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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. **1466**

04/14/2011 Authored by Scott and McElfattrick
The bill was read for the first time and referred to the Committee on Civil Law
05/02/2011 Committee Recommendation and Adoption of Report:
To Pass as Amended
Read Second Time

1.1 A bill for an act
1.2 relating to state government; making changes to data practices; amending
1.3 Minnesota Statutes 2010, sections 13.02, subdivisions 3, 4, 8a, 9, 12, 13, 14, 15;
1.4 13.10, subdivision 1; 13.202, subdivision 3; 13.3805, subdivision 1; 13.384,
1.5 subdivision 1; 13.44, subdivision 3; 13.46, subdivisions 2, 3, 4, 5, 6; 13.462,
1.6 subdivision 1; 13.47, subdivision 1; 13.485, by adding subdivisions; 13.548;
1.7 13.585, subdivisions 2, 3; 13.601, subdivision 3; 13.643, subdivisions 5, 7;
1.8 13.6435, by adding a subdivision; 13.65, subdivisions 1, 2, 3; 13.679, subdivision
1.9 2; 13.719, subdivisions 1, 5; 13.7191, subdivisions 14, 18; 13.72, by adding a
1.10 subdivision; 13.7932; 13.82, subdivisions 2, 3, 6, 7, by adding a subdivision;
1.11 13.83, subdivisions 2, 4, 6; 13.84, subdivision 6, by adding a subdivision; 13.87,
1.12 subdivision 2; 79A.16; 79A.28; proposing coding for new law in Minnesota
1.13 Statutes, chapters 13D; 136A.

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

1.15 Section 1. Minnesota Statutes 2010, section 13.02, subdivision 3, is amended to read:

1.16 Subd. 3. **Confidential data on individuals.** "Confidential data on individuals"
1.17 ~~means~~ are data ~~which is~~ made not public by statute or federal law applicable to the data
1.18 and ~~is~~ are inaccessible to the individual subject of ~~that~~ those data.

1.19 Sec. 2. Minnesota Statutes 2010, section 13.02, subdivision 4, is amended to read:

1.20 Subd. 4. **Data not on individuals.** "Data not on individuals" ~~means~~ are all
1.21 government data ~~which is~~ that are not data on individuals.

1.22 Sec. 3. Minnesota Statutes 2010, section 13.02, subdivision 8a, is amended to read:

1.23 Subd. 8a. **Not public data.** "Not public data" ~~means~~ are any government data ~~which~~
1.24 ~~is~~ classified by statute, federal law, or temporary classification as confidential, private,
1.25 nonpublic, or protected nonpublic.

2.1 Sec. 4. Minnesota Statutes 2010, section 13.02, subdivision 9, is amended to read:

2.2 Subd. 9. **Nonpublic data.** "Nonpublic data" ~~means~~ are data not on individuals ~~that~~
2.3 ~~is~~ made by statute or federal law applicable to the data: (a) not accessible to the public;
2.4 and (b) accessible to the subject, if any, of the data.

2.5 Sec. 5. Minnesota Statutes 2010, section 13.02, subdivision 12, is amended to read:

2.6 Subd. 12. **Private data on individuals.** "Private data on individuals" ~~means~~ are
2.7 data ~~which is~~ made by statute or federal law applicable to the data: (a) not public; and
2.8 (b) accessible to the individual subject of ~~that~~ those data.

2.9 Sec. 6. Minnesota Statutes 2010, section 13.02, subdivision 13, is amended to read:

2.10 Subd. 13. **Protected nonpublic data.** "Protected nonpublic data" ~~means~~ are data
2.11 not on individuals ~~which is~~ made by statute or federal law applicable to the data (a) not
2.12 public and (b) not accessible to the subject of the data.

2.13 Sec. 7. Minnesota Statutes 2010, section 13.02, subdivision 14, is amended to read:

2.14 Subd. 14. **Public data not on individuals.** "Public data not on individuals" ~~means~~
2.15 are data ~~which is~~ accessible to the public pursuant to section 13.03.

2.16 Sec. 8. Minnesota Statutes 2010, section 13.02, subdivision 15, is amended to read:

2.17 Subd. 15. **Public data on individuals.** "Public data on individuals" ~~means~~ are data
2.18 ~~which is~~ accessible to the public in accordance with the provisions of section 13.03.

2.19 Sec. 9. Minnesota Statutes 2010, section 13.10, subdivision 1, is amended to read:

2.20 Subdivision 1. **Definitions.** As used in this chapter:

2.21 (a) "Confidential data on decedents" ~~means~~ are data which, prior to the death of
2.22 the data subject, were classified by statute, federal law, or temporary classification as
2.23 confidential data.

2.24 (b) "Private data on decedents" ~~means~~ are data which, prior to the death of the data
2.25 subject, were classified by statute, federal law, or temporary classification as private data.

2.26 (c) "Representative of the decedent" ~~means~~ is the personal representative of the
2.27 estate of the decedent during the period of administration, or if no personal representative
2.28 has been appointed or after discharge of the personal representative, the surviving spouse,
2.29 any child of the decedent, or, if there is no surviving spouse or children, the parents of
2.30 the decedent.

3.1 Sec. 10. Minnesota Statutes 2010, section 13.202, subdivision 3, is amended to read:

3.2 Subd. 3. **Hennepin County.** (a) Data collected by the Hennepin Healthcare System,
3.3 Inc. are governed under section ~~383B.17~~ 383B.917, subdivision 1.

3.4 (b) Records of Hennepin County board meetings permitted to be closed under
3.5 section 383B.217, subdivision 7, are classified under that subdivision.

3.6 Sec. 11. Minnesota Statutes 2010, section 13.3805, subdivision 1, is amended to read:

3.7 Subdivision 1. **Health data generally.** (a) **Definitions.** As used in this subdivision:

3.8 (1) "Commissioner" means the commissioner of health.

3.9 (2) "Health data" ~~means~~ are data on individuals created, collected, received, or
3.10 maintained by the Department of Health, political subdivisions, or statewide systems
3.11 relating to the identification, description, prevention, and control of disease or as part of
3.12 an epidemiologic investigation the commissioner designates as necessary to analyze,
3.13 describe, or protect the public health.

3.14 (b) **Data on individuals.** (1) Health data are private data on individuals.
3.15 Notwithstanding section 13.05, subdivision 9, health data may not be disclosed except as
3.16 provided in this subdivision and section 13.04.

3.17 (2) The commissioner or a local board of health as defined in section 145A.02,
3.18 subdivision 2, may disclose health data to the data subject's physician as necessary to locate
3.19 or identify a case, carrier, or suspect case, to establish a diagnosis, to provide treatment, to
3.20 identify persons at risk of illness, or to conduct an epidemiologic investigation.

3.21 (3) With the approval of the commissioner, health data may be disclosed to the
3.22 extent necessary to assist the commissioner to locate or identify a case, carrier, or suspect
3.23 case, to alert persons who may be threatened by illness as evidenced by epidemiologic
3.24 data, to control or prevent the spread of serious disease, or to diminish an imminent threat
3.25 to the public health.

3.26 (c) **Health summary data.** Summary data derived from data collected under section
3.27 145.413 may be provided under section 13.05, subdivision 7.

3.28 Sec. 12. Minnesota Statutes 2010, section 13.384, subdivision 1, is amended to read:

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

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

3.32 (b) "Medical data" ~~means~~ are data collected because an individual was or is a patient
3.33 or client of a hospital, nursing home, medical center, clinic, health or nursing agency

4.1 operated by a government entity including business and financial records, data provided
4.2 by private health care facilities, and data provided by or about relatives of the individual.

4.3 Sec. 13. Minnesota Statutes 2010, section 13.44, subdivision 3, is amended to read:

4.4 Subd. 3. **Real property; appraisal data.** (a) **Confidential or protected nonpublic**
4.5 **data.** Estimated or appraised values of individual parcels of real property that are made by
4.6 personnel of a government entity or by independent appraisers acting for a government
4.7 entity for the purpose of selling or acquiring land through purchase or condemnation are
4.8 classified as confidential data on individuals or protected nonpublic data.

4.9 (b) **Private or nonpublic data.** Appraised values of individual parcels of real
4.10 property that are made by appraisers working for fee owners or contract purchasers who
4.11 have received an offer to purchase their property from a government entity are classified
4.12 as private data on individuals or nonpublic data.

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

- 4.16 (1) the data are submitted to a court-appointed condemnation commissioner;
4.17 (2) the data are presented in court in condemnation proceedings; or
4.18 (3) the negotiating parties enter into an agreement for the purchase and sale of the
4.19 property.

4.20 The data made confidential or protected nonpublic under paragraph (a) also
4.21 become public at the discretion of the government entity, determined by majority vote
4.22 of the entity's governing body, or, in the case of a state agency, as determined by the
4.23 commissioner of the agency.

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

4.25 Sec. 14. Minnesota Statutes 2010, section 13.46, subdivision 2, is amended to read:

4.26 Subd. 2. **General.** (a) ~~Unless the data is summary data or a statute specifically~~
4.27 ~~provides a different classification,~~ Data on individuals collected, maintained, used, or
4.28 disseminated by the welfare system ~~is~~ are private data on individuals, and shall not be
4.29 disclosed except:

- 4.30 (1) according to section 13.05;
4.31 (2) according to court order;
4.32 (3) according to a statute specifically authorizing access to the private data;

5.1 (4) to an agent of the welfare system, including a law enforcement person, attorney,
5.2 or investigator acting for it in the investigation or prosecution of a criminal or civil
5.3 proceeding relating to the administration of a program;

5.4 (5) to personnel of the welfare system who require the data to verify an individual's
5.5 identity; determine eligibility, amount of assistance, and the need to provide services to
5.6 an individual or family across programs; evaluate the effectiveness of programs; assess
5.7 parental contribution amounts; and investigate suspected fraud;

5.8 (6) to administer federal funds or programs;

5.9 (7) between personnel of the welfare system working in the same program;

5.10 (8) to the Department of Revenue to assess parental contribution amounts for
5.11 purposes of section 252.27, subdivision 2a, administer and evaluate tax refund or tax credit
5.12 programs and to identify individuals who may benefit from these programs. The following
5.13 information may be disclosed under this paragraph: an individual's and their dependent's
5.14 names, dates of birth, Social Security numbers, income, addresses, and other data as
5.15 required, upon request by the Department of Revenue. Disclosures by the commissioner
5.16 of revenue to the commissioner of human services for the purposes described in this clause
5.17 are governed by section 270B.14, subdivision 1. Tax refund or tax credit programs include,
5.18 but are not limited to, the dependent care credit under section 290.067, the Minnesota
5.19 working family credit under section 290.0671, the property tax refund and rental credit
5.20 under section 290A.04, and the Minnesota education credit under section 290.0674;

5.21 (9) between the Department of Human Services, the Department of Employment
5.22 and Economic Development, and when applicable, the Department of Education, for
5.23 the following purposes:

5.24 (i) to monitor the eligibility of the data subject for unemployment benefits, for any
5.25 employment or training program administered, supervised, or certified by that agency;

5.26 (ii) to administer any rehabilitation program or child care assistance program,
5.27 whether alone or in conjunction with the welfare system;

5.28 (iii) to monitor and evaluate the Minnesota family investment program or the child
5.29 care assistance program by exchanging data on recipients and former recipients of food
5.30 support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance
5.31 under chapter 119B, or medical programs under chapter 256B, 256D, or 256L; and

5.32 (iv) to analyze public assistance employment services and program utilization,
5.33 cost, effectiveness, and outcomes as implemented under the authority established in Title
5.34 II, Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of
5.35 1999. Health records governed by sections 144.291 to 144.298 and "protected health
5.36 information" as defined in Code of Federal Regulations, title 45, section 160.103, and

6.1 governed by Code of Federal Regulations, title 45, parts 160-164, including health care
6.2 claims utilization information, must not be exchanged under this clause;

6.3 (10) to appropriate parties in connection with an emergency if knowledge of
6.4 the information is necessary to protect the health or safety of the individual or other
6.5 individuals or persons;

6.6 (11) data maintained by residential programs as defined in section 245A.02 may
6.7 be disclosed to the protection and advocacy system established in this state according
6.8 to Part C of Public Law 98-527 to protect the legal and human rights of persons with
6.9 developmental disabilities or other related conditions who live in residential facilities for
6.10 these persons if the protection and advocacy system receives a complaint by or on behalf
6.11 of that person and the person does not have a legal guardian or the state or a designee of
6.12 the state is the legal guardian of the person;

6.13 (12) to the county medical examiner or the county coroner for identifying or locating
6.14 relatives or friends of a deceased person;

6.15 (13) data on a child support obligor who makes payments to the public agency
6.16 may be disclosed to the Minnesota Office of Higher Education to the extent necessary to
6.17 determine eligibility under section 136A.121, subdivision 2, clause (5);

6.18 (14) participant Social Security numbers and names collected by the telephone
6.19 assistance program may be disclosed to the Department of Revenue to conduct an
6.20 electronic data match with the property tax refund database to determine eligibility under
6.21 section 237.70, subdivision 4a;

6.22 (15) the current address of a Minnesota family investment program participant
6.23 may be disclosed to law enforcement officers who provide the name of the participant
6.24 and notify the agency that:

6.25 (i) the participant:

6.26 (A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after
6.27 conviction, for a crime or attempt to commit a crime that is a felony under the laws of the
6.28 jurisdiction from which the individual is fleeing; or

6.29 (B) is violating a condition of probation or parole imposed under state or federal law;

6.30 (ii) the location or apprehension of the felon is within the law enforcement officer's
6.31 official duties; and

6.32 (iii) the request is made in writing and in the proper exercise of those duties;

6.33 (16) the current address of a recipient of general assistance or general assistance
6.34 medical care may be disclosed to probation officers and corrections agents who are
6.35 supervising the recipient and to law enforcement officers who are investigating the
6.36 recipient in connection with a felony level offense;

7.1 (17) information obtained from food support applicant or recipient households may
7.2 be disclosed to local, state, or federal law enforcement officials, upon their written request,
7.3 for the purpose of investigating an alleged violation of the Food Stamp Act, according
7.4 to Code of Federal Regulations, title 7, section 272.1 (c);

7.5 (18) the address, Social Security number, and, if available, photograph of any
7.6 member of a household receiving food support shall be made available, on request, to a
7.7 local, state, or federal law enforcement officer if the officer furnishes the agency with the
7.8 name of the member and notifies the agency that:

7.9 (i) the member:

7.10 (A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a
7.11 crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

7.12 (B) is violating a condition of probation or parole imposed under state or federal
7.13 law; or

7.14 (C) has information that is necessary for the officer to conduct an official duty related
7.15 to conduct described in subitem (A) or (B);

7.16 (ii) locating or apprehending the member is within the officer's official duties; and

7.17 (iii) the request is made in writing and in the proper exercise of the officer's official
7.18 duty;

7.19 (19) the current address of a recipient of Minnesota family investment program,
7.20 general assistance, general assistance medical care, or food support may be disclosed to
7.21 law enforcement officers who, in writing, provide the name of the recipient and notify the
7.22 agency that the recipient is a person required to register under section 243.166, but is not
7.23 residing at the address at which the recipient is registered under section 243.166;

7.24 (20) certain information regarding child support obligors who are in arrears may be
7.25 made public according to section 518A.74;

7.26 (21) data on child support payments made by a child support obligor and data on
7.27 the distribution of those payments excluding identifying information on obligees may be
7.28 disclosed to all obligees to whom the obligor owes support, and data on the enforcement
7.29 actions undertaken by the public authority, the status of those actions, and data on the
7.30 income of the obligor or obligee may be disclosed to the other party;

7.31 (22) data in the work reporting system may be disclosed under section 256.998,
7.32 subdivision 7;

7.33 (23) to the Department of Education for the purpose of matching Department of
7.34 Education student data with public assistance data to determine students eligible for free
7.35 and reduced-price meals, meal supplements, and free milk according to United States
7.36 Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and

8.1 state funds that are distributed based on income of the student's family; and to verify
8.2 receipt of energy assistance for the telephone assistance plan;

8.3 (24) the current address and telephone number of program recipients and emergency
8.4 contacts may be released to the commissioner of health or a local board of health as
8.5 defined in section 145A.02, subdivision 2, when the commissioner or local board of health
8.6 has reason to believe that a program recipient is a disease case, carrier, suspect case, or at
8.7 risk of illness, and the data are necessary to locate the person;

8.8 (25) to other state agencies, statewide systems, and political subdivisions of this
8.9 state, including the attorney general, and agencies of other states, interstate information
8.10 networks, federal agencies, and other entities as required by federal regulation or law for
8.11 the administration of the child support enforcement program;

8.12 (26) to personnel of public assistance programs as defined in section 256.741, for
8.13 access to the child support system database for the purpose of administration, including
8.14 monitoring and evaluation of those public assistance programs;

8.15 (27) to monitor and evaluate the Minnesota family investment program by
8.16 exchanging data between the Departments of Human Services and Education, on
8.17 recipients and former recipients of food support, cash assistance under chapter 256, 256D,
8.18 256J, or 256K, child care assistance under chapter 119B, or medical programs under
8.19 chapter 256B, 256D, or 256L;

8.20 (28) to evaluate child support program performance and to identify and prevent
8.21 fraud in the child support program by exchanging data between the Department of Human
8.22 Services, Department of Revenue under section 270B.14, subdivision 1, paragraphs (a)
8.23 and (b), without regard to the limitation of use in paragraph (c), Department of Health,
8.24 Department of Employment and Economic Development, and other state agencies as is
8.25 reasonably necessary to perform these functions;

8.26 (29) counties operating child care assistance programs under chapter 119B may
8.27 disseminate data on program participants, applicants, and providers to the commissioner
8.28 of education; or

8.29 (30) child support data on the parents and the child may be disclosed to agencies
8.30 administering programs under titles IV-B and IV-E of the Social Security Act, as provided
8.31 by federal law. Data may be disclosed only to the extent necessary for the purpose of
8.32 establishing parentage or for determining who has or may have parental rights with respect
8.33 to a child, which could be related to permanency planning.

8.34 (b) Information on persons who have been treated for drug or alcohol abuse may
8.35 only be disclosed according to the requirements of Code of Federal Regulations, title
8.36 42, sections 2.1 to 2.67.

9.1 (c) Data provided to law enforcement agencies under paragraph (a), clause (15),
 9.2 (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected
 9.3 nonpublic while the investigation is active. The data are private after the investigation
 9.4 becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

9.5 (d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but
 9.6 ~~is~~ are not subject to the access provisions of subdivision 10, paragraph (b).

9.7 For the purposes of this subdivision, a request will be deemed to be made in writing
 9.8 if made through a computer interface system.

9.9 Sec. 15. Minnesota Statutes 2010, section 13.46, subdivision 3, is amended to read:

9.10 Subd. 3. **Investigative data.** (a) data on persons, including data on vendors of
 9.11 services, licensees, and applicants that is collected, maintained, used, or disseminated
 9.12 by the welfare system in an investigation, authorized by statute, and relating to the
 9.13 enforcement of rules or law ~~is~~ are confidential data on individuals pursuant to section
 9.14 13.02, subdivision 3, or protected nonpublic data not on individuals pursuant to section
 9.15 13.02, subdivision 13, and shall not be disclosed except:

9.16 (1) pursuant to section 13.05;

9.17 (2) pursuant to statute or valid court order;

9.18 (3) to a party named in a civil or criminal proceeding, administrative or judicial, for
 9.19 preparation of defense; or

9.20 (4) to provide notices required or permitted by statute.

9.21 The data referred to in this subdivision shall be classified as public data upon
 9.22 ~~its~~ submission to an administrative law judge or court in an administrative or judicial
 9.23 proceeding. Inactive welfare investigative data shall be treated as provided in section
 9.24 13.39, subdivision 3.

9.25 (b) Notwithstanding any other provision in law, the commissioner of human services
 9.26 shall provide all active and inactive investigative data, including the name of the reporter
 9.27 of alleged maltreatment under section 626.556 or 626.557, to the ombudsman for mental
 9.28 health and developmental disabilities upon the request of the ombudsman.

9.29 Sec. 16. Minnesota Statutes 2010, section 13.46, subdivision 4, is amended to read:

9.30 Subd. 4. **Licensing data.** (a) As used in this subdivision:

9.31 (1) "licensing data" ~~means~~ are all data collected, maintained, used, or disseminated
 9.32 by the welfare system pertaining to persons licensed or registered or who apply for
 9.33 licensure or registration or who formerly were licensed or registered under the authority
 9.34 of the commissioner of human services;

10.1 (2) "client" means a person who is receiving services from a licensee or from an
10.2 applicant for licensure; and

10.3 (3) "personal and personal financial data" ~~means~~ are Social Security numbers,
10.4 identity of and letters of reference, insurance information, reports from the Bureau of
10.5 Criminal Apprehension, health examination reports, and social/home studies.

10.6 (b)(1)(i) Except as provided in paragraph (c), the following data on applicants,
10.7 license holders, and former licensees are public: name, address, telephone number of
10.8 licensees, date of receipt of a completed application, dates of licensure, licensed capacity,
10.9 type of client preferred, variances granted, record of training and education in child care
10.10 and child development, type of dwelling, name and relationship of other family members,
10.11 previous license history, class of license, the existence and status of complaints, and the
10.12 number of serious injuries to or deaths of individuals in the licensed program as reported
10.13 to the commissioner of human services, the local social services agency, or any other
10.14 county welfare agency. For purposes of this clause, a serious injury is one that is treated
10.15 by a physician.

10.16 (ii) When a correction order, an order to forfeit a fine, an order of license suspension,
10.17 an order of temporary immediate suspension, an order of license revocation, an order
10.18 of license denial, or an order of conditional license has been issued, or a complaint is
10.19 resolved, the following data on current and former licensees and applicants are public: the
10.20 substance and investigative findings of the licensing or maltreatment complaint, licensing
10.21 violation, or substantiated maltreatment; the record of informal resolution of a licensing
10.22 violation; orders of hearing; findings of fact; conclusions of law; specifications of the final
10.23 correction order, fine, suspension, temporary immediate suspension, revocation, denial, or
10.24 conditional license contained in the record of licensing action; whether a fine has been
10.25 paid; and the status of any appeal of these actions. ~~If a licensing sanction under section~~
10.26 ~~245A.07, or a license denial under section 245A.05, is based on a determination that the~~
10.27 ~~license holder or applicant is responsible for maltreatment or is disqualified under chapter~~
10.28 ~~245C, the identity of the license holder or applicant as the individual responsible for~~
10.29 ~~maltreatment or as the disqualified individual is public data at the time of the issuance of~~
10.30 ~~the licensing sanction or denial.~~

10.31 (iii) When a sanction under section 245A.07 is based on a determination that the
10.32 license holder is responsible for maltreatment under section 626.556 or 626.557, the
10.33 identity of the license holder as the individual responsible for maltreatment is public data
10.34 at the time of the issuance of the sanction.

10.35 (iv) When a sanction under section 245A.07 is based on a determination that the
10.36 license holder is disqualified under chapter 245C, the identity of the license holder as the

11.1 disqualified individual and the reason for the disqualification are public data at the time of
11.2 the issuance of the licensing sanction. If the license holder requests reconsideration of the
11.3 disqualification and the disqualification is affirmed, the reason for the disqualification and
11.4 the reason to not set aside the disqualification are public data.

11.5 (2) Notwithstanding sections 626.556, subdivision 11, and 626.557, subdivision 12b,
11.6 when any person subject to disqualification under section 245C.14 in connection with a
11.7 license to provide family day care for children, child care center services, foster care
11.8 for children in the provider's home, or foster care or day care services for adults in the
11.9 provider's home is a substantiated perpetrator of maltreatment, and the substantiated
11.10 maltreatment is a reason for a licensing action, the identity of the substantiated perpetrator
11.11 of maltreatment is public data. For purposes of this clause, a person is a substantiated
11.12 perpetrator if the maltreatment determination has been upheld under section 256.045;
11.13 626.556, subdivision 10i; 626.557, subdivision 9d; or chapter 14, or if an individual or
11.14 facility has not timely exercised appeal rights under these sections, except as provided
11.15 under clause (1).

11.16 (3) For applicants who withdraw their application prior to licensure or denial of a
11.17 license, the following data are public: the name of the applicant, the city and county in
11.18 which the applicant was seeking licensure, the dates of the commissioner's receipt of the
11.19 initial application and completed application, the type of license sought, and the date
11.20 of withdrawal of the application.

11.21 (4) For applicants who are denied a license, the following data are public: the name
11.22 and address of the applicant, the city and county in which the applicant was seeking
11.23 licensure, the dates of the commissioner's receipt of the initial application and completed
11.24 application, the type of license sought, the date of denial of the application, the nature of
11.25 the basis for the denial, the record of informal resolution of a denial, orders of hearings,
11.26 findings of fact, conclusions of law, specifications of the final order of denial, and the
11.27 status of any appeal of the denial.

11.28 (5) The following data on persons subject to disqualification under section 245C.14
11.29 in connection with a license to provide family day care for children, child care center
11.30 services, foster care for children in the provider's home, or foster care or day care services
11.31 for adults in the provider's home, are public: the nature of any disqualification set
11.32 aside under section 245C.22, subdivisions 2 and 4, and the reasons for setting aside the
11.33 disqualification; the nature of any disqualification for which a variance was granted under
11.34 sections 245A.04, subdivision 9; and 245C.30, and the reasons for granting any variance
11.35 under section 245A.04, subdivision 9; and, if applicable, the disclosure that any person
11.36 subject to a background study under section 245C.03, subdivision 1, has successfully

12.1 passed a background study. If a licensing sanction under section 245A.07, or a license
12.2 denial under section 245A.05, is based on a determination that an individual subject to
12.3 disqualification under chapter 245C is disqualified, the disqualification as a basis for the
12.4 licensing sanction or denial is public data. As specified in clause (1), item (iv), if the
12.5 disqualified individual is the license holder ~~or applicant~~, the identity of the license holder
12.6 ~~or applicant is~~ and the reason for the disqualification are public data; and, if the license
12.7 holder requested reconsideration of the disqualification and the disqualification is affirmed,
12.8 the reason for the disqualification and the reason to not set aside the disqualification are
12.9 public data. If the disqualified individual is an individual other than the license holder or
12.10 applicant, the identity of the disqualified individual shall remain private data.

12.11 (6) When maltreatment is substantiated under section 626.556 or 626.557 and the
12.12 victim and the substantiated perpetrator are affiliated with a program licensed under
12.13 chapter 245A, the commissioner of human services, local social services agency, or
12.14 county welfare agency may inform the license holder where the maltreatment occurred of
12.15 the identity of the substantiated perpetrator and the victim.

12.16 (7) Notwithstanding clause (1), for child foster care, only the name of the license
12.17 holder and the status of the license are public if the county attorney has requested that data
12.18 otherwise classified as public data under clause (1) be considered private data based on the
12.19 best interests of a child in placement in a licensed program.

12.20 (c) The following are private data on individuals under section 13.02, subdivision
12.21 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial
12.22 data on family day care program and family foster care program applicants and licensees
12.23 and their family members who provide services under the license.

12.24 (d) The following are private data on individuals: the identity of persons who have
12.25 made reports concerning licensees or applicants that appear in inactive investigative data,
12.26 and the records of clients or employees of the licensee or applicant for licensure whose
12.27 records are received by the licensing agency for purposes of review or in anticipation of a
12.28 contested matter. The names of reporters of complaints or alleged violations of licensing
12.29 standards under chapters 245A, 245B, 245C, and applicable rules and alleged maltreatment
12.30 under sections 626.556 and 626.557, are confidential data and may be disclosed only as
12.31 provided in section 626.556, subdivision 11, or 626.557, subdivision 12b.

12.32 (e) Data classified as private, confidential, nonpublic, or protected nonpublic under
12.33 this subdivision become public data if submitted to a court or administrative law judge as
12.34 part of a disciplinary proceeding in which there is a public hearing concerning a license
12.35 which has been suspended, immediately suspended, revoked, or denied.

13.1 (f) Data generated in the course of licensing investigations that relate to an alleged
13.2 violation of law are investigative data under subdivision 3.

13.3 (g) Data that are not public data collected, maintained, used, or disseminated under
13.4 this subdivision that relate to or are derived from a report as defined in section 626.556,
13.5 subdivision 2, or 626.5572, subdivision 18, are subject to the destruction provisions of
13.6 sections 626.556, subdivision 11c, and 626.557, subdivision 12b.

13.7 (h) Upon request, not public data collected, maintained, used, or disseminated under
13.8 this subdivision that relate to or are derived from a report of substantiated maltreatment as
13.9 defined in section 626.556 or 626.557 may be exchanged with the Department of Health
13.10 for purposes of completing background studies pursuant to section 144.057 and with
13.11 the Department of Corrections for purposes of completing background studies pursuant
13.12 to section 241.021.

13.13 (i) Data on individuals collected according to licensing activities under chapters
13.14 245A and 245C, and data on individuals collected by the commissioner of human services
13.15 according to ~~maltreatment~~ investigations under chapters 245A, 245B, and 245C, and
13.16 sections 626.556 and 626.557; may be shared with the Department of Human Rights, the
13.17 Department of Health, the Department of Corrections, the ombudsman for mental health
13.18 and developmental disabilities, and the individual's professional regulatory board when
13.19 there is reason to believe that laws or standards under the jurisdiction of those agencies
13.20 may have been violated or the information may otherwise be relevant to the board's
13.21 regulatory jurisdiction. Unless otherwise specified in this chapter, the identity of a reporter
13.22 of alleged maltreatment or licensing violations may not be disclosed.

13.23 (j) In addition to the notice of determinations required under section 626.556,
13.24 subdivision 10f, if the commissioner or the local social services agency has determined
13.25 that an individual is a substantiated perpetrator of maltreatment of a child based on sexual
13.26 abuse, as defined in section 626.556, subdivision 2, and the commissioner or local social
13.27 services agency knows that the individual is a person responsible for a child's care in
13.28 another facility, the commissioner or local social services agency shall notify the head
13.29 of that facility of this determination. The notification must include an explanation of the
13.30 individual's available appeal rights and the status of any appeal. If a notice is given under
13.31 this paragraph, the government entity making the notification shall provide a copy of the
13.32 notice to the individual who is the subject of the notice.

13.33 (k) All not public data collected, maintained, used, or disseminated under this
13.34 subdivision and subdivision 3 may be exchanged between the Department of Human
13.35 Services, Licensing Division, and the Department of Corrections for purposes of

14.1 regulating services for which the Department of Human Services and the Department
14.2 of Corrections have regulatory authority.

14.3 Sec. 17. Minnesota Statutes 2010, section 13.46, subdivision 5, is amended to read:

14.4 Subd. 5. **Medical data; contracts.** data relating to the medical, psychiatric, or
14.5 mental health of any individual, including diagnosis, progress charts, treatment received,
14.6 case histories, and opinions of health care providers, ~~that is collected,~~ are maintained,
14.7 used, or disseminated by any agency to the welfare system is private data on individuals
14.8 and will be available to the data subject, unless the private health care provider has clearly
14.9 requested in writing that the data be withheld pursuant to sections 144.291 to 144.298.
14.10 Data on individuals that is collected, maintained, used, or disseminated by a private health
14.11 care provider under contract to any agency of the welfare system ~~is~~ are private data on
14.12 individuals, and ~~is~~ are subject to the provisions of sections 13.02 to 13.07 and this section,
14.13 except that the provisions of section 13.04, subdivision 3, shall not apply. Access to
14.14 medical data referred to in this subdivision by the individual who is the subject of the data
14.15 is subject to the provisions of sections 144.291 to 144.298. Access to information that is
14.16 maintained by the public authority responsible for support enforcement and that is needed
14.17 to enforce medical support is subject to the provisions of section 518A.41.

14.18 Sec. 18. Minnesota Statutes 2010, section 13.46, subdivision 6, is amended to read:

14.19 Subd. 6. **Other data.** Data collected, used, maintained, or disseminated by the
14.20 welfare system that ~~is~~ are not data on individuals ~~is~~ are public pursuant to section 13.03,
14.21 except the following data:

- 14.22 (a) investigative data classified by section 13.39;
14.23 (b) welfare investigative data classified by section 13.46, subdivision 3; and
14.24 (c) security information classified by section 13.37, subdivision 2.

14.25 Sec. 19. Minnesota Statutes 2010, section 13.462, subdivision 1, is amended to read:

14.26 Subdivision 1. **Definition.** As used in this section, "benefit data" ~~means~~ are data on
14.27 individuals collected or created because an individual seeks information about becoming,
14.28 is, or was an applicant for or a recipient of benefits or services provided under various
14.29 housing, home ownership, rehabilitation and community action agency, Head Start, and
14.30 food assistance programs administered by government entities. Benefit data does not
14.31 include welfare data which shall be administered in accordance with section 13.46.

14.32 Sec. 20. Minnesota Statutes 2010, section 13.47, subdivision 1, is amended to read:

15.1 Subdivision 1. **Definitions.** (a) "Employment and training data" ~~means~~ are data on
15.2 individuals collected, maintained, used, or disseminated because an individual applies for,
15.3 is currently enrolled in, or has been enrolled in employment and training programs funded
15.4 with federal, state, or local resources, including those provided under the Workforce
15.5 Investment Act of 1998, United States Code, title 29, section 2801.

15.6 (b) "Employment and training service provider" means an entity certified, or seeking
15.7 to be certified, by the commissioner of employment and economic development to
15.8 deliver employment and training services under section 116J.401, subdivision 2, or an
15.9 organization that contracts with a certified entity or the Department of Employment and
15.10 Economic Development to deliver employment and training services.

15.11 (c) "Provider of training services" means an organization or entity that provides
15.12 training under the Workforce Investment Act of 1998, United States Code, title 29,
15.13 section 2801.

15.14 Sec. 21. Minnesota Statutes 2010, section 13.485, is amended by adding a subdivision
15.15 to read:

15.16 Subd. 5. Corporations created before May 31, 1997. Government data maintained
15.17 by a corporation created by a political subdivision before May 31, 1997, are governed by
15.18 section 465.719, subdivision 14.

15.19 Sec. 22. Minnesota Statutes 2010, section 13.485, is amended by adding a subdivision
15.20 to read:

15.21 Subd. 6. Northern Technology Initiative, Inc. Government data maintained by
15.22 Northern Technology Initiative, Inc. are classified under section 116T.02, subdivisions
15.23 7 and 8.

15.24 Sec. 23. Minnesota Statutes 2010, section 13.548, is amended to read:

15.25 **13.548 SOCIAL RECREATIONAL DATA.**

15.26 The following data collected and maintained by political subdivisions for the purpose
15.27 of enrolling individuals in recreational and other social programs are classified as private,
15.28 pursuant to section 13.02, subdivision 12: the name, address, telephone number, any other
15.29 data that ~~identifies~~ identify the individual, and any data which describes the health or
15.30 medical condition of the individual, family relationships and living arrangements of an
15.31 individual or which are opinions as to the emotional makeup or behavior of an individual.

15.32 Sec. 24. Minnesota Statutes 2010, section 13.585, subdivision 2, is amended to read:

16.1 Subd. 2. **Confidential data.** The following data on individuals maintained by the
16.2 housing agency are ~~classified as~~ confidential data, pursuant to section 13.02, subdivision
16.3 3: correspondence between the agency and the agency's attorney containing data collected
16.4 as part of an active investigation undertaken for the purpose of the commencement or
16.5 defense of potential or actual litigation, including but not limited to: referrals to the Office
16.6 of the Inspector General or other prosecuting agencies for possible prosecution for fraud;
16.7 initiation of lease terminations and eviction actions; admission denial hearings concerning
16.8 prospective tenants; commencement of actions against independent contractors of the
16.9 agency; and tenant grievance hearings.

16.10 Sec. 25. Minnesota Statutes 2010, section 13.585, subdivision 3, is amended to read:

16.11 Subd. 3. **Protected nonpublic data.** The following data not on individuals
16.12 maintained by the housing agency are ~~classified as~~ protected nonpublic data, pursuant
16.13 to section 13.02, subdivision 13: correspondence between the agency and the agency's
16.14 attorney containing data collected as part of an active investigation undertaken for the
16.15 purpose of the commencement or defense of potential or actual litigation, including but
16.16 not limited to, referrals to the Office of the Inspector General or other prosecuting bodies
16.17 or agencies for possible prosecution for fraud and commencement of actions against
16.18 independent contractors of the agency.

16.19 Sec. 26. Minnesota Statutes 2010, section 13.601, subdivision 3, is amended to read:

16.20 Subd. 3. **Applicants for appointment.** (a) Data about applicants for appointment to
16.21 a public body collected by a government entity as a result of the applicant's application for
16.22 appointment to the public body are private data on individuals except that the following
16.23 are public:

16.24 (1) name;

16.25 (2) city of residence, except when the appointment has a residency requirement that
16.26 requires the entire address to be public;

16.27 (3) education and training;

16.28 (4) employment history;

16.29 (5) volunteer work;

16.30 (6) awards and honors;

16.31 (7) prior government service; ~~and~~

16.32 (8) any data required to be provided or that ~~is~~ are voluntarily provided in an

16.33 application for appointment to a multimember agency pursuant to section 15.0597-; and

16.34 (9) veteran status.

17.1 (b) Once an individual is appointed to a public body, the following additional items
17.2 of data are public:

17.3 (1) residential address; and

17.4 (2) either a telephone number or electronic mail address where the appointee can be
17.5 reached, or both at the request of the appointee.

17.6 (c) Notwithstanding paragraph (b), any electronic mail address or telephone number
17.7 provided by a public body for use by an appointee shall be public. An appointee may
17.8 use an electronic mail address or telephone number provided by the public body as the
17.9 designated electronic mail address or telephone number at which the appointee can be
17.10 reached.

17.11 Sec. 27. Minnesota Statutes 2010, section 13.643, subdivision 5, is amended to read:

17.12 Subd. 5. **Data received from federal government.** All data received by the
17.13 Department of Agriculture from the United States Department of Health and Human
17.14 Services, the Food and Drug Administration, and the Agriculture, Food Safety, and
17.15 Inspection Service that ~~is~~ are necessary for the purpose of carrying out the Department
17.16 of Agriculture's statutory food safety regulatory and enforcement duties are classified
17.17 as nonpublic data under section 13.02, subdivision 9, and private data on individuals
17.18 under section 13.02, subdivision 12. This section does not preclude the obligation of the
17.19 Department of Agriculture to appropriately inform consumers of issues that could affect
17.20 public health.

17.21 Sec. 28. Minnesota Statutes 2010, section 13.643, subdivision 7, is amended to read:

17.22 Subd. 7. **Research, monitoring, or assessment data.** (a) Except as provided in
17.23 paragraph (b), the following data created, collected, and maintained by the Department of
17.24 Agriculture during research, monitoring, or the assessment of farm practices and related
17.25 to natural resources, the environment, agricultural facilities, or agricultural practices are
17.26 classified as private or nonpublic:

17.27 (1) names, addresses, telephone numbers, and e-mail addresses of study participants
17.28 or cooperators; and

17.29 (2) location of research, study site, and global positioning system data.

17.30 (b) The following data ~~is~~ are public:

17.31 (1) location data and unique well numbers for wells and springs unless protected
17.32 under section 18B.10 or another statute or rule; and

17.33 (2) data from samples collected from a public water supply as defined in section
17.34 144.382, subdivision 4.

18.1 (c) The Department of Agriculture may disclose data collected under paragraph (a) if
18.2 the Department of Agriculture determines that there is a substantive threat to human health
18.3 and safety or to the environment, or to aid in the law enforcement process. The Department
18.4 of Agriculture may also disclose data with written consent of the subject of the data.

18.5 Sec. 29. Minnesota Statutes 2010, section 13.6435, is amended by adding a subdivision
18.6 to read:

18.7 Subd. 13. **Ethanol producer payments.** Audited financial statements and notes
18.8 and disclosure statements submitted to the commissioner of agriculture regarding
18.9 ethanol producer payments pursuant to section 41A.09 are governed by section 41A.09,
18.10 subdivision 3a.

18.11 Sec. 30. Minnesota Statutes 2010, section 13.65, subdivision 1, is amended to read:

18.12 Subdivision 1. **Private data.** The following data created, collected and maintained
18.13 by the Office of the Attorney General are ~~classified as~~ private data on individuals:

18.14 (a) the record, including but not limited to, the transcript and exhibits of all
18.15 disciplinary proceedings held by a state agency, board or commission, except in those
18.16 instances where there is a public hearing;

18.17 (b) communications and noninvestigative files regarding administrative or policy
18.18 matters which do not evidence final public actions;

18.19 (c) consumer complaint data, other than ~~that~~ those data classified as confidential,
18.20 including consumers' complaints against businesses and follow-up investigative materials;

18.21 (d) investigative data, obtained in anticipation of, or in connection with litigation or
18.22 an administrative proceeding where the investigation is not currently active; and

18.23 (e) data collected by the Consumer Division of the Attorney General's Office in its
18.24 administration of the home protection hot line including: the name, address, and phone
18.25 number of the consumer; the name and address of the mortgage company; the total amount
18.26 of the mortgage; the amount of money needed to bring the delinquent mortgage current;
18.27 the consumer's place of employment; the consumer's total family income; and the history
18.28 of attempts made by the consumer to renegotiate a delinquent mortgage.

18.29 Sec. 31. Minnesota Statutes 2010, section 13.65, subdivision 2, is amended to read:

18.30 Subd. 2. **Confidential data.** The following data created, collected and maintained
18.31 by the Office of the Attorney General are ~~classified as~~ confidential, pursuant to section
18.32 13.02, subdivision 3: data acquired through communications made in official confidence

19.1 to members of the attorney general's staff where the public interest would suffer by
19.2 disclosure of the data.

19.3 Sec. 32. Minnesota Statutes 2010, section 13.65, subdivision 3, is amended to read:

19.4 Subd. 3. **Public data.** Data describing the final disposition of disciplinary
19.5 proceedings held by any state agency, board, or commission are ~~classified as public,~~
19.6 pursuant to section 13.02, subdivision 15.

19.7 Sec. 33. Minnesota Statutes 2010, section 13.679, subdivision 2, is amended to read:

19.8 Subd. 2. **Utility or telephone company employee or customer.** (a) The following
19.9 are private data on individuals: data collected by the commissioner of commerce or the
19.10 Public Utilities Commission, including the names or any other data that would reveal the
19.11 identity of either an employee or customer of a telephone company or public utility who
19.12 files a complaint or provides information regarding a violation or suspected violation by
19.13 the telephone company or public utility of any federal or state law or rule; except ~~this~~ these
19.14 data may be released as needed to law enforcement authorities.

19.15 (b) The following are private data on individuals: data collected by the commission
19.16 or the commissioner of commerce on individual public utility or telephone company
19.17 customers or prospective customers, including copies of tax forms, needed to administer
19.18 federal or state programs that provide relief from telephone company bills, public utility
19.19 bills, or cold weather disconnection. The determination of eligibility of the customers
19.20 or prospective customers may be released to public utilities or telephone companies to
19.21 administer the programs.

19.22 Sec. 34. Minnesota Statutes 2010, section 13.719, subdivision 1, is amended to read:

19.23 Subdivision 1. **Comprehensive health insurance data.** (a) The following data
19.24 on eligible persons and enrollees of the state comprehensive health insurance plan are
19.25 classified as private: all data collected or maintained by the Minnesota Comprehensive
19.26 Health Association, the writing carrier, and the Department of Commerce.

19.27 (b) The Minnesota Comprehensive Health Association is considered a state agency
19.28 for purposes of this chapter.

19.29 (c) The Minnesota Comprehensive Health Association may disclose data on eligible
19.30 persons and enrollees of the state comprehensive health insurance plan to conduct actuarial
19.31 and research studies, notwithstanding the classification of ~~this~~ these data, if:

19.32 (1) the board authorizes the disclosure;

19.33 (2) no individual may be identified in the actuarial or research report;

20.1 (3) materials allowing an individual to be identified are returned or destroyed as soon
20.2 as they are no longer needed; and

20.3 (4) the actuarial or research organization agrees not to disclose the information
20.4 unless the disclosure would be permitted under this chapter is made by the association.

20.5 Sec. 35. Minnesota Statutes 2010, section 13.719, subdivision 5, is amended to read:

20.6 Subd. 5. **Data on insurance companies and township mutual companies.** The
20.7 following data collected and maintained by the Department of Commerce are ~~classified~~
20.8 ~~as~~ nonpublic data:

20.9 (a) that portion of any of the following data which would identify the affected
20.10 insurance company or township mutual company: (1) any order issued pursuant to
20.11 section 60A.031, subdivision 5, or 67A.241, subdivision 4, and based in whole or in
20.12 part upon a determination or allegation by the Commerce Department or commissioner
20.13 that an insurance company or township mutual company is in an unsound, impaired, or
20.14 potentially unsound or impaired condition; or (2) any stipulation, consent agreement, letter
20.15 agreement, or similar document evidencing the settlement of any proceeding commenced
20.16 pursuant to an order of a type described in clause (1), or an agreement between the
20.17 department and an insurance company or township mutual company entered in lieu of the
20.18 issuance of an order of the type described in clause (1); and

20.19 (b) any correspondence or attachments relating to the data listed in this subdivision.

20.20 Sec. 36. Minnesota Statutes 2010, section 13.7191, subdivision 14, is amended to read:

20.21 Subd. 14. **Requirements for health plan companies.** (a) **Minnesota Risk**
20.22 **Adjustment Association.** Data privacy issues concerning the Minnesota Risk Adjustment
20.23 Association are governed by section 62Q.03, subdivision 9.

20.24 (b) **Essential community provider.** Data on applications for designation as an
20.25 essential community provider are classified under section 62Q.19, subdivision 2.

20.26 (c) **Disclosure of executive compensation.** Disclosure of certain data to consumer
20.27 advisory boards is governed by section 62Q.64.

20.28 (d) **Audits conducted by independent organizations.** Data provided by an
20.29 independent organization related to an audit report are governed by section 62Q.37,
20.30 subdivision 8.

20.31 Sec. 37. Minnesota Statutes 2010, section 13.7191, subdivision 18, is amended to read:

21.1 Subd. 18. **Workers' compensation self-insurance.** (a) **Self-Insurers' Advisory**
 21.2 **Committee.** Data received by the Self-Insurers' Advisory Committee from the
 21.3 commissioner are classified under section 79A.02, subdivision 2.

21.4 (b) **Self-insurers' security fund.** Disclosure of certain data received by the
 21.5 self-insurers' security is governed by section 79A.09, subdivision 4.

21.6 (c) **Commercial self-insurers' security fund.** Disclosure of certain data received by
 21.7 the commercial self-insurers' security fund is governed by section 79A.26, subdivision 4.

21.8 (d) Self-insurers' security fund and the board of trustees. The security fund and
 21.9 its board of trustees are governed by section 79A.16.

21.10 (e) Commercial self-insurance group security fund. The commercial
 21.11 self-insurance group security fund and its board of trustees are governed by section
 21.12 79A.28.

21.13 Sec. 38. Minnesota Statutes 2010, section 13.72, is amended by adding a subdivision
 21.14 to read:

21.15 Subd. 17. Adopt-a-highway data. The following data on participants collected
 21.16 by the Department of Transportation to administer the adopt-a-highway program are
 21.17 classified as private data on individuals: home addresses, except for zip codes; home
 21.18 e-mail addresses; and home telephone numbers.

21.19 Sec. 39. Minnesota Statutes 2010, section 13.7932, is amended to read:

21.20 **13.7932 LOGGER SAFETY AND EDUCATION PROGRAM DATA.**

21.21 The following data collected from persons who attend safety and education programs
 21.22 or seminars for loggers established or approved by the commissioner under section
 21.23 176.130, subdivision 11, ~~is~~ are public data:

- 21.24 (1) the names of the individuals attending the program or seminar;
 21.25 (2) the names of each attendee's employer;
 21.26 (3) the city where the employer is located;
 21.27 (4) the date the program or seminar was held; and
 21.28 (5) a description of the seminar or program.

21.29 Sec. 40. Minnesota Statutes 2010, section 13.82, subdivision 2, is amended to read:

21.30 Subd. 2. **Arrest data.** The following data created or collected by law enforcement
 21.31 agencies which ~~documents~~ document any actions taken by them to cite, arrest, incarcerate
 21.32 or otherwise substantially deprive an adult individual of liberty shall be public at all
 21.33 times in the originating agency:

- 22.1 (a) time, date and place of the action;
- 22.2 (b) any resistance encountered by the agency;
- 22.3 (c) any pursuit engaged in by the agency;
- 22.4 (d) whether any weapons were used by the agency or other individual;
- 22.5 (e) the charge, arrest or search warrants, or other legal basis for the action;
- 22.6 (f) the identities of the agencies, units within the agencies and individual persons
- 22.7 taking the action;
- 22.8 (g) whether and where the individual is being held in custody or is being incarcerated
- 22.9 by the agency;
- 22.10 (h) the date, time and legal basis for any transfer of custody and the identity of the
- 22.11 agency or person who received custody;
- 22.12 (i) the date, time and legal basis for any release from custody or incarceration;
- 22.13 (j) the name, age, sex and last known address of an adult person or the age and sex
- 22.14 of any juvenile person cited, arrested, incarcerated or otherwise substantially deprived
- 22.15 of liberty;
- 22.16 (k) whether the agency employed wiretaps or other eavesdropping techniques, unless
- 22.17 the release of this specific data would jeopardize an ongoing investigation;
- 22.18 (l) the manner in which the agencies received the information that led to the arrest
- 22.19 and the names of individuals who supplied the information unless the identities of those
- 22.20 individuals qualify for protection under subdivision 17; and
- 22.21 (m) response or incident report number.

22.22 Sec. 41. Minnesota Statutes 2010, section 13.82, subdivision 3, is amended to read:

22.23 Subd. 3. **Request for service data.** The following data created or collected by

22.24 law enforcement agencies which ~~documents~~ document requests by the public for law

22.25 enforcement services shall be public government data:

- 22.26 (a) the nature of the request or the activity complained of;
- 22.27 (b) the name and address of the individual making the request unless the identity of
- 22.28 the individual qualifies for protection under subdivision 17;
- 22.29 (c) the time and date of the request or complaint; and
- 22.30 (d) the response initiated and the response or incident report number.

22.31 Sec. 42. Minnesota Statutes 2010, section 13.82, subdivision 6, is amended to read:

22.32 Subd. 6. **Response or incident data.** The following data created or collected by

22.33 law enforcement agencies which ~~documents~~ document the agency's response to a request

23.1 for service including, but not limited to, responses to traffic accidents, or which ~~describes~~
 23.2 describe actions taken by the agency on its own initiative shall be public government data:

- 23.3 (a) date, time and place of the action;
- 23.4 (b) agencies, units of agencies and individual agency personnel participating in the
 23.5 action unless the identities of agency personnel qualify for protection under subdivision 17;
- 23.6 (c) any resistance encountered by the agency;
- 23.7 (d) any pursuit engaged in by the agency;
- 23.8 (e) whether any weapons were used by the agency or other individuals;
- 23.9 (f) a brief factual reconstruction of events associated with the action;
- 23.10 (g) names and addresses of witnesses to the agency action or the incident unless the
 23.11 identity of any witness qualifies for protection under subdivision 17;
- 23.12 (h) names and addresses of any victims or casualties unless the identities of those
 23.13 individuals qualify for protection under subdivision 17;
- 23.14 (i) the name and location of the health care facility to which victims or casualties
 23.15 were taken;
- 23.16 (j) response or incident report number;
- 23.17 (k) dates of birth of the parties involved in a traffic accident;
- 23.18 (l) whether the parties involved were wearing seat belts; and
- 23.19 (m) the alcohol concentration of each driver.

23.20 Sec. 43. Minnesota Statutes 2010, section 13.82, subdivision 7, is amended to read:

23.21 Subd. 7. **Criminal investigative data.** Except for the data defined in subdivisions
 23.22 2, 3, and 6, investigative data collected or created by a law enforcement agency in order
 23.23 to prepare a case against a person, whether known or unknown, for the commission of a
 23.24 crime or other offense for which the agency has primary investigative responsibility ~~is~~ are
 23.25 confidential or protected nonpublic while the investigation is active. Inactive investigative
 23.26 data ~~is~~ are public unless the release of the data would jeopardize another ongoing
 23.27 investigation or would reveal the identity of individuals protected under subdivision 17.
 23.28 Photographs which are part of inactive investigative files and which are clearly offensive
 23.29 to common sensibilities are classified as private or nonpublic data, provided that the
 23.30 existence of the photographs shall be disclosed to any person requesting access to the
 23.31 inactive investigative file. An investigation becomes inactive upon the occurrence of any
 23.32 of the following events:

- 23.33 (a) a decision by the agency or appropriate prosecutorial authority not to pursue
 23.34 the case;

24.1 (b) expiration of the time to bring a charge or file a complaint under the applicable
 24.2 statute of limitations, or 30 years after the commission of the offense, whichever comes
 24.3 earliest; or

24.4 (c) exhaustion of or expiration of all rights of appeal by a person convicted on
 24.5 the basis of the investigative data.

24.6 Any investigative data presented as evidence in court shall be public. Data
 24.7 determined to be inactive under clause (a) may become active if the agency or appropriate
 24.8 prosecutorial authority decides to renew the investigation.

24.9 During the time when an investigation is active, any person may bring an action in
 24.10 the district court located in the county where the data ~~is~~ are being maintained to authorize
 24.11 disclosure of investigative data. The court may order that all or part of the data relating to
 24.12 a particular investigation be released to the public or to the person bringing the action. In
 24.13 making the determination as to whether investigative data shall be disclosed, the court
 24.14 shall consider whether the benefit to the person bringing the action or to the public
 24.15 outweighs any harm to the public, to the agency or to any person identified in the data.
 24.16 The data in dispute shall be examined by the court in camera.

24.17 Sec. 44. Minnesota Statutes 2010, section 13.82, is amended by adding a subdivision
 24.18 to read:

24.19 Subd. 30. **Access by probationary agencies.** Any law enforcement agency
 24.20 may share criminal investigative data on domestic violence-related offenders with any
 24.21 corrections or probationary agency for criminal justice purposes. Not public data shared
 24.22 with a probationary agency remain classified pursuant to this section.

24.23 Sec. 45. Minnesota Statutes 2010, section 13.83, subdivision 2, is amended to read:

24.24 Subd. 2. **Public data.** Unless specifically classified otherwise by state statute or
 24.25 federal law, the following data created or collected by a medical examiner or coroner on
 24.26 a deceased individual ~~is~~ are public: name of the deceased; date of birth; date of death;
 24.27 address; sex; race; citizenship; height; weight; hair color; eye color; build; complexion;
 24.28 age, if known, or approximate age; identifying marks, scars and amputations; a description
 24.29 of the decedent's clothing; marital status; location of death including name of hospital
 24.30 where applicable; name of spouse; whether or not the decedent ever served in the armed
 24.31 forces of the United States; occupation; business; father's name (also birth name, if
 24.32 different); mother's name (also birth name, if different); birthplace; birthplace of parents;
 24.33 cause of death; causes of cause of death; whether an autopsy was performed and if so,
 24.34 whether it was conclusive; date and place of injury, if applicable, including work place;

25.1 how injury occurred; whether death was caused by accident, suicide, homicide, or was
25.2 of undetermined cause; certification of attendance by physician; physician's name and
25.3 address; certification by coroner or medical examiner; name and signature of coroner
25.4 or medical examiner; type of disposition of body; burial place name and location, if
25.5 applicable; date of burial, cremation or removal; funeral home name and address; and
25.6 name of local register or funeral director.

25.7 Sec. 46. Minnesota Statutes 2010, section 13.83, subdivision 4, is amended to read:

25.8 Subd. 4. **Investigative data.** Data created or collected by a county coroner or
25.9 medical examiner which ~~is~~ are part of an active investigation mandated by chapter 390, or
25.10 any other general or local law relating to coroners or medical examiners ~~is~~ are confidential
25.11 data or protected nonpublic data, until the completion of the coroner's or medical
25.12 examiner's final summary of findings but may be disclosed to a state or federal agency
25.13 charged by law with investigating the death of the deceased individual about whom the
25.14 medical examiner or coroner has medical examiner data. Upon completion of the coroner's
25.15 or medical examiner's final summary of findings, the data collected in the investigation
25.16 and the final summary of it are private or nonpublic data. However, if the final summary
25.17 and the record of death indicate the manner of death is homicide, undetermined, or
25.18 pending investigation and there is an active law enforcement investigation, within the
25.19 meaning of section 13.82, subdivision 7, relating to the death of the deceased individual,
25.20 the data remain confidential or protected nonpublic. Upon review by the county attorney
25.21 of the jurisdiction in which the law enforcement investigation is active, the data may be
25.22 released to persons described in subdivision 8 if the county attorney determines release
25.23 would not impede the ongoing investigation. When the law enforcement investigation
25.24 becomes inactive, the data are private or nonpublic data. Nothing in this subdivision shall
25.25 be construed to make not public the data elements identified in subdivision 2 at any point
25.26 in the investigation or thereafter.

25.27 Sec. 47. Minnesota Statutes 2010, section 13.83, subdivision 6, is amended to read:

25.28 Subd. 6. **Classification of other data.** Unless a statute specifically provides a
25.29 different classification, all other data created or collected by a county coroner or medical
25.30 examiner that ~~is~~ are not data on deceased individuals or the manner and circumstances of
25.31 their death ~~is~~ are public pursuant to section 13.03.

25.32 Sec. 48. Minnesota Statutes 2010, section 13.84, subdivision 6, is amended to read:

26.1 Subd. 6. **Public benefit data.** (a) The responsible authority or its designee of a
 26.2 parole or probation authority or correctional agency may release private or confidential
 26.3 court services data related to:

26.4 (1) criminal acts to any law enforcement agency, if necessary for law enforcement
 26.5 purposes; ~~and~~

26.6 (2) criminal acts or delinquent acts to the victims of criminal or delinquent acts
 26.7 to the extent that the data are necessary for the victim to assert the victim's legal right
 26.8 to restitution; and

26.9 (3) history of domestic violence-related acts and domestic violence risk assessments
 26.10 to a court, a law enforcement agency, a prosecuting authority, a court services department,
 26.11 a parole or probation authority, a state or local correctional agency, or an agency
 26.12 performing pretrial release supervision or studies for criminal justice purposes.

26.13 (b) A parole or probation authority, a correctional agency, or agencies that provide
 26.14 correctional services under contract to a correctional agency may release to a law
 26.15 enforcement agency the following data on defendants, parolees, or probationers: current
 26.16 address, dates of entrance to and departure from agency programs, and dates and times of
 26.17 any absences, both authorized and unauthorized, from a correctional program.

26.18 (c) The responsible authority or its designee of a juvenile correctional agency may
 26.19 release private or confidential court services data to a victim of a delinquent act to the
 26.20 extent the data are necessary to enable the victim to assert the victim's right to request
 26.21 notice of release under section 611A.06. The data that may be released include only the
 26.22 name, home address, and placement site of a juvenile who has been placed in a juvenile
 26.23 correctional facility as a result of a delinquent act.

26.24 Sec. 49. Minnesota Statutes 2010, section 13.84, is amended by adding a subdivision
 26.25 to read:

26.26 Subd. 10. **Law enforcement data.** Data shared by a law enforcement agency
 26.27 pursuant to section 13.82, subdivision 30, remain classified pursuant to that section and
 26.28 may be released as provided in subdivision 5.

26.29 Sec. 50. Minnesota Statutes 2010, section 13.87, subdivision 2, is amended to read:

26.30 Subd. 2. **Firearms data.** All data pertaining to the purchase or transfer of firearms
 26.31 and applications for permits to carry firearms which are collected by government entities
 26.32 pursuant to sections 624.712 to 624.719 are ~~classified as~~ private, pursuant to section
 26.33 13.02, subdivision 12.

27.1 Sec. 51. **[13D.08] OPEN MEETING LAW CODED ELSEWHERE.**

27.2 **Subdivision 1. Board of Animal Health.** Certain meetings of the Board of Animal
27.3 Health are governed by section 35.0661, subdivision 1.

27.4 **Subd. 2. Minnesota Life and Health Guaranty Association.** Meetings of the
27.5 Minnesota Life and Health Guaranty Association Board of Directors are governed by
27.6 section 61B.22.

27.7 **Subd. 3. Comprehensive Health Association.** Certain meetings of the
27.8 Comprehensive Health Association are governed by section 62E.10, subdivision 4.

27.9 **Subd. 4. Health Technology Advisory Committee.** Certain meetings of the Health
27.10 Technology Advisory Committee are governed by section 62J.156.

27.11 **Subd. 5. Health Coverage Reinsurance Association.** Meetings of the Health
27.12 Coverage Reinsurance Association are governed by section 62L.13, subdivision 3.

27.13 **Subd. 6. Self-insurers' security fund.** Meetings of the self-insurers' security fund
27.14 and its board of trustees are governed by section 79A.16.

27.15 **Subd. 7. Commercial self-insurance group security fund.** Meetings of the
27.16 commercial self-insurance group security fund are governed by section 79A.28.

27.17 **Subd. 8. Lessard-Sams Outdoor Heritage Council.** Certain meetings of the
27.18 Lessard-Sams Outdoor Heritage Council are governed by section 97A.056, subdivision 5.

27.19 **Subd. 9. Enterprise Minnesota, Inc.** Certain meetings of the board of directors of
27.20 Enterprise Minnesota, Inc. are governed by section 116O.03.

27.21 **Subd. 10. Minnesota Business Finance, Inc.** Certain meetings of Minnesota
27.22 Business Finance, Inc. are governed by section 116S.02.

27.23 **Subd. 11. Northern Technology Initiative, Inc.** Certain meetings of Northern
27.24 Technology Initiative, Inc. are governed by section 116T.02.

27.25 **Subd. 12. Agricultural Utilization Research Institute.** Certain meetings of the
27.26 Agricultural Utilization Research Institute are governed by section 116V.01, subdivision
27.27 10.

27.28 **Subd. 13. Hospital authorities.** Certain meetings of hospitals established under
27.29 section 144.581 are governed by section 144.581, subdivisions 4 and 5.

27.30 **Subd. 14. Advisory Council on Workers' Compensation.** Certain meetings of
27.31 the Advisory Council on Workers' Compensation are governed by section 175.007,
27.32 subdivision 3.

27.33 **Subd. 15. Electric cooperatives.** Meetings of a board of directors of an electric
27.34 cooperative that has more than 50,000 members are governed by section 308A.327.

27.35 **Subd. 16. Town boards.** Certain meetings of town boards are governed by section
27.36 366.01, subdivision 11.

28.1 Subd. 17. Hennepin County Medical Center and HMO. Certain meetings of the
 28.2 Hennepin County Board on behalf of the HMO or Hennepin Healthcare System, Inc. are
 28.3 governed by section 383B.217.

28.4 Subd. 18. Hennepin Healthcare System, Inc. Certain meetings of the Hennepin
 28.5 Healthcare System, Inc. are governed by section 383B.917.

28.6 Sec. 52. Minnesota Statutes 2010, section 79A.16, is amended to read:

28.7 **79A.16 OPEN MEETING; ADMINISTRATIVE PROCEDURE ACT.**

28.8 The security fund and its board of trustees shall not be subject to (1) the Open
 28.9 Meeting Law, chapter 13D, (2) the Open Appointments Law, (3) the ~~Data Privacy Law~~
 28.10 Minnesota Government Data Practices Act, chapter 13, and (4) except where specifically
 28.11 set forth, the Administrative Procedure Act.

28.12 The Self-Insurers' Advisory Committee shall not be subject to clauses (2) and (4).

28.13 Sec. 53. Minnesota Statutes 2010, section 79A.28, is amended to read:

28.14 **79A.28 OPEN MEETING; ADMINISTRATIVE PROCEDURE ACT.**

28.15 The commercial self-insurance group security fund and its board of trustees shall not
 28.16 be subject to:

28.17 (1) the Open Meeting Law, chapter 13D;

28.18 (2) the Open Appointments Law;

28.19 (3) the ~~Data Privacy Law~~ Minnesota Government Data Practices Act, chapter 13; and

28.20 (4) except where specifically set forth, the Administrative Procedure Act.

28.21 Sec. 54. **[136A.051] STUDENT RECORDS AND DATA.**

28.22 When a nonpublic institution of higher education provides the Office of Higher
 28.23 Education student data or records pursuant to section 136A.05, subdivision 1; 136A.121,
 28.24 subdivision 18; or 136A.1701, subdivision 11, the institution of higher education is not
 28.25 liable for a breach of confidentiality, disclosure, use, retention, or destruction of the
 28.26 student data or records, if the breach, disclosure, use, retention, or destruction results
 28.27 from acts or omissions of:

28.28 (1) the Office of Higher Education; or

28.29 (2) persons provided access to the data or records by the Office of Higher Education.