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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1654**

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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; excluding electronically stored personal notes from
1.3 government data; amending Minnesota Statutes 2008, section 13.32, subdivision
1.4 1.

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

1.6 Section 1. Minnesota Statutes 2008, section 13.32, subdivision 1, is amended to read:

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

1.8 (a) "Educational data" means data on individuals maintained by a public educational
1.9 agency or institution or by a person acting for the agency or institution which relates to
1.10 a student.

1.11 Records, including electronically stored personal notes of instructional personnel
1.12 which are in the sole possession of the maker thereof and are not accessible or revealed
1.13 to any other individual except a substitute teacher, ~~and are destroyed at the end of the~~
1.14 ~~school year,~~ shall not be deemed to be government data. Password-protected electronic
1.15 notes of instructional personnel are deemed to be in the sole possession of the maker for
1.16 purposes of this provision.

1.17 Records of a law enforcement unit of a public educational agency or institution which
1.18 are maintained apart from education data and are maintained solely for law enforcement
1.19 purposes, and are not disclosed to individuals other than law enforcement officials of the
1.20 jurisdiction are not educational data; provided, that education records maintained by the
1.21 educational agency or institution are not disclosed to the personnel of the law enforcement
1.22 unit. The University of Minnesota police department is a law enforcement agency for
1.23 purposes of section 13.82 and other sections of Minnesota Statutes dealing with law

2.1 enforcement records. Records of organizations providing security services to a public
2.2 educational agency or institution must be administered consistent with section 13.861.

2.3 Records relating to a student who is employed by a public educational agency
2.4 or institution which are made and maintained in the normal course of business, relate
2.5 exclusively to the individual in that individual's capacity as an employee, and are not
2.6 available for use for any other purpose are classified pursuant to section 13.43.

2.7 (b) "Juvenile justice system" includes criminal justice agencies and the judiciary
2.8 when involved in juvenile justice activities.

2.9 (c) "Student" means an individual currently or formerly enrolled or registered,
2.10 applicants for enrollment or registration at a public educational agency or institution,
2.11 or individuals who receive shared time educational services from a public agency or
2.12 institution.

2.13 (d) "Substitute teacher" means an individual who performs on a temporary basis
2.14 the duties of the individual who made the record, but does not include an individual who
2.15 permanently succeeds to the position of the maker of the record.