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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1326

02/06/2023

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The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to data practices; classifying certain transit applicant and customer data
1.3 as private data on individuals; amending Minnesota Statutes 2022, sections 13.72,
1.4 subdivision 19, by adding a subdivision; 473.387, subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2022, section 13.72, subdivision 19, is amended to read:

1.7 Subd. 19. Transit customer data. (a) The following data on applicants, users, and
1.8 customers of public transit are private data on individuals: (1) data collected by or through
1.9 a government entity's personalized web services or the Metropolitan Council's regional fare
1.10 collection system are private data on individuals; and (2) data collected by telephone or
1.11 through a third-party software program for the purposes of booking and using public transit
1.12 services. As used in this subdivision, the following terms have the meanings given them:

1.13 (1) "regional fare collection system" means the fare collection system created and
1.14 administered by the council that is used for collecting fares or providing fare cards or passes
1.15 for transit services which includes:

1.16 (i) regular route bus service within the metropolitan area and paratransit service, whether
1.17 provided by the council or by other providers of regional transit service;

1.18 (ii) light rail transit service within the metropolitan area;

1.19 (iii) rideshare programs administered by the council;

1.20 (iv) special transportation services provided under section 473.386; and

1.21 (v) commuter rail service;

2.1 (2) "personalized web services" means services for which transit service applicants,
2.2 users, and customers must establish a user account; ~~and~~

2.3 (3) "metropolitan area" means the area defined in section 473.121, subdivision 2; and

2.4 (4) "third-party software program" means a software program that is proprietary to a
2.5 third party, including a third-party software program commonly known as a mobile app,
2.6 that collects and uses a public transit customer's name and other personally identifiable
2.7 information, pick-up and drop-off locations, and other trip data for the purposes of booking
2.8 and using public transit services.

2.9 (b) A government entity may disseminate data on user and customer transaction history
2.10 and fare card use to government entities, organizations, school districts, educational
2.11 institutions, and employers that subsidize or provide fare cards to their clients, students, or
2.12 employees. "Data on user and customer transaction history and fare card use" means:

2.13 (1) the date a fare card was used;

2.14 (2) the time a fare card was used;

2.15 (3) the mode of travel;

2.16 (4) the type of fare product used; and

2.17 (5) information about the date, time, and type of fare product purchased.

2.18 Government entities, organizations, school districts, educational institutions, and employers
2.19 may use customer transaction history and fare card use data only for purposes of measuring
2.20 and promoting fare card use and evaluating the cost-effectiveness of their fare card programs.
2.21 If a user or customer requests in writing that the council limit the disclosure of transaction
2.22 history and fare card use, the council may disclose only the card balance and the date a card
2.23 was last used.

2.24 (c) A government entity may disseminate transit service applicant, user, and customer
2.25 data to another government entity to prevent unlawful intrusion into government electronic
2.26 systems, or as otherwise provided by law.

2.27 Sec. 2. Minnesota Statutes 2022, section 13.72, is amended by adding a subdivision to
2.28 read:

2.29 Subd. 20. Transit assistance program data. (a) Data on applicants and users of
2.30 Metropolitan Council programs established under section 473.387, subdivision 4, are
2.31 classified as private data on individuals under section 13.02, subdivision 12.

3.1 (b) The council may disclose transit assistance program data to public or private agencies
3.2 or organizations for the purposes of administering and coordinating human services programs
3.3 and other support services for the applicants or users.

3.4 Sec. 3. Minnesota Statutes 2022, section 473.387, subdivision 4, is amended to read:

3.5 Subd. 4. **Transit disadvantaged.** The council shall establish a program and policies to
3.6 reduce transportation costs for persons who are, because of limited incomes, age, disability,
3.7 or other reasons, especially dependent on public transit for common mobility. Data on
3.8 applicants and users of council programs under this subdivision are classified as private
3.9 data on individuals under section 13.72, subdivision 20.

3.10 Sec. 4. **EFFECTIVE DATE; APPLICATION.**

3.11 This act is effective the day following final enactment and applies in the counties of
3.12 Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.