

1.1 moves to amend H.F. No. 5, the fourth engrossment, as follows:

1.2 Page 3, delete lines 15 to 22 and insert:

1.3 "(c) All meetings of the board shall comply with the open meeting law in chapter
1.4 13D, except that:

1.5 (1) meetings, or portions of meetings, regarding compensation negotiations with the
1.6 director or managerial staff may be closed in the same manner and according to the same
1.7 procedures identified in section 13D.03;

1.8 (2) meetings regarding contract negotiation strategy may be closed in the same
1.9 manner and according to the same procedures identified in section 13D.05, subdivision 3,
1.10 paragraph (c); and

1.11 (3) meetings, or portions of meetings, regarding not public data described in section
1.12 62V.06, subdivision 2, and regarding trade secret information as defined in section 13.37,
1.13 subdivision 1, paragraph (b), are closed to the public, but must otherwise comply with
1.14 the procedures identified in chapter 13D."

1.15 Page 10, delete section 7 and insert:

1.16 "Sec. 7. **[62V.06] DATA PRACTICES.**

1.17 Subdivision 1. **Applicability.** The Minnesota Insurance Marketplace is a state
1.18 agency for purposes of the Minnesota Government Data Practices Act and is subject to all
1.19 provisions of chapter 13, in addition to the requirements contained in this section.

1.20 Subd. 2. **General data classifications.** The following data collected, created, or
1.21 maintained by the Minnesota Insurance Marketplace are classified as private data on
1.22 individuals, as defined in section 13.02, subdivision 12, or nonpublic data, as defined
1.23 in section 13.02, subdivision 9:

1.24 (1) data on any individual participant in the marketplace;

1.25 (2) data on employees of an employer participating in the marketplace; and

1.26 (3) data on employers participating in the marketplace.

2.1 Subd. 3. **Application and certification data.** (a) Data submitted by an insurance
2.2 producer in an application for certification to sell a health benefit plan through the
2.3 Marketplace, or submitted by an applicant seeking permission or a commission to act as a
2.4 navigator or in-person assister are classified as follows:

2.5 (1) at the time the application is submitted, all data contained in the application are
2.6 private data, as defined in section 13.02, subdivision 12, or nonpublic data as defined in
2.7 section 13.02, subdivision 9, except that the name of the applicant is public; and

2.8 (2) upon a final determination related to the application for certification by the
2.9 Marketplace, all data contained in the application are public, with the exception of trade
2.10 secret data as defined in section 13.37.

2.11 (b) Data created or maintained by a government entity as part of the evaluation of
2.12 an application are protected nonpublic data, as defined in section 13.02, subdivision 13,
2.13 until a final determination as to certification is made and all rights of appeal have been
2.14 exhausted. Upon a final determination and exhaustion of all rights of appeal, these data are
2.15 public, with the exception of trade secret data as defined in section 13.37 and data subject
2.16 to attorney-client privilege or other protection as provided in section 13.393.

2.17 (c) If an application is denied, the public data must include the criteria used by the
2.18 board to evaluate the application and the specific reasons for the denial, and these data
2.19 must be published on the Marketplace Web site.

2.20 Subd. 4. **Data sharing.** (a) The Minnesota Insurance Marketplace may share or
2.21 disseminate data classified as private or nonpublic in subdivisions 2 or 3 as follows:

2.22 (1) to the subject of the data, as provided in section 13.04;

2.23 (2) with other state or federal agencies, only to the extent necessary to carry out the
2.24 functions of the Marketplace, provided that the Marketplace must enter into a data-sharing
2.25 agreement with the agency prior to sharing data under this clause; and

2.26 (3) with a non-governmental person or entity, only to the extent necessary to carry
2.27 out the functions of the Marketplace, provided that the Marketplace must enter a contract
2.28 with the person or entity, as provided in section 13.05, subdivision 6 or 11 prior to
2.29 disseminating data under this clause.

2.30 (b) Sharing or disseminating data outside of the exchange in a manner not authorized
2.31 by this subdivision is prohibited. The list of authorized dissemination and sharing
2.32 contained in this subdivision must be included in the Tennessee Warning required by
2.33 section 13.04, subdivision 2.

2.34 (c) State agencies must share data classified as private or nonpublic in subdivisions
2.35 2 or 3 with the Marketplace, to the extent the data is necessary to verify the identity of,
2.36 determine the eligibility of, process premiums for, process enrollment of, or investigate

3.1 fraud related to a Marketplace participant. The Marketplace must enter into a data-sharing
3.2 agreement with the agency prior to sharing any data under this paragraph.

3.3 Subd. 5. **Notice and disclosures.** (a) In addition to the Tennessee Warning required
3.4 by section 13.04, subdivision 2, the Marketplace must provide any data subject asked to
3.5 supply private data with:

3.6 (1) a notice of rights related to the handling of genetic information, pursuant to
3.7 section 13.386; and

3.8 (2) a notice of the records retention policy of the Marketplace, detailing the length of
3.9 time the Marketplace will retain data on the individual and the manner in which it will
3.10 be destroyed upon expiration of that time.

3.11 (b) All notices required by this subdivision, including the Tennessee Warning, must
3.12 be provided in an electronic format suitable for downloading or printing.

3.13 Subd. 6. **Summary data.** In addition to creation and disclosure of summary data
3.14 derived from private data on individuals, as permitted by section 13.05, subdivision 7,
3.15 the Marketplace may create and disclose summary data derived from data classified as
3.16 nonpublic under this section.

3.17 Subd. 7. **Access to data; audit trail.** Only individuals with explicit authorization
3.18 from the board may enter, update, or access not public data collected, created, or
3.19 maintained by the Marketplace. The ability of authorized individuals to enter, update,
3.20 or access data must be limited through the use of purpose codes that correspond to the
3.21 official duties or training level of the individual, and the statutory authorization that
3.22 grants access for that purpose. All queries and responses, and all actions in which data
3.23 is modified, accessed, or disseminated by authorized individuals must be recorded in a
3.24 data audit trail. Data contained in the audit trail are public, to the extent that the data
3.25 are not otherwise classified by this section.

3.26 Subd. 8. **Sale of data prohibited.** The Marketplace may not sell any data collected,
3.27 created, or maintained by the Marketplace, regardless of its classification, for commercial
3.28 or any other purposes."

3.29 Amend the title accordingly