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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 1689

March 12, 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 human services; amending data privacy provisions; amending
1.3 Minnesota Statutes 2008, sections 13.04, subdivision 4; 241.065, subdivision
1.4 2; 246B.04, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2008, section 13.04, subdivision 4, is amended to read:

1.7 Subd. 4. **Procedure when data is not accurate or complete.** (a) An individual
1.8 subject of the data may contest the accuracy or completeness of public or private data. To
1.9 exercise this right, an individual shall notify in writing the responsible authority describing
1.10 the nature of the disagreement. The responsible authority, designee, or data practices
1.11 compliance official shall within 30 days either: (1) correct the data found to be inaccurate
1.12 or incomplete and attempt to notify past recipients of inaccurate or incomplete data,
1.13 including recipients named by the individual; or (2) notify the individual that the authority
1.14 believes the data to be correct. Data in dispute shall be disclosed only if the individual's
1.15 statement of disagreement is included with the disclosed data.

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

2.1 (b) Data on individuals that have been successfully challenged by an individual
2.2 must be completed, corrected, or destroyed by a government entity without regard to the
2.3 requirements of section 138.17.

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

2.8 Sec. 2. Minnesota Statutes 2008, section 241.065, subdivision 2, is amended to read:

2.9 Subd. 2. **Establishment.** The Department of Corrections shall administer and
2.10 maintain a computerized data system for the purpose of assisting criminal justice agencies
2.11 in monitoring and enforcing the conditions of conditional release imposed on criminal
2.12 offenders by a sentencing court or the commissioner of corrections. The adult data and
2.13 juvenile data as defined in section 260B.171 in the statewide supervision system are
2.14 private data as defined in section 13.02, subdivision 12, but are accessible to criminal
2.15 justice agencies as defined in section 13.02, subdivision 3a, to the Minnesota sex offender
2.16 program as provided in section 246B.04, subdivision 3, to public defenders as provided in
2.17 section 611.272, to all trial courts and appellate courts, and to criminal justice agencies in
2.18 other states in the conduct of their official duties.

2.19 Sec. 3. Minnesota Statutes 2008, section 246B.04, is amended by adding a subdivision
2.20 to read:

2.21 Subd. 3. **Access to data.** The Minnesota sex offender program must have access
2.22 to private data contained in the statewide supervision system under section 241.065, as
2.23 necessary for the administration and management of current Minnesota sex offender
2.24 clients for the purposes of admissions, treatment, security, and supervision.