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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE NO. 442

February 2, 2009

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

1.1 A bill for an act
1.2 relating to data practices; providing for release of certain data to a legal
1.3 representative; amending Minnesota Statutes 2008, section 13.393.
1.4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

1.5 Section 1. Minnesota Statutes 2008, section 13.393, is amended to read:

1.6 **13.393 ATTORNEYS.**

1.7 (a) Notwithstanding the provisions of this chapter or any other statutes of Minnesota
1.8 concerning or related to data practices, a government entity may provide data without
1.9 regard to the data's classification to the government entity's legal counsel or a legal
1.10 representative representing the government entity, its officers, employees, or agents in the
1.11 investigation, prosecution, or defense of any proceeding or matter in which the government
1.12 entity, an officer, employee, or agent has become or is likely to become a party in any civil,
1.13 administrative, or licensing action or proceeding. For purposes of this subdivision, "legal
1.14 counsel" or "legal representative" includes retained legal counsel; government counsel;
1.15 a liability insurance carrier providing coverage to the government entity, its officers,
1.16 employees, or agents; and any insurance trust or risk management pool of which the
1.17 government entity is a member. Upon receipt by legal counsel or the legal representative,
1.18 the data, its use, collection, storage, and dissemination shall be governed by paragraph (b).

1.19 (b) Notwithstanding the provisions of this chapter and section 15.17, the use,
1.20 collection, storage, and dissemination of data by an attorney acting in a professional
1.21 capacity for a government entity shall be governed by statutes, rules, and professional
1.22 standards concerning discovery, production of documents, introduction of evidence, and
1.23 professional responsibility; provided that this section shall not be construed to affect the
1.24 applicability of any statute, other than this chapter and section 15.17, which specifically

- 2.1 requires or prohibits disclosure of specific information by the attorney, nor shall this
- 2.2 section be construed to relieve any responsible authority, other than the attorney, from
- 2.3 duties and responsibilities pursuant to this chapter and section 15.17.