enforcement agencies to provide certain information; clarifying duties and classifications; making technical changes; modifying damages for liability; authorizing an innocent party's name associated with a criminal history to be redacted under certain circumstances; amending Minnesota Statutes 2006, sections 13.02, subdivisions 8, 11; 13.03, subdivision 4; 13.04, subdivisions 3, 4; 13.05, subdivision 10; 13.072, subdivision 1; 13.08, subdivisions 1, 4; 13.202, subdivision 11; 13.32, subdivision 5; 13.35; 13.355, subdivision 1; 13.384, subdivisions 1, 2; 13.39, subdivisions 1, 2, 2a, 3; 13.392, subdivision 1; 13.393; 13.40, subdivisions 1, 3; 13.41, subdivision 3; 13.43, subdivisions 2, 5, 7, 9, 10, 11; 13.435; 13.44, subdivisions 1, 2, 3; 13.462, subdivisions 1, 2, 3; 13.48; 13.552, subdivision 3; 13.591, subdivision 4; 13.72, by adding subdivisions; 13.861, subdivision 1; 13.87, subdivisions 1, 2, by adding a subdivision; 84.0274, subdivision 5; 122A.33, subdivision 3; 171.07, subdivision 1a; 270B.01, subdivision 8; 270B.02, subdivision 3; 270B.085, by adding a subdivision; 270B.14, subdivision 3; 273.1315; 325E.59, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 13; 473; repealing Minnesota Statutes 2006, sections 13.79, subdivision 2; 325E.59, subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2006, section 13.02, subdivision 8, is amended to read:

Subd. 8. **Individual.** "Individual" means a natural person. In the case of a minor or an ~~individual adjudged mentally incompetent~~ incapacitated person as defined in section 524.5-102, subdivision 6, "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

2.1 if the responsible authority determines that withholding the data would be in the best
2.2 interest of the minor.

2.3 Sec. 2. Minnesota Statutes 2006, section 13.02, subdivision 11, is amended to read:

2.4 Subd. 11. **Political subdivision.** "Political subdivision" means any county, statutory
2.5 or home rule charter city, school district, special district, any town exercising powers
2.6 under chapter 368 and located in the metropolitan area, as defined in section 473.121,
2.7 subdivision 2, and any board, commission, district or authority created pursuant to law,
2.8 local ordinance or charter provision. It includes any nonprofit corporation which is a
2.9 community action agency organized pursuant to the Economic Opportunity Act of 1964
2.10 (Public Law 88-452) as amended, to qualify for public funds, or any nonprofit social
2.11 service agency which performs services under contract to ~~any political subdivision;~~
2.12 ~~statewide system or state agency~~ a government entity, to the extent that the nonprofit social
2.13 service agency or nonprofit corporation collects, stores, disseminates, and uses data on
2.14 individuals because of a contractual relationship with ~~state agencies, political subdivisions~~
2.15 ~~or statewide systems~~ a government entity.

2.16 Sec. 3. Minnesota Statutes 2006, section 13.03, subdivision 4, is amended to read:

2.17 Subd. 4. **Change in classification of data; effect of dissemination among**
2.18 **agencies.** (a) The classification of data in the possession of an entity shall change if it is
2.19 required to do so to comply with either judicial or administrative rules pertaining to the
2.20 conduct of legal actions or with a specific statute applicable to the data in the possession
2.21 of the disseminating or receiving entity.

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

2.24 (c) To the extent that government data is disseminated to a government entity by
2.25 another government entity, the data disseminated shall have the same classification in the
2.26 hands of the entity receiving it as it had in the hands of the entity providing it.

2.27 (d) If a government entity disseminates data to another government entity, a
2.28 classification provided for by law in the hands of the entity receiving the data does not
2.29 affect the classification of the data in the hands of the entity that disseminates the data.

2.30 (e) To the extent that judicial branch data is disseminated to government entities
2.31 by the judicial branch, the data disseminated shall have the same level of accessibility
2.32 in the hands of the agency receiving it as it had in the hands of the judicial branch entity
2.33 providing it.

3.1 Sec. 4. Minnesota Statutes 2006, section 13.04, subdivision 3, is amended to read:

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

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

3.17 Sec. 5. Minnesota Statutes 2006, section 13.04, subdivision 4, is amended to read:

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

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

4.1 (b) Data on individuals that have been successfully challenged by an individual must
4.2 be completed, corrected, or destroyed by a ~~state agency, political subdivision, or statewide~~
4.3 ~~system~~ government entity without regard to the requirements of section 138.17.

4.4 After completing, correcting, or destroying successfully challenged data, a
4.5 government entity may retain a copy of the commissioner of administration's order issued
4.6 under chapter 14 or, if no order were issued, a summary of the dispute between the parties
4.7 that does not contain any particulars of the successfully challenged data.

4.8 Sec. 6. Minnesota Statutes 2006, section 13.05, subdivision 10, is amended to read:

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

4.13 Sec. 7. Minnesota Statutes 2006, section 13.072, subdivision 1, is amended to read:

4.14 Subdivision 1. **Opinion; when required.** (a) Upon request of a government entity,
4.15 the commissioner may give a written opinion on any question relating to public access
4.16 to government data, rights of subjects of data, or classification of data under this chapter
4.17 or other Minnesota statutes governing government data practices. Upon request of any
4.18 person who disagrees with a determination regarding data practices made by a government
4.19 entity, the commissioner may give a written opinion regarding the person's rights as a
4.20 subject of government data or right to have access to government data.

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

4.29 (c) If the commissioner determines that no opinion will be issued, the commissioner
4.30 shall give the government entity or body subject to chapter 13D or person requesting
4.31 the opinion notice of the decision not to issue the opinion within five business days of
4.32 receipt of the request. If this notice is not given, the commissioner shall issue an opinion
4.33 within 20 days of receipt of the request.

5.1 (d) For good cause and upon written notice to the person requesting the opinion,
5.2 the commissioner may extend this deadline for one additional 30-day period. The notice
5.3 must state the reason for extending the deadline. The government entity or the members
5.4 of a body subject to chapter 13D must be provided a reasonable opportunity to explain the
5.5 reasons for its decision regarding the data or how they perform their duties under chapter
5.6 13D. The commissioner or the government entity or body subject to chapter 13D may
5.7 choose to give notice to the subject of the data concerning the dispute regarding the data
5.8 or compliance with chapter 13D.

5.9 (e) This section does not apply to a determination made by the commissioner of
5.10 health under section 13.3805, subdivision 1, paragraph (b), or 144.6581.

5.11 (f) A written, numbered, and published opinion issued by the attorney general shall
5.12 take precedence over an opinion issued by the commissioner under this section.

5.13 Sec. 8. Minnesota Statutes 2006, section 13.08, subdivision 1, is amended to read:

5.14 Subdivision 1. **Action for damages.** Notwithstanding section 466.03, a responsible
5.15 authority or government entity which violates any provision of this chapter is liable to a
5.16 person or representative of a decedent who suffers any damage as a result of the violation,
5.17 and the person damaged or a representative in the case of private data on decedents or
5.18 confidential data on decedents may bring an action against the responsible authority or
5.19 government entity to cover any damages sustained, plus costs and reasonable attorney
5.20 fees. In the case of a willful violation, the government entity shall, in addition, be liable
5.21 to exemplary damages of not less than ~~\$100~~ \$5,000, nor more than ~~\$10,000~~ \$50,000 for
5.22 each violation. The state is deemed to have waived any immunity to a cause of action
5.23 brought under this chapter.

5.24 Sec. 9. Minnesota Statutes 2006, section 13.08, subdivision 4, is amended to read:

5.25 Subd. 4. **Action to compel compliance.** (a) In addition to the remedies provided in
5.26 subdivisions 1 to 3 or any other law, any aggrieved person seeking to enforce the person's
5.27 rights under this chapter or obtain access to data may bring an action in district court to
5.28 compel compliance with this chapter and may recover costs and disbursements, including
5.29 reasonable attorney's fees, as determined by the court. If the court determines that an action
5.30 brought under this subdivision is frivolous and without merit and a basis in fact, it may
5.31 award reasonable costs and attorney fees to the responsible authority. If the court issues an
5.32 order to compel compliance under this subdivision, the court may impose a civil penalty
5.33 of up to ~~\$300~~ \$3,000 against the government entity. This penalty is payable to the state
5.34 general fund and is in addition to damages under subdivision 1. The matter shall be heard

6.1 as soon as possible. In an action involving a request for government data under section
6.2 13.03 or 13.04, the court may inspect in camera the government data in dispute, but shall
6.3 conduct its hearing in public and in a manner that protects the security of data classified as
6.4 not public. If the court issues an order to compel compliance under this subdivision, the
6.5 court shall forward a copy of the order to the commissioner of administration.

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

6.10 (1) designated a responsible authority under section 13.02, subdivision 16;

6.11 (2) designated a data practices compliance official under section 13.05, subdivision
6.12 13;

6.13 (3) prepared the public document that names the responsible authority and describes
6.14 the records and data on individuals that are maintained by the government entity under
6.15 section 13.05, subdivision 1;

6.16 (4) developed public access procedures under section 13.03, subdivision 2;
6.17 procedures to guarantee the rights of data subjects under section 13.05, subdivision 8; and
6.18 procedures to ensure that data on individuals are accurate and complete and to safeguard
6.19 the data's security under section 13.05, subdivision 5;

6.20 (5) ~~sought an oral, written, or electronic opinion from the commissioner of~~
6.21 ~~administration related to the matter at issue and acted in conformity with that opinion or~~
6.22 acted in conformity with an opinion issued under section 13.072 that was sought by a
6.23 government entity or another person; or

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

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

6.31 Sec. 10. Minnesota Statutes 2006, section 13.202, subdivision 11, is amended to read:

6.32 Subd. 11. **Metropolitan government.** (a) Labor relations information. Certain
6.33 labor relations data relating to the negotiation of collective bargaining contracts by the
6.34 Metropolitan Council are classified under section 473.1291.

7.1 ~~(a)~~ (b) **Affirmative action plans.** Treatment of data relating to metropolitan agency
7.2 affirmative action plans is governed by section 473.143, subdivisions 5 and 7.

7.3 ~~(b)~~ (c) **Contracts for management services.** Data relating to compensation of
7.4 personnel who work under a management service contract are classified by section
7.5 473.405, subdivision 12.

7.6 ~~(c)~~ (d) **Arena acquisition.** Certain data in connection with a decision whether to
7.7 acquire a sports arena are classified under section 473.598, subdivision 4.

7.8 ~~(d)~~ (e) **Airports commission.** Certain airline data submitted to the Metropolitan
7.9 Airports Commission in connection with the issuance of revenue bonds are classified
7.10 under section 473.6671, subdivision 3.

7.11 ~~(e)~~ (f) **Solid waste landfill fee.** Information obtained from the operator of a mixed
7.12 municipal solid waste disposal facility under section 473.843 is classified under section
7.13 473.843, subdivision 4.

7.14 Sec. 11. Minnesota Statutes 2006, section 13.32, subdivision 5, is amended to read:

7.15 Subd. 5. **Directory information.** Information designated as directory information
7.16 pursuant to the provisions of United States Code, title 20, section 1232g and Code of
7.17 Federal Regulations, title 34, section 99.37 which are in effect on ~~July 1, 1993~~ January
7.18 1, 2007, is public data on individuals. When conducting the directory information
7.19 designation and notice process required by federal law, an educational agency or institution
7.20 shall give parents and students notice of the right to refuse to let the agency or institution
7.21 designate any or all data about the student as directory information. This notice may be
7.22 given by any means reasonably likely to inform the parents and students of the right.

7.23 Sec. 12. Minnesota Statutes 2006, section 13.35, is amended to read:

7.24 **13.35 FEDERAL CONTRACTS DATA.**

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

7.30 Sec. 13. Minnesota Statutes 2006, section 13.355, subdivision 1, is amended to read:

7.31 Subdivision 1. **General.** The Social Security numbers of individuals, whether
7.32 provided in whole or in part, collected or maintained by a ~~state agency, statewide system,~~

8.1 ~~or political subdivision~~ government entity are private data on individuals, except to the
8.2 extent that access to the Social Security number is specifically authorized by law.

8.3 Sec. 14. Minnesota Statutes 2006, section 13.384, subdivision 1, is amended to read:

8.4 Subdivision 1. **Definition.** As used in this section:

8.5 (a) "Directory information" means name of the patient, date admitted, and general
8.6 condition.

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

8.12 Sec. 15. Minnesota Statutes 2006, section 13.384, subdivision 2, is amended to read:

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

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

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

8.26 Sec. 16. Minnesota Statutes 2006, section 13.39, subdivision 1, is amended to read:

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

8.31 Sec. 17. Minnesota Statutes 2006, section 13.39, subdivision 2, is amended to read:

9.1 Subd. 2. **Civil actions.** (a) Except as provided in paragraph (b), data collected
9.2 by state agencies, political subdivisions, or statewide systems as part of an active
9.3 investigation undertaken for the purpose of the commencement or defense of a pending
9.4 civil legal action, or which are retained in anticipation of a pending civil legal action, are
9.5 classified as protected nonpublic data pursuant to section 13.02, subdivision 13, in the
9.6 case of data not on individuals and confidential pursuant to section 13.02, subdivision
9.7 3, in the case of data on individuals. Any agency, political subdivision, or statewide
9.8 system may make any data classified as confidential or protected nonpublic pursuant to
9.9 this subdivision accessible to any person, agency or the public if the agency, political
9.10 subdivision, or statewide system determines that the access will aid the law enforcement
9.11 process, promote public health or safety or dispel widespread rumor or unrest.

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

9.14 Sec. 18. Minnesota Statutes 2006, section 13.39, subdivision 2a, is amended to read:

9.15 Subd. 2a. **Disclosure of data.** During the time when a civil legal action is
9.16 determined to be pending under subdivision 1, any person may bring an action in the
9.17 district court in the county where the data is maintained to obtain disclosure of data
9.18 classified as confidential or protected nonpublic under subdivision 2. The court may order
9.19 that all or part of the data be released to the public or to the person bringing the action.
9.20 In making the determination whether data shall be disclosed, the court shall consider
9.21 whether the benefit to the person bringing the action or to the public outweighs any harm
9.22 to the public, the ~~agency~~ entity, or any person identified in the data. The data in dispute
9.23 shall be examined by the court in camera.

9.24 Sec. 19. Minnesota Statutes 2006, section 13.39, subdivision 3, is amended to read:

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

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

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

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

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

10.7 Sec. 20. Minnesota Statutes 2006, section 13.392, subdivision 1, is amended to read:

10.8 Subdivision 1. **Confidential data or protected nonpublic data.** Data, notes, and
 10.9 preliminary drafts of reports created, collected, and maintained by the internal audit offices
 10.10 of ~~state agencies and political subdivisions~~ government entities, or persons performing
 10.11 audits for ~~state agencies and political subdivisions~~ government entities, and relating to
 10.12 an audit or investigation are confidential data on individuals or protected nonpublic data
 10.13 until the final report has been published or the audit or investigation is no longer being
 10.14 pursued actively, except that the data shall be disclosed as required to comply with section
 10.15 6.67 or 609.456. This section does not limit in any way:

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

10.19 (2) the public or a data subject's access to data classified by section 13.43.

10.20 Sec. 21. Minnesota Statutes 2006, section 13.393, is amended to read:

10.21 **13.393 ATTORNEYS.**

10.22 Notwithstanding the provisions of this chapter and section 15.17, the use, collection,
 10.23 storage, and dissemination of data by an attorney acting in a professional capacity for ~~the~~
 10.24 ~~state, a state agency or a political subdivision~~ a government entity shall be governed by
 10.25 statutes, rules, and professional standards concerning discovery, production of documents,
 10.26 introduction of evidence, and professional responsibility; provided that this section shall
 10.27 not be construed to affect the applicability of any statute, other than this chapter and section
 10.28 15.17, which specifically requires or prohibits disclosure of specific information by the
 10.29 attorney, nor shall this section be construed to relieve any responsible authority, other than
 10.30 the attorney, from duties and responsibilities pursuant to this chapter and section 15.17.

10.31 Sec. 22. Minnesota Statutes 2006, section 13.40, subdivision 1, is amended to read:

10.32 Subdivision 1. **Records subject to this chapter.** (a) For purposes of this section,
 10.33 "historical records repository" means an archives or manuscript repository operated by

11.1 ~~any state agency, statewide system, or political subdivision~~ a government entity whose
11.2 purpose is to collect and maintain data to further the history of a geographic or subject
11.3 area. The term does not include the state archives as defined in section 138.17, subdivision
11.4 1, clause (5).

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

11.8 Sec. 23. Minnesota Statutes 2006, section 13.40, subdivision 3, is amended to read:

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

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

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

11.17 Sec. 24. Minnesota Statutes 2006, section 13.41, subdivision 3, is amended to read:

11.18 Subd. 3. **Board of Peace Officer Standards and Training.** The following
11.19 government data of the Board of Peace Officer Standards and Training are private data:

11.20 (1) home addresses of licensees and applicants for licenses; and

11.21 (2) data that identify the ~~state agency, statewide system, or political subdivision~~
11.22 government entity that employs a licensed peace officer.

11.23 The board may disseminate private data on applicants and licensees as is necessary
11.24 to administer law enforcement licensure or to provide data under section 626.845,
11.25 subdivision 1, to law enforcement agencies who are conducting employment background
11.26 investigations.

11.27 Sec. 25. Minnesota Statutes 2006, section 13.43, subdivision 2, is amended to read:

11.28 Subd. 2. **Public data.** (a) Except for employees described in subdivision 5 and
11.29 subject to the limitations described in subdivision 5a, the following personnel data on
11.30 current and former employees, volunteers, and independent contractors of a government
11.31 entity is public:

11.32 (1) name; employee identification number, which must not be the employee's Social
11.33 Security number; actual gross salary; salary range; contract fees; actual gross pension; the

12.1 value and nature of employer paid fringe benefits; and the basis for and the amount of any
 12.2 added remuneration, including expense reimbursement, in addition to salary;

12.3 (2) job title and bargaining unit; job description; education and training background;
 12.4 and previous work experience;

12.5 (3) date of first and last employment;

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

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

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

12.15 (7) work location; a work telephone number; badge number; and honors and awards
 12.16 received; and

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

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

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

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

13.1 (e) Notwithstanding paragraph (a), clause (5), upon completion of an investigation
 13.2 of a complaint or charge against a public official, or if a public official resigns or is
 13.3 terminated from employment while the complaint or charge is pending, all data relating to
 13.4 the complaint or charge are public, unless access to the data would jeopardize an active
 13.5 investigation or reveal confidential sources. For purposes of this paragraph, "public
 13.6 official" means:

13.7 (1) the head of a state agency and deputy and assistant state agency heads;

13.8 (2) members of boards or commissions required by law to be appointed by the
 13.9 governor or other elective officers; and

13.10 (3) executive or administrative heads of departments, bureaus, divisions, or
 13.11 institutions within state government.

13.12 Sec. 26. Minnesota Statutes 2006, section 13.43, subdivision 5, is amended to read:

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

13.20 Sec. 27. Minnesota Statutes 2006, section 13.43, subdivision 7, is amended to read:

13.21 Subd. 7. **Employee assistance data.** All data created, collected or maintained by
 13.22 ~~any state agency or political subdivision~~ a government entity to administer employee
 13.23 assistance programs similar to the one authorized by section 43A.319 are classified as
 13.24 private, pursuant to section 13.02, subdivision 12. This section shall not be interpreted to
 13.25 authorize the establishment of employee assistance programs.

13.26 Sec. 28. Minnesota Statutes 2006, section 13.43, subdivision 9, is amended to read:

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

13.30 (b) For purposes of this subdivision, "public safety peer counseling debriefing" means
 13.31 a group process oriented debriefing session held for peace officers, firefighters, medical
 13.32 emergency persons, dispatchers, or other persons involved with public safety emergency
 13.33 services, that is established by any ~~agency~~ entity providing public safety emergency

14.1 services and is designed to help a person who has suffered an occupation-related traumatic
14.2 event begin the process of healing and effectively dealing with posttraumatic stress.

14.3 Sec. 29. Minnesota Statutes 2006, section 13.43, subdivision 10, is amended to read:

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

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

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

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

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

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

14.23 Sec. 30. Minnesota Statutes 2006, section 13.43, subdivision 11, is amended to read:

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

14.30 (b) The data may be released:

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

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

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

15.2 (c) Section 13.03, subdivision 4, paragraph (c), applies to data released under this
15.3 subdivision, except to the extent that the data have a more restrictive classification in the
15.4 possession of the agency or authority that receives the data. If the person who may be
15.5 harmed or the person's attorney receives data under this subdivision, the data may be used
15.6 or released further only to the extent necessary to protect the person from harm.

15.7 Sec. 31. Minnesota Statutes 2006, section 13.435, is amended to read:

15.8 **13.435 SALARY BENEFIT SURVEY DATA.**

15.9 Salary and personnel benefit survey data purchased from consulting firms, nonprofit
15.10 corporations or associations or obtained from employers with the written understanding
15.11 that the data shall not be made public which is maintained by ~~state agencies, political~~
15.12 ~~subdivisions or statewide systems~~ government entities are classified as nonpublic pursuant
15.13 to section 13.02, subdivision 9.

15.14 Sec. 32. Minnesota Statutes 2006, section 13.44, subdivision 1, is amended to read:

15.15 Subdivision 1. **Real property; complaint data.** The identities of individuals who
15.16 register complaints with ~~state agencies or political subdivisions~~ government entities
15.17 concerning violations of state laws or local ordinances concerning the use of real property
15.18 are classified as confidential data, pursuant to section 13.02, subdivision 3.

15.19 Sec. 33. Minnesota Statutes 2006, section 13.44, subdivision 2, is amended to read:

15.20 Subd. 2. **Real property; building code violations.** Code violation records
15.21 pertaining to a particular parcel of real property and the buildings, improvements, and
15.22 dwelling units located on it that are kept by any state, county, or city agency charged
15.23 by the governing body of the appropriate ~~political subdivision~~ government entity with
15.24 the responsibility for enforcing a state, county, or city health, housing, building, fire
15.25 prevention, or housing maintenance code are public data; except as otherwise provided by
15.26 section 13.39, subdivision 2; 13.44; or 13.82, subdivision 7.

15.27 Sec. 34. Minnesota Statutes 2006, section 13.44, subdivision 3, is amended to read:

15.28 Subd. 3. **Real property; appraisal data.** (a) **Confidential or protected nonpublic**
15.29 **data.** Estimated or appraised values of individual parcels of real property that are made by
15.30 personnel of ~~the state or a political subdivision~~ a government entity or by independent
15.31 appraisers acting for ~~the state or a political subdivision~~ a government entity for the

16.1 purpose of selling or acquiring land through purchase or condemnation are classified as
16.2 confidential data on individuals or protected nonpublic data.

16.3 (b) **Private or nonpublic data.** Appraised values of individual parcels of real
16.4 property that are made by appraisers working for fee owners or contract purchasers who
16.5 have received an offer to purchase their property from ~~the state or a political subdivision~~
16.6 a government entity are classified as private data on individuals or nonpublic data.

16.7 (c) **Public data.** The data made confidential or protected nonpublic under paragraph
16.8 (a) or made private or nonpublic under paragraph (b) become public upon the occurrence
16.9 of any of the following:

16.10 (1) the data are submitted to a court-appointed condemnation commissioner;

16.11 (2) the data are presented in court in condemnation proceedings; or

16.12 (3) the negotiating parties enter into an agreement for the purchase and sale of the
16.13 property.

16.14 Sec. 35. Minnesota Statutes 2006, section 13.462, subdivision 1, is amended to read:

16.15 Subdivision 1. **Definition.** As used in this section, "benefit data" means data on
16.16 individuals collected or created because an individual seeks information about becoming,
16.17 is, or was an applicant for or a recipient of benefits or services provided under various
16.18 housing, home ownership, rehabilitation and community action agency, Head Start,
16.19 and food assistance programs administered by ~~state agencies, political subdivisions, or~~
16.20 ~~statewide systems~~ government entities. Benefit data does not include welfare data which
16.21 shall be administered in accordance with section 13.46.

16.22 Sec. 36. Minnesota Statutes 2006, section 13.462, subdivision 2, is amended to read:

16.23 Subd. 2. **Public data.** The names and addresses of applicants for and recipients of
16.24 benefits, aid, or assistance through programs administered by ~~any political subdivision,~~
16.25 ~~state agency, or statewide system~~ a government entity that are intended to assist with the
16.26 purchase, rehabilitation, or other purposes related to housing or other real property are
16.27 classified as public data on individuals. If an applicant or recipient is a corporation, the
16.28 names and addresses of the officers of the corporation are public data on individuals. If
16.29 an applicant or recipient is a partnership, the names and addresses of the partners are
16.30 public data on individuals. The amount or value of benefits, aid, or assistance received
16.31 is public data.

16.32 Sec. 37. Minnesota Statutes 2006, section 13.462, subdivision 3, is amended to read:

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

17.7 Sec. 38. Minnesota Statutes 2006, section 13.48, is amended to read:

17.8 **13.48 AWARD DATA.**

17.9 Financial data on business entities submitted to a ~~state agency, statewide system, or~~
17.10 ~~political subdivision~~ government entity for the purpose of presenting awards to business
17.11 entities for achievements in business development or performance are private data on
17.12 individuals or nonpublic data.

17.13 Sec. 39. Minnesota Statutes 2006, section 13.552, subdivision 3, is amended to read:

17.14 Subd. 3. **Data provided under subpoena.** Data supplied by a ~~state agency,~~
17.15 ~~statewide system, or political subdivision~~ government entity pursuant to a subpoena issued
17.16 by the commissioner of human rights is governed by section 363A.06, subdivision 2.

17.17 Sec. 40. Minnesota Statutes 2006, section 13.591, subdivision 4, is amended to read:

17.18 Subd. 4. **Classification of evaluative data; data sharing.** (a) Data created or
17.19 maintained by a government entity as part of the selection or evaluation process referred
17.20 to in this section are protected nonpublic data until completion of the selection process or
17.21 completion of the evaluation process at which time the data are public with the exception
17.22 of trade secret data as defined and classified in section 13.37.

17.23 (b) If a ~~state agency~~ government entity asks employees of other ~~state agencies~~
17.24 government entities to assist with the selection of the responses to a request for bid or the
17.25 evaluation of responses to a request for proposal, the ~~state agency~~ government entity may
17.26 share not public data in the responses with those employees. The employees participating
17.27 in the selection or evaluation may not further disseminate the not public data they review.

17.28 Sec. 41. **[13.597] GRANTS.**

17.29 Subdivision 1. Definitions. For purposes of this section, the following terms have
17.30 the meanings given them.

17.31 (a) "Completion of the evaluation process" means that the granting agency has
17.32 completed negotiating the grant agreement with the selected grantee.

18.1 (b) "Grant agreement" means the document that details the responsibilities of the
18.2 grantee and the granting agency and the value to be provided to the grantee.

18.3 (c) "Grantee" means a person that applies for or receives a grant.

18.4 (d) "Granting agency" means the government entity that provides the grant.

18.5 (e) "Opened" means the act that occurs once the deadline for submitting a response
18.6 to a proposal to the granting agency has been reached.

18.7 (f) "Request for proposal" means the data outlining the responsibilities the granting
18.8 agency wants the grantee to assume.

18.9 (g) "Response" means the data submitted by a grantee as required by a request for
18.10 proposal.

18.11 Subd. 2. **Request for applications.** Data created by a granting agency to create a
18.12 request for proposal is classified as nonpublic until the request for proposal is published.
18.13 To the extent that a granting agency involves persons outside the granting agency to create
18.14 the request for proposal, the data remain nonpublic in the hands of all persons who may
18.15 not further disseminate any data that are created or reviewed as part of the request for
18.16 proposal development. At publication, the data in the request for proposal is public.

18.17 Subd. 3. **Responses to request for proposals.** (a) Responses submitted by a grantee
18.18 are private or nonpublic until the responses are opened. Once the responses are opened,
18.19 the name and address of the grantee and the amount requested is public. All other data in a
18.20 response is private or nonpublic data until completion of the evaluation process. After a
18.21 granting agency has completed the evaluation process, all remaining data in the responses
18.22 is public with the exception of trade secret data as defined and classified in section 13.37.
18.23 A statement by a grantee that the response is copyrighted or otherwise protected does
18.24 not prevent public access to the response.

18.25 (b) If all responses are rejected prior to completion of the evaluation process,
18.26 all data, other than that made public at the opening, remain private or nonpublic
18.27 until a resolicitation of proposals results in completion of the evaluation process or a
18.28 determination is made to abandon the grant. If the rejection occurs after the completion of
18.29 the evaluation process, the data remain public. If a resolicitation of proposals does not
18.30 occur within one year of the grant opening date, the remaining data become public.

18.31 Subd. 4. **Evaluation data.** (a) Data created or maintained by a granting agency as
18.32 part of the evaluation process referred to in this section are protected nonpublic data until
18.33 completion of the evaluation process at which time the data are public with the exception
18.34 of trade secret data as defined and classified in section 13.37.

18.35 (b) If a granting agency asks individuals outside the granting agency to assist with
18.36 the evaluation of the responses, the granting agency may share not public data in the

19.1 responses with those individuals. The individuals participating in the evaluation may not
19.2 further disseminate the not public data they review.

19.3 Sec. 42. Minnesota Statutes 2006, section 13.72, is amended by adding a subdivision
19.4 to read:

19.5 Subd. 14. **Market research data; classification.** (a) Names, home addresses
19.6 except for zip codes, home e-mail addresses, and home telephone numbers obtained
19.7 for or received in response to a survey conducted by or on behalf of the Department of
19.8 Transportation are classified as private data on individuals.

19.9 (b) Business names, business addresses except for zip codes, business e-mail
19.10 addresses, and business telephone numbers obtained for or received in response to a
19.11 survey conducted by or on behalf of the Department of Transportation are classified
19.12 as nonpublic data.

19.13 Sec. 43. Minnesota Statutes 2006, section 13.72, is amended by adding a subdivision
19.14 to read:

19.15 Subd. 15. **Overhead rate data.** Financial statements and lists of stockholders
19.16 provided to the commissioner of transportation by a consultant in order to establish its
19.17 overhead rate, and the schedule of audit adjustments and the overhead rate schedule
19.18 prepared by the Department of Transportation in order to establish the overhead rate for a
19.19 consultant are classified as nonpublic data or private data on individuals. The overhead
19.20 rate percentage is public data.

19.21 Sec. 44. Minnesota Statutes 2006, section 13.72, is amended by adding a subdivision
19.22 to read:

19.23 Subd. 16. **Bid escrow data.** Bid documentation held in escrow by the Department
19.24 of Transportation is classified as nonpublic data. Any data on individuals in the bid
19.25 documentation are classified as private data on individuals. "Bid documentation" means
19.26 all writings, working papers, computer printout charts, and other data calculations used
19.27 by a contractor to determine its bid in bidding for a contract. The bid documentation
19.28 includes, but is not limited to, the contractor's costs for operating each piece of equipment
19.29 owned by the contractor, the contractor's overhead costs and its calculated overhead rate,
19.30 the contractor's pay rates for its employees, efficiency or productivity factors, arithmetic
19.31 extensions, and the rates and quotations from subcontractors and material suppliers to
19.32 the extent that the rates and quotations were used by the contractor in formulating and
19.33 determining the amount of the bid.

20.1 Sec. 45. **[13.7908] BUREAU OF MEDIATION SERVICES DATA.**

20.2 Subdivision 1. **Representation data.** Authorization signatures or cards furnished in
20.3 support of a petition filed or election conducted under sections 179.16, 179.18 to 179.25,
20.4 and 179A.12, and ballots, prior to the time of tabulation, are classified as protected
20.5 nonpublic data or confidential data on individuals.

20.6 Subd. 2. **Mediation data.** Data received or maintained by the staff or commissioner
20.7 of the Bureau of Mediation Services during the course of providing mediation services to
20.8 the parties to a labor dispute under chapter 179 are classified as protected nonpublic data
20.9 or confidential data on individuals, except to the extent the commissioner of the Bureau of
20.10 Mediation Services determines access to data is necessary to fulfill the requirements of
20.11 section 179A.16 or to identify the general nature of or parties to a labor dispute.

20.12 Sec. 46. Minnesota Statutes 2006, section 13.861, subdivision 1, is amended to read:

20.13 Subdivision 1. **Definitions.** As used in this section:

20.14 (a) "Security service" means an organization that provides security services to a ~~state~~
20.15 ~~agency or political subdivision~~ government entity as a part of ~~the governmental~~ that entity
20.16 or under contract to it. Security service does not include a law enforcement agency.

20.17 (b) "Security service data" means all data collected, created, or maintained by a
20.18 security service for the purpose of providing security services.

20.19 Sec. 47. Minnesota Statutes 2006, section 13.87, subdivision 1, is amended to read:

20.20 Subdivision 1. **Criminal history data.** (a) **Definition.** For purposes of this
20.21 subdivision, "criminal history data" means all data maintained in criminal history
20.22 records compiled by the Bureau of Criminal Apprehension and disseminated through
20.23 the criminal justice information system, including, but not limited to fingerprints,
20.24 photographs, identification data, arrest data, prosecution data, criminal court data, custody
20.25 and supervision data.

20.26 (b) **Classification.** Criminal history data maintained by agencies, political
20.27 subdivisions and statewide systems are classified as private, pursuant to section 13.02,
20.28 subdivision 12, except that data created, collected, or maintained by the Bureau of
20.29 Criminal Apprehension that identify an individual who was convicted of a crime, the
20.30 offense of which the individual was convicted, associated court disposition and sentence
20.31 information, controlling agency, and confinement information are public data for 15 years
20.32 following the discharge of the sentence imposed for the offense. When an innocent party's
20.33 name is associated with a criminal history, and a determination has been made through a
20.34 fingerprint verification that the innocent party is not the subject of the criminal history, the

21.1 name may be redacted from the public criminal history data. The name shall be retained in
21.2 the criminal history and classified as private data.

21.3 The Bureau of Criminal Apprehension shall provide to the public at the central office
21.4 of the bureau the ability to inspect in person, at no charge, through a computer monitor the
21.5 criminal conviction data classified as public under this subdivision.

21.6 (c) **Limitation.** Nothing in paragraph (a) or (b) shall limit public access to data
21.7 made public by section 13.82.

21.8 Sec. 48. Minnesota Statutes 2006, section 13.87, subdivision 2, is amended to read:

21.9 Subd. 2. **Firearms data.** All data pertaining to the purchase or transfer of firearms
21.10 and applications for permits to carry firearms which are collected by ~~state agencies;~~
21.11 ~~political subdivisions or statewide systems~~ government entities pursuant to sections
21.12 624.712 to 624.719 are classified as private, pursuant to section 13.02, subdivision 12.

21.13 Sec. 49. Minnesota Statutes 2006, section 13.87, is amended by adding a subdivision
21.14 to read:

21.15 Subd. 5. **Parole and probation authority access to records.** Parole and county
21.16 probation authorities may access data identified in subdivision 2 on an applicant or permit
21.17 holder who is also a defendant, parolee, or probationer of a district court.

21.18 Sec. 50. **[13.873] CRIMNET.**

21.19 Subdivision 1. **Definitions.** For purposes of this section, "integrated search
21.20 service" or "ISS" is a service operated by the Bureau of Criminal Apprehension which
21.21 allows authorized users to search and view data that are stored on one or more databases
21.22 maintained by criminal justice agencies, as defined in section 299C.46, subdivision 2.

21.23 Subd. 2. **Requests by data subject.** An individual may request that an ISS query to
21.24 locate data about the individual be performed by state or local law enforcement agencies
21.25 with ISS access. State and local law enforcement agencies with ISS access shall only
21.26 provide:

21.27 (1) a list of the government entities that have provided public or private data about
21.28 that individual through ISS; and

21.29 (2) data that describe what is maintained about the individual at each government
21.30 entity on the list.

21.31 Subd. 3. **Bureau responsibilities.** The bureau must provide the following
21.32 information at a public Internet site:

21.33 (1) a listing of all law enforcement agencies with ISS access; and

22.1 (2) information for individual data subjects on how to challenge the accuracy or
22.2 completeness of data pursuant to section 13.04, subdivision 4.

22.3 Sec. 51. Minnesota Statutes 2006, section 84.0274, subdivision 5, is amended to read:

22.4 Subd. 5. **Owner's rights.** When the state proposes to purchase in fee or any lesser
22.5 interest in land which will be administered by the commissioner of natural resources, the
22.6 landowner shall have the following rights:

22.7 (a) The right to be informed of the specific intended use of the property and of any
22.8 change in the intended use of the property which occurs during the acquisition process.

22.9 The owner shall also be informed that the documents regarding the purchase will be public
22.10 records if the land is purchased by the state;

22.11 (b) The right to be paid a fair price for the property. The price shall include the
22.12 fair market value of the land plus:

22.13 (1) All necessary incidental costs such as abstracting and recording fees related
22.14 to the sale. The costs of clearing title defects, paying taxes, and attorney's fees are not
22.15 reimbursable; and

22.16 (2) Any penalties incurred by the owner where the property is security for a loan
22.17 or advance of credit that contains a provision requiring or permitting the imposition of a
22.18 penalty if the loan or advance of credit is prepaid;

22.19 (c) The right to payment, at the owner's election, in a lump sum or in up to four
22.20 annual installments;

22.21 (d) The right to have the property fairly appraised by the state. The state's appraiser
22.22 shall physically inspect the property and shall allow the owner along when the appraisal
22.23 is made. The state's appraiser shall certify in the appraisal report to having physically
22.24 inspected the property and having given the landowner an opportunity to go along on
22.25 inspections. Notwithstanding section 13.44, subdivision 3, before an offer is made, the
22.26 landowner shall be given a resume of the state's certified appraisal. The resume shall
22.27 include the appraiser's conclusions as to value, acreage and type of land, value of buildings
22.28 and other improvements, value of timber, special damages and any special elements of
22.29 value informed of the value determined pursuant to section 84.0272;

22.30 (e) The right to retain a qualified independent appraiser to conduct an appraisal at any
22.31 time prior to certification of the state's appraisal of the property and to be reimbursed for
22.32 appraisal fees as provided in section 117.232, subdivision 1, if the land is sold to the state
22.33 and to have that appraisal considered along with the state's in certifying the selling price;

22.34 (f) The right to have the state acquire the property by means of condemnation upon
22.35 the owner's request with the agreement of the commissioner;

- 23.1 (g) The right to receive or waive relocation assistance, services, payments and
 23.2 benefits as provided in sections 117.52 and 117.521;
- 23.3 (h) The right to accept the state's offer for the property and contest the state's offer
 23.4 for relocation and moving expenses;
- 23.5 (i) The right to continue occupancy of the property until full payment is received,
 23.6 provided that when the owner elects to receive payment in annual installments pursuant to
 23.7 clause (c), the owner may retain occupancy until the first payment is made; and
- 23.8 (j) The right to seek the advice of counsel regarding any aspect of the land
 23.9 transaction.

23.10 Sec. 52. Minnesota Statutes 2006, section 122A.33, subdivision 3, is amended to read:

23.11 Subd. 3. **Notice of nonrenewal; opportunity to respond.** A school board that
 23.12 declines to renew the coaching contract of a licensed or nonlicensed head varsity coach
 23.13 must notify the coach within 14 days of that decision. If the coach requests reasons for
 23.14 not renewing the coaching contract, the board must give the coach its reasons in writing
 23.15 within ten days of receiving the request. Upon request, the board must provide the coach
 23.16 with a reasonable opportunity to respond to the reasons at a board meeting. The hearing
 23.17 may be opened or closed at the election of the coach unless the board closes the meeting
 23.18 under section 13D.05, subdivision 2, to discuss ~~nonpublic~~ private data.

23.19 Sec. 53. Minnesota Statutes 2006, section 171.07, subdivision 1a, is amended to read:

23.20 Subd. 1a. **Filing photograph or image; data classification.** The department shall
 23.21 file, or contract to file, all photographs or electronically produced images obtained in the
 23.22 process of issuing drivers' licenses or Minnesota identification cards. The photographs or
 23.23 electronically produced images shall be private data pursuant to section 13.02, subdivision
 23.24 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required
 23.25 to provide copies of photographs or electronically produced images to data subjects.

23.26 The use of the files is restricted:

- 23.27 (1) to the issuance and control of drivers' licenses;
- 23.28 (2) ~~for law enforcement purposes in the investigation and prosecution of crimes;~~
 23.29 ~~and~~ to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the
 23.30 investigation and prosecution of crimes, service of process, location of missing persons,
 23.31 investigation and preparation of cases for criminal, juvenile, and traffic court, and
 23.32 supervision of offenders;
- 23.33 (3) ~~for~~ to public defenders, as defined in section 611.272, for the investigation and
 23.34 preparation of cases for criminal, juvenile, and traffic courts; and

24.1 (4) to child support enforcement purposes under section 256.978.

24.2 Sec. 54. Minnesota Statutes 2006, section 270B.01, subdivision 8, is amended to read:

24.3 Subd. 8. **Minnesota tax laws.** For purposes of this chapter only, unless expressly
24.4 stated otherwise, "Minnesota tax laws" means:

24.5 (1) the taxes, refunds, and fees administered by or paid to the commissioner under
24.6 chapters 115B, 289A (except taxes imposed under sections 298.01, 298.015, and 298.24),
24.7 290, 290A, 291, 295, 297A, 297B, and 297H, or any similar Indian tribal tax administered
24.8 by the commissioner pursuant to any tax agreement between the state and the Indian tribal
24.9 government, and includes any laws for the assessment, collection, and enforcement of
24.10 those taxes, refunds, and fees; and

24.11 (2) section 273.1315.

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

24.13 Sec. 55. Minnesota Statutes 2006, section 270B.02, subdivision 3, is amended to read:

24.14 Subd. 3. **Confidential data on individuals; protected nonpublic data.** (a) Except
24.15 as provided in paragraph (b), the name or existence of an informer, informer letters, and
24.16 other data, in whatever form, given to the Department of Revenue by a person, other than
24.17 the data subject, who informs that a specific person is not or may not be in compliance
24.18 with tax laws, or nontax laws administered by the Department of Revenue, including laws
24.19 ~~other than those relating to property taxes~~ not listed in section 270B.01, subdivision 8, are
24.20 confidential data on individuals or protected nonpublic data as defined in section 13.02,
24.21 subdivisions 3 and 13. This paragraph does not apply to laws relating to property taxes.

24.22 (b) Data under paragraph (a) may be disclosed with the consent of the informer
24.23 or upon a written finding by a court that the information provided by the informer was
24.24 false and that there is evidence that the information was provided in bad faith. This
24.25 subdivision does not alter disclosure responsibilities or obligations under the Rules of
24.26 Criminal Procedure.

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

24.28 Sec. 56. Minnesota Statutes 2006, section 270B.085, is amended by adding a
24.29 subdivision to read:

24.30 Subd. 3. **Collection of nontax debt.** The commissioner may use return information
24.31 for the purpose of collecting debts referred to the commissioner under chapter 16D.

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

25.1 Sec. 57. Minnesota Statutes 2006, section 270B.14, subdivision 3, is amended to read:

25.2 Subd. 3. **Administration of enterprise, job opportunity, and biotechnology**
25.3 **and health sciences industry zone program programs.** The commissioner may
25.4 disclose return information relating to the taxes imposed by chapters 290 and 297A to
25.5 the Department of Employment and Economic Development or a municipality receiving
25.6 an enterprise zone designation under section 469.169 but only as necessary to administer
25.7 the funding limitations under section 469.169, subdivision 7-, or to the Department
25.8 of Employment and Economic Development and appropriate officials from the local
25.9 government units in which a qualified business is located but only as necessary to enforce
25.10 the job opportunity building zone benefits under section 469.315, or biotechnology and
25.11 health sciences industry zone benefits under section 469.336.

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

25.13 Sec. 58. Minnesota Statutes 2006, section 273.1315, is amended to read:

25.14 **273.1315 CERTIFICATION OF CLASS 1B PROPERTY.**

25.15 **Subdivision 1. Class 1b homestead declaration before 2008.** Any property owner
25.16 seeking classification and assessment of the owner's homestead as class 1b property
25.17 pursuant to section 273.13, subdivision 22, paragraph (b), on or before October 1, 2007,
25.18 shall file with the commissioner of revenue a 1b homestead declaration, on a form
25.19 prescribed by the commissioner. The declaration shall contain the following information:

25.20 (a) the information necessary to verify that on or before June 30 of the filing year,
25.21 the property owner or the owner's spouse satisfies the requirements of section 273.13,
25.22 subdivision 22, paragraph (b), for 1b classification; and

25.23 (b) any additional information prescribed by the commissioner.

25.24 The declaration must be filed on or before October 1 to be effective for property
25.25 taxes payable during the succeeding calendar year. The declaration and any supplementary
25.26 information received from the property owner pursuant to this section shall be subject to
25.27 chapter 270B. If approved by the commissioner, the declaration remains in effect until the
25.28 property no longer qualifies under section 273.13, subdivision 22, paragraph (b). Failure
25.29 to notify the commissioner within 30 days that the property no longer qualifies under that
25.30 paragraph because of a sale, change in occupancy, or change in the status or condition
25.31 of an occupant shall result in the penalty provided in section 273.124, subdivision 13,
25.32 computed on the basis of the class 1b benefits for the property, and the property shall lose
25.33 its current class 1b classification.

26.1 The commissioner shall provide to the assessor on or before November 1 a listing
26.2 of the parcels of property qualifying for 1b classification.

26.3 Subd. 2. Class 1b homestead declaration 2008 and thereafter. Any property
26.4 owner seeking classification and assessment of the owner's homestead as class 1b property
26.5 pursuant to section 273.13, subdivision 22, paragraph (b), after October 1, 2007, shall file
26.6 with the county assessor a class 1b homestead declaration, on a form prescribed by the
26.7 commissioner of revenue. The declaration must contain the following information:

26.8 (1) the information necessary to verify that, on or before June 30 of the filing year,
26.9 the property owner or the owner's spouse satisfies the requirements of section 273.13,
26.10 subdivision 22, paragraph (b), for class 1b classification; and

26.11 (2) any additional information prescribed by the commissioner.

26.12 The declaration must be filed on or before October 1 to be effective for property
26.13 taxes payable during the succeeding calendar year. The Social Security numbers and
26.14 income and medical information received from the property owner pursuant to this section
26.15 are private data on individuals as defined in section 13.02. If approved by the assessor, the
26.16 declaration remains in effect until the property no longer qualifies under section 273.13,
26.17 subdivision 22, paragraph (b). Failure to notify the assessor within 30 days that the
26.18 property no longer qualifies under that paragraph because of a sale, change in occupancy,
26.19 or change in the status or condition of an occupant shall result in the penalty provided in
26.20 section 273.124, subdivision 13, computed on the basis of the class 1b benefits for the
26.21 property, and the property shall lose its current class 1b classification.

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

26.23 Sec. 59. Minnesota Statutes 2006, section 325E.59, subdivision 1, is amended to read:

26.24 Subdivision 1. **Generally.** (a) A person or entity, not including a government entity,
26.25 may not do any of the following:

26.26 (1) publicly post or publicly display in any manner an individual's Social Security
26.27 number. "Publicly post" or "publicly display" means to intentionally communicate or
26.28 otherwise make available to the general public;

26.29 (2) print an individual's Social Security number on any card required for the
26.30 individual to access products or services provided by the person or entity;

26.31 (3) require an individual to transmit the individual's Social Security number over
26.32 the Internet, unless:

26.33 (i) the connection is secure or the Social Security number is encrypted; and

26.34 (ii) the Social Security number is necessary to the transaction,

27.1 except as required by titles XVIII and XIX of the Social Security Act and by Code
27.2 of Federal Regulations, title 42, section 483.20;

27.3 (4) require an individual to use the individual's Social Security number to access an
27.4 Internet Web site, unless a password or unique personal identification number or other
27.5 authentication device is also required to access the Internet Web site;

27.6 ~~(5) print a number that the person or entity knows to be an individual's Social
27.7 Security number on any materials that are mailed to the individual, unless state or federal
27.8 law requires the Social Security number to be on the document to be mailed. If, in
27.9 connection with a transaction involving or otherwise relating to an individual, a person or
27.10 entity receives a number from a third party, that person or entity is under no duty to inquire
27.11 or otherwise determine whether the number is or includes that individual's Social Security
27.12 number and may print that number on materials mailed to the individual, unless the person
27.13 or entity receiving the number has actual knowledge that the number is or includes the
27.14 individual's Social Security number;~~ (5) send or cause to be sent or delivered any letter,

27.15 envelope, or package that displays a Social Security number on the face of the mailing
27.16 envelope or package, or from which a Social Security number is visible, whether on the
27.17 outside or inside of the mailing envelope or package. A person is further prohibited from
27.18 printing a number that the person or entity knows to be an individual's Social Security
27.19 number on any materials that are mailed to the individual, unless state or federal law
27.20 requires the Social Security number to be on the document to be mailed or as part of
27.21 applications and forms sent by mail, including documents sent as part of an application or
27.22 enrollment process, or to establish, amend, administer, or terminate an account, contract,
27.23 or policy, or to confirm the accuracy of the Social Security number;

27.24 (6) assign or use a number as the primary account identifier that is identical to or
27.25 incorporates an individual's complete Social Security number; ~~or~~

27.26 (7) sell Social Security numbers obtained from individuals in the course of business.
27.27 Nothing in this clause prohibits the sale, transfer, or disclosure of an individual's Social
27.28 Security number to a third party if the sale, transfer, or disclosure (i) has no independent
27.29 economic value and is incidental to a larger transaction and (ii) is necessary for the
27.30 purpose of verifying the identity of the individual;

27.31 (8) lease, loan, trade, or rent an individual's Social Security number to a nonaffiliated
27.32 third party, unless (i) the person or entity has the written consent to the disclosure from the
27.33 individual, or (ii) the disclosure is required or authorized by federal or state law. Nothing
27.34 in this clause prohibits the sale, transfer, or disclosure of an individual's Social Security
27.35 number to a third party if the sale, transfer, or disclosure has no independent economic

28.1 value and is incidental to a larger transaction and is necessary for the purpose of verifying
28.2 the identity of the individual; or

28.3 (9) refuse to do business with an individual because the individual will not consent to
28.4 the disclosure of, or provide, the individual's Social Security number, unless in connection
28.5 with the transaction:

28.6 (i) the person or entity has a permissible purpose to obtain the individual's credit
28.7 report under section 604 of the federal Fair Credit Reporting Act, United States Code,
28.8 title 15, section 1681(b);

28.9 (ii) the person or entity is expressly required or authorized by federal or state law to
28.10 obtain the individual's Social Security number;

28.11 (iii) the person or entity has a reasonable basis to believe that the individual is
28.12 using a false identity or false documents; or

28.13 (iv) the business transaction cannot otherwise be completed without the individual's
28.14 Social Security number.

28.15 ~~Notwithstanding clauses (1) to (5), Social Security numbers may be included in~~
28.16 ~~applications and forms sent by mail, including documents sent as part of an application or~~
28.17 ~~enrollment process, or to establish, amend, or terminate an account, contract, or policy,~~
28.18 ~~or to confirm the accuracy of the Social Security number. Nothing in this paragraph~~
28.19 ~~authorizes inclusion of a Social Security number on the outside of a mailing or in the bulk~~
28.20 ~~mailing of a credit card solicitation offer.~~

28.21 (b) A person or entity, not including a government entity, must restrict access to
28.22 individual Social Security numbers it holds so that only employees who require the
28.23 numbers in order to perform their job duties have access to the numbers, except as required
28.24 by titles XVIII and XIX of the Social Security Act and by Code of Federal Regulations,
28.25 title 42, section 483.20.

28.26 ~~(c) Except as provided in subdivision 2, this section applies only to the use of Social~~
28.27 ~~Security numbers on or after July 1, 2007.~~

28.28 Sec. 60. Minnesota Statutes 2006, section 325E.59, is amended by adding a subdivision
28.29 to read:

28.30 Subd. 6. **Penalties and remedies.** A person violating this section is subject to
28.31 the penalties and remedies in section 8.31.

28.32 Sec. 61. [473.1291] CLASSIFICATION OF CERTAIN LABOR RELATIONS
28.33 DATA.

29.1 Notwithstanding section 13.37, the Metropolitan Council may classify all or any
29.2 portion of a management or employee organization position or proposal on economic
29.3 or noneconomic items that has been presented by either party during the collective
29.4 bargaining process with the Amalgamated Transit Union, as the exclusive representative
29.5 of a portion of the council's employees, as nonpublic data under section 13.02, subdivision
29.6 9. The collective bargaining process includes, without limitation, any mediation that
29.7 occurs during the process. The Amalgamated Transit Union constitutes the subject of the
29.8 data for the purposes of the definition of nonpublic data. The council may only make
29.9 such a classification with the written concurrence of the union. The council may, at its
29.10 sole discretion, withdraw the classification at any time and nothing in this section may
29.11 be construed to limit or control release of the described data by the union. Any data
29.12 classified as nonpublic under this section becomes public after the contract resulting from
29.13 the collective bargaining process is executed by both parties.

29.14 This section applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
29.15 Scott, and Washington.

29.16 **Sec. 62. REPEALER.**

29.17 (a) Minnesota Statutes 2006, section 13.79, subdivision 2, is repealed.

29.18 (b) Minnesota Statutes 2006, section 325E.59, subdivision 2, is repealed.

29.19 **Sec. 63. EFFECTIVE DATE.**

29.20 Sections 10 and 61 are effective the day following final enactment and apply
29.21 to positions or proposals presented before or after the effective date which have not
29.22 previously been released to the public. Sections 59, 60, and 62, paragraph (b), are
29.23 effective July 1, 2007.

13.79 DEPARTMENT OF LABOR AND INDUSTRY 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.

325E.59 USE OF SOCIAL SECURITY NUMBERS.

Subd. 2. **Continuation of prior use.** A person or entity, not including a government entity, that has used, prior to July 1, 2007, an individual's Social Security number in a manner inconsistent with subdivision 1, may continue using that individual's Social Security number in that manner on or after July 1, 2007, if all the following conditions are met:

(1) the use of the Social Security number is continuous. If the use is stopped for any reason, subdivision 1 applies;

(2) the individual is provided an annual disclosure, commencing in 2007, that informs the individual that the individual has the right to stop the use of the individual's Social Security number in a manner prohibited by subdivision 1;

(3) a written request by an individual to stop the use of the individual's Social Security number in a manner prohibited by subdivision 1 must be implemented within 30 days of the receipt of the request. A fee may not be charged for implementing the request; and

(4) a person or entity, not including a government entity, shall not deny services to an individual because the individual makes a written request pursuant to this subdivision.