

1.1 moves to amend H.F. No. 2201 as follows:

1.2 Delete everything after the enacting clause and insert:

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

1.4 Subd. 3. **Confidential data on individuals.** "Confidential data on individuals"

1.5 ~~means~~ are data ~~which is~~ made not public by statute or federal law applicable to the data

1.6 and ~~is~~ are inaccessible to the individual subject of ~~that~~ those data.

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

1.8 Subd. 4. **Data not on individuals.** "Data not on individuals" ~~means~~ are all

1.9 government data ~~which is~~ that are not data on individuals.

1.10 Sec. 3. Minnesota Statutes 2010, section 13.02, subdivision 6, is amended to read:

1.11 Subd. 6. **Designee.** "Designee" means any ~~person~~ individual designated by a

1.12 responsible authority to be in charge of individual files or systems containing government

1.13 data and to receive and comply with requests for government data.

1.14 Sec. 4. Minnesota Statutes 2010, section 13.02, subdivision 8, is amended to read:

1.15 Subd. 8. **Individual.** "Individual" means a ~~natural person~~ living human being. In

1.16 the case of a minor or an incapacitated person as defined in section 524.5-102, subdivision

1.17 6, "individual" includes a parent or guardian or an individual acting as a parent or guardian

1.18 in the absence of a parent or guardian, except that the responsible authority shall withhold

1.19 data from parents or guardians, or individuals acting as parents or guardians in the absence

1.20 of parents or guardians, upon request by the minor if the responsible authority determines

1.21 that withholding the data would be in the best interest of the minor.

1.22 Sec. 5. Minnesota Statutes 2010, section 13.02, subdivision 8a, is amended to read:

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

2.4 Sec. 6. Minnesota Statutes 2010, section 13.02, subdivision 9, is amended to read:

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

2.8 Sec. 7. Minnesota Statutes 2010, section 13.02, subdivision 10, is amended to read:

2.9 Subd. 10. **Person.** "Person" means any individual, partnership, corporation,
2.10 association, business trust, ~~or a legal representative of an~~ public or private organization, or
2.11 government entity.

2.12 Sec. 8. Minnesota Statutes 2010, section 13.02, subdivision 12, is amended to read:

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

2.16 Sec. 9. Minnesota Statutes 2010, section 13.02, subdivision 13, is amended to read:

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

2.20 Sec. 10. Minnesota Statutes 2010, section 13.02, subdivision 14, is amended to read:

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

2.23 Sec. 11. Minnesota Statutes 2010, section 13.02, subdivision 15, is amended to read:

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

2.26 Sec. 12. Minnesota Statutes 2010, section 13.02, subdivision 16, is amended to read:

2.27 Subd. 16. **Responsible authority.** (a) "Responsible authority" in a state agency or
2.28 statewide system means the state official designated by law or by the commissioner as

3.1 the individual responsible for the collection, use and dissemination of any set of data on
 3.2 individuals, government data, or summary data.

3.3 (b) "Responsible authority" in any political subdivision means the individual
 3.4 designated by the governing body of that political subdivision as the individual responsible
 3.5 for the collection, use, and dissemination of any set of data on individuals, government
 3.6 data, or summary data, unless otherwise provided by state law. Until an individual is
 3.7 designated by the political subdivision's governing body, the responsible authority shall
 3.8 be as follows:

3.9 (1) for counties, the county attorney;

3.10 (2) for statutory or home rule charter cities, the elected or appointed city clerk. If the
 3.11 home rule charter does not provide for an office of city clerk, the responsible authority
 3.12 shall be the chief clerical officer for filing and record keeping purposes;

3.13 (3) for school districts, the superintendent; and

3.14 (4) for all other political subdivisions, the chief clerical officer for filing and record
 3.15 keeping purposes.

3.16 Sec. 13. Minnesota Statutes 2010, section 13.02, subdivision 19, is amended to read:

3.17 Subd. 19. **Summary data.** "Summary data" means statistical records and reports
 3.18 derived from not public data on individuals but in which individuals persons are not
 3.19 identified and from which neither their identities nor any other ~~characteristic~~ characteristics
 3.20 that could uniquely identify ~~an individual is~~ them are ascertainable. Summary data are
 3.21 not data derived solely from public data.

3.22 Sec. 14. **[13.025] GOVERNMENT ENTITY OBLIGATION.**

3.23 Subdivision 1. **Data inventory.** The responsible authority shall prepare an inventory
 3.24 containing the authority's name, title, address, and a description of each category of
 3.25 record, file, or process relating to private or confidential data on individuals maintained
 3.26 by the authority's government entity. Forms used to collect private and confidential data
 3.27 may be included in the inventory. Beginning August 1, 1977, and annually thereafter,
 3.28 the responsible authority shall update the inventory and make any changes necessary
 3.29 to maintain the accuracy of the inventory. The inventory shall be available from the
 3.30 responsible authority to the public according to the provisions of sections 13.03 and
 3.31 15.17. The commissioner may require responsible authorities to submit copies of the
 3.32 inventory and may request additional information relevant to data collection practices,
 3.33 policies, and procedures.

4.1 Subd. 2. **Public data access policy.** The responsible authority shall prepare a data
4.2 access policy and update it annually. The responsible authority shall make copies of the
4.3 policy easily available to the public by distributing free copies to the public or by posting
4.4 it in a conspicuous place within the government entity that is easily accessible to the
4.5 public or by posting it on the government entity's Web site.

4.6 Subd. 3. **Data subject rights and access policy.** The responsible authority shall
4.7 prepare a written policy of the rights of data subjects under section 13.04, and the specific
4.8 procedures used by the government entity for access by the data subject to public or
4.9 private data on individuals. The responsible authority shall make copies of the policy
4.10 easily available to the public by distributing free copies of it to the public or by posting it
4.11 in a conspicuous place within the government entity that is easily accessible to the public
4.12 or by posting it on the government entity's Web site.

4.13 Sec. 15. Minnesota Statutes 2010, section 13.03, subdivision 2, is amended to read:

4.14 Subd. 2. **Procedures.** (a) The responsible authority in every government entity shall
4.15 establish procedures, consistent with this chapter, to insure that requests for government
4.16 data are received and complied with in an appropriate and prompt manner.

4.17 ~~(b) The responsible authority shall prepare public access procedures in written form~~
4.18 ~~and update them no later than August 1 of each year as necessary to reflect any changes~~
4.19 ~~in personnel or circumstances that might affect public access to government data. The~~
4.20 ~~responsible authority shall make copies of the written public access procedures easily~~
4.21 ~~available to the public by distributing free copies of the procedures to the public or by~~
4.22 ~~posting a copy of the procedures in a conspicuous place within the government entity that~~
4.23 ~~is easily accessible to the public.~~

4.24 ~~(c)~~ (b) Full convenience and comprehensive accessibility shall be allowed to
4.25 researchers including historians, genealogists and other scholars to carry out extensive
4.26 research and complete copying of all records containing government data except as
4.27 otherwise expressly provided by law.

4.28 A responsible authority may designate one or more designees.

4.29 Sec. 16. Minnesota Statutes 2010, section 13.03, subdivision 3, is amended to read:

4.30 Subd. 3. **Request for access to data.** (a) Upon request to a responsible authority
4.31 or designee, a person shall be permitted to inspect and copy public government data at
4.32 reasonable times and places, and, upon request, shall be informed of the data's meaning. If
4.33 a person requests access for the purpose of inspection, the responsible authority may not
4.34 assess a charge or require the requesting person to pay a fee to inspect data.

5.1 (b) For purposes of this section, "inspection" includes, but is not limited to, the
5.2 visual inspection of paper and similar types of government data. Inspection does not
5.3 include printing copies by the government entity, unless printing a copy is the only
5.4 method to provide for inspection of the data. In the case of data stored in electronic form
5.5 and made available in electronic form on a remote access basis to the public by the
5.6 government entity, inspection includes remote access to the data by the public and the
5.7 ability to print copies of or download the data on the public's own computer equipment.
5.8 Nothing in this section prohibits a government entity from charging a reasonable fee for
5.9 remote access to data under a specific statutory grant of authority. A government entity
5.10 may charge a fee for remote access to data where either the data or the access is enhanced
5.11 at the request of the person seeking access.

5.12 (c) The responsible authority or designee shall provide copies of public data upon
5.13 request. If a person requests copies or electronic transmittal of the data to the person,
5.14 the responsible authority may require the requesting person to pay the actual costs of
5.15 searching for and retrieving government data, including the cost of employee time, and for
5.16 making, certifying, and electronically transmitting the copies of the data or the data, but
5.17 may not charge for separating public from not public data. However, if 100 or fewer pages
5.18 of black and white, letter or legal size paper copies are requested, actual costs shall not be
5.19 used, and instead, the responsible authority may charge no more than 25 cents for each
5.20 page copied. If the responsible authority or designee is not able to provide copies at the
5.21 time a request is made, copies shall be supplied as soon as reasonably possible.

5.22 (d) When a request under this subdivision involves any person's receipt of copies of
5.23 public government data that ~~has~~ have commercial value and is a substantial and discrete
5.24 portion of or an entire formula, pattern, compilation, program, device, method, technique,
5.25 process, database, or system developed with a significant expenditure of public funds by
5.26 the government entity, the responsible authority may charge a reasonable fee for the
5.27 information in addition to the costs of making and certifying the copies. Any fee charged
5.28 must be clearly demonstrated by the government entity to relate to the actual development
5.29 costs of the information. The responsible authority, upon the request of any person, shall
5.30 provide sufficient documentation to explain and justify the fee being charged.

5.31 (e) The responsible authority of a government entity that maintains public
5.32 government data in a computer storage medium shall provide to any person making a
5.33 request under this section a copy of any public data contained in that medium, in electronic
5.34 form, if the government entity can reasonably make the copy or have a copy made.
5.35 This does not require a government entity to provide the data in an electronic format or
5.36 program that is different from the format or program in which the data are maintained

6.1 by the government entity. The entity may require the requesting person to pay the actual
6.2 cost of providing the copy.

6.3 (f) If the responsible authority or designee determines that the requested data ~~is~~
6.4 are classified so as to deny the requesting person access, the responsible authority or
6.5 designee shall inform the requesting person of the determination either orally at the time
6.6 of the request, or in writing as soon after that time as possible, and shall cite the specific
6.7 statutory section, temporary classification, or specific provision of federal law on which
6.8 the determination is based. Upon the request of any person denied access to data, the
6.9 responsible authority or designee shall certify in writing that the request has been denied
6.10 and cite the specific statutory section, temporary classification, or specific provision of
6.11 federal law upon which the denial was based.

6.12 (g) Electronic geospatial government data maintained by a government entity shall
6.13 be shared at no cost to government entities and federal and tribal government agencies.
6.14 Request for copies of the data under this section must be made to the government entity
6.15 that originally developed the data. Any data received by a government entity under this
6.16 subdivision may only be reproduced or redistributed as permitted by the government
6.17 entity that developed the data. Government entities are immune from civil liability for
6.18 any data shared at no cost as provided by this subdivision.

6.19 Sec. 17. Minnesota Statutes 2010, section 13.03, subdivision 4, is amended to read:

6.20 Subd. 4. **Change in classification of data; effect of dissemination among**
6.21 **agencies.** (a) The classification of a government entity's data in the possession of an entity
6.22 shall change if it is required to do so to comply with either judicial or administrative rules
6.23 pertaining to the conduct of legal actions or with a specific statute applicable to the data
6.24 in the possession of the disseminating or receiving entity.

6.25 (b) If data on individuals ~~is~~ are classified as both private and confidential by this
6.26 chapter, or any other statute or federal law, the data ~~is~~ are private.

6.27 (c) To the extent that government data ~~is~~ are disseminated to a government entity
6.28 by another government entity, the data disseminated shall have the same classification
6.29 ~~in the hands of at~~ at the entity receiving ~~it them~~ as it they had ~~in the hands of at~~
6.30 providing ~~it them~~ them.

6.31 (d) If a government entity disseminates data to another government entity, a
6.32 classification provided for by law ~~in the hands of at~~ at the entity receiving the data does not
6.33 affect the classification of the data ~~in the hands of at~~ at the entity that disseminates the data.

6.34 (e) To the extent that judicial branch data ~~is~~ are disseminated to government entities
6.35 by the judicial branch, the data disseminated shall have the same level of accessibility

7.1 ~~in the hands of the agency~~ at the government entity receiving ~~it~~ them as ~~it~~ they had
7.2 ~~in the hands of~~ at the judicial branch entity providing ~~it~~ them. If the data have a specific
7.3 classification in state statute or federal law, the government entity must maintain the
7.4 data according to the specific classification.

7.5 Sec. 18. Minnesota Statutes 2010, section 13.04, subdivision 4, is amended to read:

7.6 Subd. 4. **Procedure when data is not accurate or complete.** (a) An individual
7.7 subject of the data may ~~contest~~ challenge the accuracy or completeness of public or private
7.8 data. To exercise this right, an individual shall notify in writing the responsible authority
7.9 describing the nature of the disagreement. The responsible authority shall make a written
7.10 determination about the data challenge within 30 days and either: (1) correct the data
7.11 found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or
7.12 incomplete data, including recipients named by the individual; or (2) notify the individual
7.13 that the authority believes the data to be correct. Data in dispute shall be disclosed only if
7.14 the individual's statement of disagreement is included with the disclosed data.

7.15 The determination of the responsible authority may be appealed pursuant to the
7.16 provisions of the Administrative Procedure Act relating to contested cases. A data subject
7.17 cannot appeal a data challenge determination if the responsible authority corrects the
7.18 challenged data. The commissioner shall dismiss the appeal and provide written notice
7.19 to the individual if the individual challenged a policy, procedure, or process used by the
7.20 government entity. Upon receipt of an appeal by an individual, the commissioner shall,
7.21 before issuing the order and notice of a contested case hearing required by chapter 14,
7.22 try to resolve the dispute through education, conference, conciliation, or persuasion. If
7.23 the parties consent, the commissioner may refer the matter to mediation. Following these
7.24 efforts, the commissioner shall dismiss the appeal or issue the order and notice of hearing.

7.25 Copies of government data submitted to the commissioner by individuals appealing
7.26 a data challenge determination have the same classification as the data have when held
7.27 by the government entity.

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

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

8.1 Sec. 19. Minnesota Statutes 2010, section 13.05, subdivision 7, is amended to read:

8.2 Subd. 7. **Preparation of summary data.** The use of summary data derived from
8.3 ~~private or confidential~~ not public data on individuals under the jurisdiction of one or more
8.4 responsible authorities is permitted. Unless classified pursuant to section 13.06, another
8.5 statute, or federal law, summary data ~~is~~ are public. The responsible authority shall prepare
8.6 summary data from ~~private or confidential~~ not public data on individuals upon the request
8.7 of any person if the request is in writing and the cost of preparing the summary data
8.8 is borne by the requesting person. The responsible authority may delegate the power
8.9 to prepare summary data (1) to the administrative officer responsible for any central
8.10 repository of summary data; or (2) to a person outside of the entity if the person's purpose
8.11 is set forth, in writing, and the person agrees not to disclose, and the entity reasonably
8.12 determines that the access will not compromise ~~private or confidential~~ not public data on
8.13 ~~individuals~~ individuals and the person signs a nondisclosure agreement as provided in subdivision 7b.

8.14 Sec. 20. Minnesota Statutes 2010, section 13.05, is amended by adding a subdivision
8.15 to read:

8.16 Subd. 7a. **Access to summary data.** The responsible authority shall prepare and
8.17 implement procedures to ensure that access to summary data is provided pursuant to
8.18 subdivision 7. Preparation of summary data may be requested by any person. The request
8.19 must be in writing in a form provided by the responsible authority. Within 30 days of the
8.20 receipt of a request, the responsible authority must inform the requester of the estimated
8.21 costs, if any, whether collection of the costs is required prior to preparing or supplying the
8.22 summary data, and provide one of the following:

8.23 (1) the summary data requested;

8.24 (2) a written statement to the requester, describing a time schedule for preparing the
8.25 requested summary data, including reasons for any time delays;

8.26 (3) access to the requester to the not public data for the purpose of the requestor's
8.27 preparation of summary data; or

8.28 (4) a written statement to the requester stating reasons why the responsible authority
8.29 has determined that the requester's access would compromise the not public data.

8.30 Sec. 21. Minnesota Statutes 2010, section 13.05, is amended by adding a subdivision
8.31 to read:

8.32 Subd. 7b. **Summary data nondisclosure agreement.** A nondisclosure agreement,
8.33 as required by subdivision 7, must contain at least the following:

9.1 (1) a general description of the not public data which is being used to prepare
 9.2 summary data;

9.3 (2) the purpose for which the summary data is being prepared; and

9.4 (3) a statement that the preparer may be subject to the civil or criminal penalty
 9.5 provisions of section 13.08 or 13.09 in the event that the not public data are disclosed.

9.6 Sec. 22. Minnesota Statutes 2010, section 13.05, is amended by adding a subdivision
 9.7 to read:

9.8 Subd. 7c. **Paying for preparation of summary data.** Any costs incurred in the
 9.9 preparation of summary data shall be borne by the requesting person. In assessing the
 9.10 costs associated with the preparation of summary data, the responsible authority shall:

9.11 (1) provide to the requesting person an estimate of the costs associated with the
 9.12 preparation of the summary data;

9.13 (2) collect any funds necessary to reimburse the entity for its costs before preparing
 9.14 or supplying the summary data;

9.15 (3) charge no more than reasonable copying costs when the summary data being
 9.16 requested requires only copying and no other preparation; and

9.17 (4) take into account the reasonable value to the entity of the summary data prepared
 9.18 and where appropriate reduce the costs assessed to the requesting person.

9.19 Sec. 23. Minnesota Statutes 2010, section 13.09, is amended to read:

9.20 **13.09 PENALTIES.**

9.21 Any ~~person~~ individual who willfully violates the provisions of this chapter or any
 9.22 rules adopted under this chapter is guilty of a misdemeanor. Willful violation of this
 9.23 chapter by any public employee constitutes just cause for suspension without pay or
 9.24 dismissal of the public employee.

9.25 Sec. 24. Minnesota Statutes 2010, section 13.10, subdivision 1, is amended to read:

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

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

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

9.32 (c) "Representative of the decedent" ~~means~~ is the personal representative of the
 9.33 estate of the decedent during the period of administration, or if no personal representative

10.1 has been appointed or after discharge of the personal representative, the surviving spouse,
10.2 any child of the decedent, or, if there is no surviving spouse or children, the parents of
10.3 the decedent.

10.4 Sec. 25. Minnesota Statutes 2010, section 13.201, is amended to read:

10.5 **13.201 RIDESHARE DATA.**

10.6 The following government data on participants, collected, created, received,
10.7 maintained, or disseminated by the Minnesota Department of Transportation and the
10.8 Metropolitan Council to administer rideshare programs, are ~~classified as private under~~
10.9 ~~section 13.02, subdivision 12~~ data on individuals: residential address and telephone
10.10 number; beginning and ending work hours; current mode of commuting to and from work;
10.11 and type of rideshare service information requested.

10.12 Sec. 26. Minnesota Statutes 2010, section 13.202, subdivision 3, is amended to read:

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

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

10.17 Sec. 27. Minnesota Statutes 2010, section 13.32, subdivision 6, is amended to read:

10.18 Subd. 6. **Admissions forms; remedial instruction.** (a) Minnesota postsecondary
10.19 education institutions, for purposes of reporting and research, may collect on the
10.20 1986-1987 admissions form, and disseminate to any public educational agency or
10.21 institution the following data on individuals: student sex, ethnic background, age, and
10.22 disabilities. The data shall not be required of any individual and shall not be used for
10.23 purposes of determining the ~~person's~~ individual's admission to an institution.

10.24 (b) A school district that receives information under subdivision 3, paragraph (h)
10.25 from a postsecondary institution about an identifiable student shall maintain the data
10.26 as educational data and use that data to conduct studies to improve instruction. Public
10.27 postsecondary systems annually shall provide summary data to the Department of
10.28 Education indicating the extent and content of the remedial instruction received in each
10.29 system during the prior academic year by, and the results of assessment testing and the
10.30 academic performance of, students who graduated from a Minnesota school district within
10.31 two years before receiving the remedial instruction. The department shall evaluate the
10.32 data and annually report its findings to the education committees of the legislature.

10.33 (c) This section supersedes any inconsistent provision of law.

11.1 Sec. 28. Minnesota Statutes 2010, section 13.35, is amended to read:

11.2 **13.35 FEDERAL CONTRACTS DATA.**

11.3 To the extent that a federal agency requires it as a condition for contracting with
11.4 a government entity, all government data collected ~~and~~, created, received, maintained,
11.5 or disseminated by the government entity because that agency contracts with the federal
11.6 agency are classified as either private or nonpublic depending on whether the data are data
11.7 on individuals or data not on individuals.

11.8 Sec. 29. Minnesota Statutes 2010, section 13.37, subdivision 1, is amended to read:

11.9 Subdivision 1. **Definitions.** As used in this section, the following terms have the
11.10 meanings given them.

11.11 (a) "Security information" means government data the disclosure of which the
11.12 responsible authority determines would be likely to substantially jeopardize the security of
11.13 information, possessions, individuals or property against theft, tampering, improper use,
11.14 attempted escape, illegal disclosure, trespass, or physical injury. "Security information"
11.15 includes crime prevention block maps and lists of volunteers who participate in community
11.16 crime prevention programs and their home addresses and telephone numbers.

11.17 (b) "Trade secret information" means government data, including a formula, pattern,
11.18 compilation, program, device, method, technique or process (1) that was supplied by the
11.19 affected individual or organization, (2) that is the subject of efforts by the individual or
11.20 organization that are reasonable under the circumstances to maintain its secrecy, and (3)
11.21 that derives independent economic value, actual or potential, from not being generally
11.22 known to, and not being readily ascertainable by proper means by, other persons who can
11.23 obtain economic value from its disclosure or use.

11.24 (c) "Labor relations information" means management positions on economic and
11.25 noneconomic items that have not been presented during the collective bargaining process
11.26 or interest arbitration, including information specifically collected or created to prepare
11.27 the management position.

11.28 (d) "Parking space leasing data" means the following government data on an
11.29 applicant for, or lessee of, a parking space: residence address, home telephone number,
11.30 beginning and ending work hours, place of employment, work telephone number, and
11.31 location of the parking space.

11.32 (e) When denying a data request made under section 13.03, a government entity,
11.33 upon request must provide a short description explaining the necessity for why the
11.34 government data are classified as security information.

12.1 Sec. 30. Minnesota Statutes 2010, section 13.3805, subdivision 1, is amended to read:

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

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

12.4 (2) "Health data" ~~means~~ are government data on individuals created, collected,

12.5 received, ~~or maintained,~~ or disseminated by the Department of Health, political

12.6 subdivisions, or statewide systems relating to the identification, description, prevention,

12.7 and control of disease or as part of an epidemiologic investigation the commissioner

12.8 designates as necessary to analyze, describe, or protect the public health.

12.9 (b) **Data on individuals.** (1) Health data are private data on individuals.

12.10 Notwithstanding section 13.05, subdivision 9, health data may not be disclosed except as

12.11 provided in this subdivision and section 13.04.

12.12 (2) The commissioner or a local board of health as defined in section 145A.02,

12.13 subdivision 2, may disclose health data to the data subject's physician as necessary to locate

12.14 or identify a case, carrier, or suspect case, to establish a diagnosis, to provide treatment, to

12.15 identify ~~persons~~ individuals at risk of illness, or to conduct an epidemiologic investigation.

12.16 (3) With the approval of the commissioner, health data may be disclosed to the

12.17 extent necessary to assist the commissioner to locate or identify a case, carrier, or suspect

12.18 case, to alert persons who may be threatened by illness as evidenced by epidemiologic

12.19 data, to control or prevent the spread of serious disease, or to diminish an imminent threat

12.20 to the public health.

12.21 (c) **Health summary data.** Summary data derived from data collected under section

12.22 145.413 may be provided under section 13.05, subdivision 7.

12.23 Sec. 31. Minnesota Statutes 2010, section 13.3805, subdivision 2, is amended to read:

12.24 Subd. 2. **Huntington's Disease data.** All government data ~~created, collected,~~

12.25 ~~received, or maintained by~~ of the commissioner of health on individuals relating to

12.26 genetic counseling services for Huntington's Disease provided by the Department of

12.27 Health are private data on individuals. The data may be permanently transferred from the

12.28 department to the Hennepin County Medical Center, and once transferred, shall continue

12.29 to be classified as private data on individuals.

12.30 Sec. 32. Minnesota Statutes 2010, section 13.3806, subdivision 1a, is amended to read:

12.31 Subd. 1a. **Death investigation data.** Data gathered by the commissioner of health

12.32 to identify the body of ~~a person~~ an individual believed to have died due to a declared

12.33 emergency as defined in section 12.03, subdivision 1e, the circumstances of death, and

13.1 disposition of the body are classified in and may be released according to section 12.381,
13.2 subdivision 2.

13.3 Sec. 33. Minnesota Statutes 2010, section 13.3806, subdivision 5, is amended to read:

13.4 Subd. 5. **School health records.** (a) **Student health data.** Data collected for the
13.5 health record of a school child are governed by section 144.29.

13.6 (b) **Tuberculosis screening.** Access to health records of ~~persons~~ individuals
13.7 enrolled in or employed by a school or school district for tuberculosis screening purposes
13.8 is governed by section 144.441, subdivision 8.

13.9 Sec. 34. Minnesota Statutes 2010, section 13.384, subdivision 1, is amended to read:

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

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

13.13 (b) "Medical data" ~~means~~ are government data collected, created, received,
13.14 maintained, or disseminated because an individual was or is a patient or client of a
13.15 hospital, nursing home, medical center, clinic, health or nursing agency operated by a
13.16 government entity including business and financial records, data provided by private
13.17 health care facilities, and data provided by or about relatives of the individual.

13.18 Sec. 35. Minnesota Statutes 2010, section 13.384, subdivision 2, is amended to read:

13.19 Subd. 2. **Public hospitals; directory information.** (a) During the time that a
13.20 ~~person~~ an individual is a patient in a hospital operated by a government entity under legal
13.21 commitment, directory information is public data. After the ~~person~~ individual is released
13.22 by termination of the ~~person's~~ individual's legal commitment, the directory information is
13.23 private data on individuals.

13.24 (b) If a ~~person~~ an individual is a patient other than pursuant to commitment in a
13.25 hospital controlled by a government entity, directory information is public data unless the
13.26 patient requests otherwise, in which case it is private data on individuals.

13.27 (c) Directory information about an emergency patient who is unable to communicate
13.28 which is public under this subdivision shall not be released until a reasonable effort is
13.29 made to notify the next of kin or health care agent. Although an individual has requested
13.30 that directory information be private, the hospital may release directory information to a
13.31 law enforcement agency pursuant to a lawful investigation pertaining to that individual.

13.32 Sec. 36. Minnesota Statutes 2010, section 13.386, subdivision 1, is amended to read:

14.1 Subdivision 1. **Definition.** (a) "Genetic information" means information about an
14.2 identifiable individual derived from the presence, absence, alteration, or mutation of
14.3 a gene, or the presence or absence of a specific DNA or RNA marker, which has been
14.4 obtained from an analysis of:

14.5 (1) the individual's biological information or specimen; or

14.6 (2) the biological information or specimen of ~~a person~~ an individual to whom the
14.7 individual is related.

14.8 (b) "Genetic information" also means medical or biological information collected
14.9 from an individual about a particular genetic condition that is or might be used to provide
14.10 medical care to that individual or the individual's family members.

14.11 Sec. 37. Minnesota Statutes 2010, section 13.39, subdivision 2, is amended to read:

14.12 Subd. 2. **Civil actions.** (a) Except as provided in paragraph (b), government data
14.13 collected, created, received, maintained, or disseminated by a government entity as part of
14.14 an active investigation undertaken for the purpose of the commencement or defense of a
14.15 pending civil legal action, or which are retained in anticipation of a pending civil legal
14.16 action, are classified as protected nonpublic data pursuant to section 13.02, subdivision
14.17 13, in the case of data not on individuals and confidential pursuant to section 13.02,
14.18 subdivision 3, in the case of data on individuals. Any government entity may make
14.19 any data classified as confidential or protected nonpublic pursuant to this subdivision
14.20 accessible to any person, agency or the public if the government entity determines that
14.21 the access will aid the law enforcement process, promote public health or safety or dispel
14.22 widespread rumor or unrest.

14.23 (b) A complainant has access to a statement provided by the complainant to a
14.24 government entity under paragraph (a).

14.25 Sec. 38. Minnesota Statutes 2010, section 13.39, is amended by adding a subdivision
14.26 to read:

14.27 Subd. 4. **Exclusion.** This section does not apply when the sole issue or dispute is a
14.28 government entity's timeliness in responding to a data request.

14.29 Sec. 39. Minnesota Statutes 2010, section 13.392, subdivision 1, is amended to read:

14.30 Subdivision 1. **Confidential data or protected nonpublic data.** Government
14.31 data, including notes, and preliminary drafts of reports created, collected, and received,
14.32 maintained, or disseminated by the internal audit offices of government entities, or persons
14.33 performing audits for government entities, and relating to an audit or investigation are

15.1 confidential data on individuals or protected nonpublic data until the final report has
15.2 been published or the audit or investigation is no longer being pursued actively, except
15.3 that the data shall be disclosed as required to comply with section 6.67 or 609.456. This
15.4 section does not limit in any way:

15.5 (1) the state auditor's access to government data of political subdivisions or
15.6 data, notes, or preliminary drafts of reports of persons performing audits for political
15.7 subdivisions; or

15.8 (2) the public or a data subject's access to data classified by section 13.43.

15.9 Sec. 40. Minnesota Statutes 2010, section 13.393, is amended to read:

15.10 **13.393 ATTORNEYS.**

15.11 Notwithstanding the provisions of this chapter and section 15.17, ~~the use, collection,~~
15.12 ~~storage, and dissemination of~~ government data collected, created, received, or maintained
15.13 by an attorney acting in a professional capacity for a government entity shall be governed
15.14 by statutes, rules, and professional standards concerning discovery, production of
15.15 documents, introduction of evidence, and professional responsibility; provided that this
15.16 section shall not be construed to affect the applicability of any statute, other than this
15.17 chapter and section 15.17, which specifically requires or prohibits disclosure of specific
15.18 information by the attorney, nor shall this section be construed to relieve any responsible
15.19 authority, other than the attorney, from duties and responsibilities pursuant to this chapter
15.20 and section 15.17.

15.21 Sec. 41. Minnesota Statutes 2010, section 13.40, subdivision 1, is amended to read:

15.22 Subdivision 1. **Records subject to this chapter.** (a) For purposes of this section,
15.23 "historical records repository" means an archives or manuscript repository operated by a
15.24 government entity whose purpose is to collect and maintain data to further the history of
15.25 a geographic or subject area. The term does not include the state archives as defined in
15.26 section 138.17, subdivision 1, clause (5).

15.27 (b) Government data collected, created, received, maintained, ~~used,~~ or disseminated
15.28 by a library or historical records repository operated by a government entity shall be
15.29 administered in accordance with the provisions of this chapter.

15.30 Sec. 42. Minnesota Statutes 2010, section 13.41, subdivision 2, is amended to read:

15.31 Subd. 2. **Private data; designated addresses and telephone numbers.** (a) The
15.32 following government data collected, created or, received, maintained, or disseminated by
15.33 any licensing agency are ~~classified as private, pursuant to section 13.02, subdivision 12~~

16.1 data on individuals: data, other than their names and designated addresses, submitted by
 16.2 applicants for licenses; the identity of complainants who have made reports concerning
 16.3 licensees or applicants which appear in inactive complaint data unless the complainant
 16.4 consents to the disclosure; the nature or content of unsubstantiated complaints when the
 16.5 information is not maintained in anticipation of legal action; the identity of patients whose
 16.6 medical records are received by any health licensing agency for purposes of review or
 16.7 in anticipation of a contested matter; inactive investigative data relating to violations
 16.8 of statutes or rules; and the record of any disciplinary proceeding except as limited by
 16.9 subdivision 5.

16.10 (b) An applicant for a license shall designate on the application a residence or
 16.11 business address and telephone number at which the applicant can be contacted in
 16.12 connection with the license application. A licensee shall designate a residence or business
 16.13 address and telephone number at which the licensee can be contacted in connection with
 16.14 the license. By designating an address under this paragraph other than a residence address,
 16.15 the applicant or licensee consents to accept personal service of process by service on the
 16.16 licensing agency for legal or administrative proceedings. The licensing agency shall mail
 16.17 a copy of the documents to the applicant or licensee at the last known residence address.

16.18 Sec. 43. Minnesota Statutes 2010, section 13.43, subdivision 1, is amended to read:

16.19 Subdivision 1. **Definition.** As used in this section, "personnel data" means
 16.20 government data on individuals maintained because the individual is ~~or was an~~ a current
 16.21 or former employee of or an applicant for employment by, ~~performs services on a~~
 16.22 ~~voluntary basis~~ a volunteer performing services for, or ~~acts as~~ an independent contractor
 16.23 with a government entity. ~~Personnel data includes data submitted by an employee to a~~
 16.24 ~~government entity as part of an organized self-evaluation effort by the government entity~~
 16.25 ~~to request suggestions from all employees on ways to cut costs, make government more~~
 16.26 ~~efficient, or improve the operation of government. An employee who is identified in~~
 16.27 ~~a suggestion shall have access to all data in the suggestion except the identity of the~~
 16.28 ~~employee making the suggestion. Except for constitutional officers, elected officials are~~
 16.29 not employees for purposes of this section.

16.30 Sec. 44. Minnesota Statutes 2010, section 13.43, subdivision 2, is amended to read:

16.31 Subd. 2. **Public data.** (a) Except for employees described in subdivision 5 and
 16.32 subject to the limitations described in subdivision 5a, the following personnel data ~~on~~
 16.33 ~~current and former employees, volunteers, and independent contractors of a government~~
 16.34 entity is are public:

17.1 (1) name; ~~employee~~ an identification number of an individual subject to this section,
17.2 which must not be ~~the employee's~~ a Social Security number; actual gross salary; salary
17.3 range; terms and conditions of employment relationship; contract fees; actual gross
17.4 pension; the value and nature of employer paid fringe benefits; and the basis for and
17.5 the amount of any added remuneration, including expense reimbursement, in addition
17.6 to salary;

17.7 (2) job title and bargaining unit; job description; education and training background;
17.8 and previous work experience;

17.9 (3) date of first and last employment or service;

17.10 (4) the existence and status of any complaints or charges against ~~the employee~~ an
17.11 individual subject to this section, regardless of whether the complaint or charge resulted
17.12 in a disciplinary action;

17.13 (5) the final disposition of any disciplinary action together with the specific reasons
17.14 for the action and data documenting the basis of the action, ~~excluding data that would~~
17.15 ~~identify confidential sources who are employees of the public body,~~ excluding private
17.16 personnel data about other individuals subject to this section and any other not public data;

17.17 (6) the terms of any agreement settling any dispute arising out of an employment
17.18 relationship, including a buyout agreement as defined in section 123B.143, subdivision 2,
17.19 paragraph (a); except that the agreement must include specific reasons for the agreement if
17.20 it involves the payment of more than \$10,000 of public money;

17.21 (7) work location; a work telephone number; badge number; work-related continuing
17.22 education; and honors and awards received; and

17.23 (8) payroll time sheets or other comparable data that are only used to account for
17.24 a current or former employee's work time for payroll purposes, except to the extent that
17.25 release of time sheet data would reveal the ~~employee's~~ individual's reasons for the use of
17.26 sick or other medical leave or other not public data.

17.27 (b) For purposes of this subdivision, a final disposition occurs when the government
17.28 entity makes its final decision about the disciplinary action, regardless of the possibility of
17.29 any later proceedings or court proceedings. Final disposition includes a resignation by an
17.30 individual when the resignation occurs after the final decision of the government entity,
17.31 or arbitrator. In the case of arbitration proceedings arising under collective bargaining
17.32 agreements, a final disposition occurs at the conclusion of the arbitration proceedings,
17.33 or upon the failure of the employee to elect arbitration within the time provided by the
17.34 collective bargaining agreement. A disciplinary action does not become public data if an
17.35 arbitrator sustains a grievance and reverses all aspects of any disciplinary action.

18.1 (c) The government entity may display a photograph of a ~~current or former employee~~
 18.2 an individual subject to this section to a prospective witness as part of the government
 18.3 entity's investigation of any complaint or charge against the ~~employee~~ individual.

18.4 (d) A complainant has access to a statement provided by the complainant to a
 18.5 government entity in connection with a complaint or charge against an employee.

18.6 (e) Notwithstanding paragraph (a), clause (5), upon completion of an investigation
 18.7 of a complaint or charge against a current public official or a former public official for
 18.8 acts which occurred while an individual was a public official, or if a public official resigns
 18.9 or is terminated from employment while the complaint or charge is pending, all data
 18.10 relating to the complaint or charge are public, unless access to the data would jeopardize
 18.11 an active investigation or reveal confidential sources. For purposes of this paragraph,
 18.12 "public official" means:

18.13 (1) the head of a state agency and deputy and assistant state agency heads; and
 18.14 ~~(2) members of boards or commissions required by law to be appointed by the~~
 18.15 ~~governor or other elective officers; and~~

18.16 ~~(3)~~ (2) executive or administrative heads of departments, bureaus, divisions, or
 18.17 institutions within state government.

18.18 (f) Personnel data includes data submitted by an employee to a government entity as
 18.19 part of an organized self-evaluation effort by the government entity to request suggestions
 18.20 from all employees on ways to cut costs, make government more efficient, or improve the
 18.21 operation of government. An employee who is identified in a suggestion shall have access
 18.22 to all data in the suggestion except the identity of the employee making the suggestion.

18.23 Sec. 45. Minnesota Statutes 2010, section 13.43, subdivision 3, is amended to read:

18.24 Subd. 3. **Applicant data.** Except for applicants described in subdivision 5,
 18.25 the following personnel data on ~~current and former~~ applicants for employment by a
 18.26 government entity ~~is~~ are public: veteran status; relevant test scores; rank on eligible list;
 18.27 job history; education and training; and work availability. Names of applicants shall
 18.28 be private data except when certified as eligible for appointment to a vacancy or when
 18.29 applicants are considered by the appointing authority to be finalists for a position in public
 18.30 employment. For purposes of this subdivision, "finalist" means an individual who is
 18.31 selected to be interviewed by the appointing authority prior to selection. A candidate for
 18.32 elected office is not an applicant for employment under this section.

18.33 Sec. 46. Minnesota Statutes 2010, section 13.43, subdivision 5a, is amended to read:

19.1 Subd. 5a. **Limitation on disclosure of certain personnel data.** Notwithstanding
 19.2 any other provision of this section, the following data relating to employees, volunteers,
 19.3 and independent contractors of a secure treatment facility defined in section 253B.02,
 19.4 subdivision 18a, employees, volunteers, and independent contractors of a state correctional
 19.5 facility, or employees, volunteers, and independent contractors of the Department of
 19.6 Corrections directly involved in supervision of offenders in the community, shall not be
 19.7 disclosed to facility patients, corrections inmates, or other individuals who facility or
 19.8 correction administrators reasonably believe will use the information to harass, intimidate,
 19.9 or assault any of these employees: place where previous education or training occurred;
 19.10 place of prior employment; and payroll timesheets or other comparable data, to the extent
 19.11 that disclosure of payroll timesheets or other comparable data may disclose future work
 19.12 assignments, home address or telephone number, the location of an employee during
 19.13 nonwork hours, or the location of an employee's immediate family members.

19.14 Sec. 47. Minnesota Statutes 2010, section 13.43, subdivision 8, is amended to read:

19.15 Subd. 8. **Harassment data.** ~~When allegations of sexual or other types of harassment~~
 19.16 ~~are made against an employee, the employee~~ An individual subject to this section does
 19.17 not have access to data related to allegations of sexual or other types of harassment that
 19.18 ~~would~~ identify the complainant or other witnesses if the responsible authority determines
 19.19 that the ~~employee's~~ individual's access to that data would:

- 19.20 (1) threaten the personal safety of the complainant or a witness; or
 19.21 (2) subject the complainant or witness to harassment.

19.22 If a disciplinary proceeding is initiated against the employee, data on the complainant
 19.23 or witness shall be available to the employee as may be necessary for the employee to
 19.24 prepare for the proceeding.

19.25 Sec. 48. Minnesota Statutes 2010, section 13.43, subdivision 9, is amended to read:

19.26 Subd. 9. **Peer counseling debriefing data.** (a) Data acquired by a peer group
 19.27 member in a public safety peer counseling debriefing ~~is~~ are private data on the ~~person~~
 19.28 individual being debriefed.

19.29 (b) For purposes of this subdivision, "public safety peer counseling debriefing"
 19.30 means a group process oriented debriefing session held for peace officers, firefighters,
 19.31 medical emergency persons, dispatchers, or other persons involved with public safety
 19.32 emergency services, that is established by any government entity providing public safety
 19.33 emergency services and is designed to help ~~a person~~ an individual who has suffered an

20.1 occupation-related traumatic event begin the process of healing and effectively dealing
20.2 with posttraumatic stress.

20.3 Sec. 49. Minnesota Statutes 2010, section 13.43, subdivision 11, is amended to read:

20.4 Subd. 11. **Protection of employee or others.** (a) If the responsible authority or
20.5 designee of a government entity reasonably determines that the release of personnel data
20.6 is necessary to protect an employee individual subject to this section from harm to self or
20.7 to protect another person who may be harmed by the employee individual, data that are
20.8 relevant to the concerns for safety may be released as provided in this subdivision.

20.9 (b) The data may be released:

20.10 (1) to the person individual who may be harmed and to an attorney representing the
20.11 person individual when the data are relevant to obtaining a restraining order;

20.12 (2) to a prepetition screening team conducting an investigation of the employee
20.13 individual under section 253B.07, subdivision 1; or

20.14 (3) to a court, law enforcement agency, or prosecuting authority.

20.15 (c) Section 13.03, subdivision 4, paragraph (c), applies to data released under this
20.16 subdivision, except to the extent that the data have a more restrictive classification in the
20.17 possession of the agency or authority that receives the data. If the person who may be
20.18 harmed or the person's individual's attorney receives data under this subdivision, the
20.19 data may be used or released further only to the extent necessary to protect the person
20.20 from harm.

20.21 Sec. 50. Minnesota Statutes 2010, section 13.43, subdivision 14, is amended to read:

20.22 Subd. 14. **Maltreatment data.** When a report of alleged maltreatment of a student
20.23 in a school facility, as defined in section 626.556, subdivision 2, paragraph (f), is made to
20.24 the commissioner of education under section 626.556, data that are relevant to a report of
20.25 maltreatment and are collected by the school facility about the person individual alleged to
20.26 have committed maltreatment must be provided to the commissioner of education upon
20.27 request for purposes of an assessment or investigation of the maltreatment report. Data
20.28 received by the commissioner of education pursuant to these assessments or investigations
20.29 are classified under section 626.556.

20.30 Sec. 51. Minnesota Statutes 2010, section 13.43, subdivision 15, is amended to read:

20.31 Subd. 15. **Dissemination of data to law enforcement.** Private personnel data, or
20.32 data ~~on employees~~ that are confidential data under section 13.39, may be disseminated to a
20.33 law enforcement agency for the purpose of reporting a crime or alleged crime committed

21.1 by an ~~employee~~ individual subject to this section, or for the purpose of assisting law
21.2 enforcement in the investigation of a crime committed or allegedly committed by an
21.3 ~~employee~~ individual subject to this section.

21.4 Sec. 52. Minnesota Statutes 2010, section 13.43, subdivision 16, is amended to read:

21.5 Subd. 16. **School district or charter school disclosure of violence or**
21.6 **inappropriate sexual contact.** The superintendent of a school district or the
21.7 superintendent's designee, or ~~a person~~ an individual having administrative control of
21.8 a charter school, must release to a requesting school district or charter school private
21.9 personnel data ~~on a current or former employee~~ related to acts of violence toward or
21.10 sexual contact with a student, if an investigation conducted by or on behalf of the school
21.11 district or law enforcement affirmed the allegations in writing prior to release and the
21.12 investigation resulted in the resignation of the subject of the data.

21.13 Sec. 53. Minnesota Statutes 2010, section 13.43, subdivision 17, is amended to read:

21.14 Subd. 17. **Continuity of operations.** Personal home contact information may
21.15 be used to ensure that an ~~employee~~ individual subject to this section can be reached in
21.16 the event of an emergency or other disruption affecting continuity of operation of a
21.17 government entity. An ~~employee's~~ individual's personal home contact information may be
21.18 shared with another government entity in the event of an emergency or other disruption to
21.19 ensure continuity of operation of either government entity.

21.20 Sec. 54. Minnesota Statutes 2010, section 13.46, subdivision 1, is amended to read:

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

21.22 (a) "Individual" means an individual according to section 13.02, subdivision 8,
21.23 but does not include a vendor of services.

21.24 (b) "Program" includes all programs for which authority is vested in a component of
21.25 the welfare system according to statute or federal law, including, but not limited to, the
21.26 aid to families with dependent children program formerly codified in sections 256.72 to
21.27 256.87, Minnesota family investment program, temporary assistance for needy families
21.28 program, medical assistance, general assistance, general assistance medical care, child
21.29 care assistance program, and child support collections.

21.30 (c) "Welfare system" includes the Department of Human Services, local social
21.31 services agencies, county welfare agencies, private licensing agencies, the public authority
21.32 responsible for child support enforcement, human services boards, community mental
21.33 health center boards, state hospitals, state nursing homes, the ombudsman for mental

22.1 health and developmental disabilities, and persons, agencies, institutions, organizations,
 22.2 and other entities under contract to any of the above agencies to the extent specified
 22.3 in the contract.

22.4 (d) "Mental health data" means data on individual clients and patients of community
 22.5 mental health centers, established under section 245.62, mental health divisions of
 22.6 counties and other providers under contract to deliver mental health services, or the
 22.7 ombudsman for mental health and developmental disabilities.

22.8 (e) "Fugitive felon" means ~~a person~~ an individual who has been convicted of a
 22.9 felony and who has escaped from confinement or violated the terms of probation or parole
 22.10 for that offense.

22.11 (f) "Private licensing agency" means an agency licensed by the commissioner of
 22.12 human services under chapter 245A to perform the duties under section 245A.16.

22.13 Sec. 55. Minnesota Statutes 2010, section 13.46, subdivision 2, is amended to read:

22.14 Subd. 2. **General.** (a) Unless the data is summary data or a statute specifically
 22.15 provides a different classification, government data on individuals collected, created,
 22.16 received, maintained, ~~used~~, or disseminated by the welfare system ~~is~~ are private data on
 22.17 individuals, and shall not be disclosed except:

22.18 (1) according to section 13.05;

22.19 (2) according to court order;

22.20 (3) according to a statute specifically authorizing access to the private data;

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

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

22.28 (6) to administer federal funds or programs;

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

22.30 (8) to the Department of Revenue to assess parental contribution amounts for
 22.31 purposes of section 252.27, subdivision 2a, administer and evaluate tax refund or tax credit
 22.32 programs and to identify individuals who may benefit from these programs. The following
 22.33 information may be disclosed under this paragraph: an individual's and their dependent's
 22.34 names, dates of birth, Social Security numbers, income, addresses, and other data as
 22.35 required, upon request by the Department of Revenue. Disclosures by the commissioner

23.1 of revenue to the commissioner of human services for the purposes described in this clause
23.2 are governed by section 270B.14, subdivision 1. Tax refund or tax credit programs include,
23.3 but are not limited to, the dependent care credit under section 290.067, the Minnesota
23.4 working family credit under section 290.0671, the property tax refund and rental credit
23.5 under section 290A.04, and the Minnesota education credit under section 290.0674;

23.6 (9) between the Department of Human Services, the Department of Employment
23.7 and Economic Development, and when applicable, the Department of Education, for
23.8 the following purposes:

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

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

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

23.17 (iv) to analyze public assistance employment services and program utilization,
23.18 cost, effectiveness, and outcomes as implemented under the authority established in Title
23.19 II, Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of
23.20 1999. Health records governed by sections 144.291 to 144.298 and "protected health
23.21 information" as defined in Code of Federal Regulations, title 45, section 160.103, and
23.22 governed by Code of Federal Regulations, title 45, parts 160-164, including health care
23.23 claims utilization information, must not be exchanged under this clause;

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

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

23.34 (12) to the county medical examiner or the county coroner for identifying or locating
23.35 relatives or friends of a deceased ~~person~~ individual;

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

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

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

24.11 (i) the participant:

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

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

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

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

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

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

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

24.31 (i) the member:

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

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

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

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

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

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

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

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

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

25.20 (23) to the Department of Education for the purpose of matching Department of
25.21 Education student data with public assistance data to determine students eligible for free
25.22 and reduced-price meals, meal supplements, and free milk according to United States
25.23 Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and
25.24 state funds that are distributed based on income of the student's family; and to verify
25.25 receipt of energy assistance for the telephone assistance plan;

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

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

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

26.4 (27) to monitor and evaluate the Minnesota family investment program by
26.5 exchanging data between the Departments of Human Services and Education, on
26.6 recipients and former recipients of food support, cash assistance under chapter 256, 256D,
26.7 256J, or 256K, child care assistance under chapter 119B, or medical programs under
26.8 chapter 256B, 256D, or 256L;

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

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

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

26.23 (b) Information on persons who have been treated for drug or alcohol abuse may
26.24 only be disclosed according to the requirements of Code of Federal Regulations, title
26.25 42, sections 2.1 to 2.67.

26.26 (c) Data provided to law enforcement agencies under paragraph (a), clause (15),
26.27 (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected
26.28 nonpublic while the investigation is active. The data are private after the investigation
26.29 becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

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

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

26.34 Sec. 56. Minnesota Statutes 2010, section 13.46, subdivision 3, is amended to read:

27.1 Subd. 3. **Investigative data.** (a) Government data on persons, including data on
 27.2 vendors of services, licensees, and applicants that ~~is~~ are collected, created, received,
 27.3 maintained, ~~used,~~ or disseminated by the welfare system in an investigation, authorized
 27.4 by statute, and relating to the enforcement of rules or law ~~is~~ are confidential data on
 27.5 individuals pursuant to section 13.02, subdivision 3, or protected nonpublic data not on
 27.6 individuals pursuant to section 13.02, subdivision 13, and shall not be disclosed except:

- 27.7 (1) pursuant to section 13.05;
- 27.8 (2) pursuant to statute or valid court order;
- 27.9 (3) to a party named in a civil or criminal proceeding, administrative or judicial,
 27.10 for preparation of defense upon filing with the court; or
- 27.11 (4) to provide notices required or permitted by statute.

27.12 The data referred to in this subdivision shall be classified as public data upon
 27.13 ~~its~~ submission to an administrative law judge or court in an administrative or judicial
 27.14 proceeding. Inactive welfare investigative data shall be treated as provided in section
 27.15 13.39, subdivision 3.

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

27.20 Sec. 57. Minnesota Statutes 2010, section 13.46, subdivision 4, is amended to read:

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

27.22 (1) "licensing data" ~~means~~ are all government data collected, created, received,
 27.23 maintained, ~~used,~~ or disseminated by the welfare system pertaining to persons licensed
 27.24 or registered or who apply for licensure or registration or who formerly were licensed or
 27.25 registered under the authority of the commissioner of human services;

27.26 (2) "client" means ~~a person~~ an individual who is receiving services from a licensee
 27.27 or from an applicant for licensure; and

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

27.31 (b)(1) Except as provided in paragraph (c), the following data on applicants, license
 27.32 holders, and former licensees are public: name, address, telephone number of licensees,
 27.33 date of receipt of a completed application, dates of licensure, licensed capacity, type of
 27.34 client preferred, variances granted, record of training and education in child care and
 27.35 child development, type of dwelling, name and relationship of other family members,

28.1 previous license history, class of license, the existence and status of complaints, and
28.2 the number of serious injuries to or deaths of individuals in the licensed program as
28.3 reported to the commissioner of human services, the local social services agency, or
28.4 any other county welfare agency. For purposes of this clause, a serious injury is one
28.5 that is treated by a physician. When a correction order, an order to forfeit a fine, an
28.6 order of license suspension, an order of temporary immediate suspension, an order of
28.7 license revocation, an order of license denial, or an order of conditional license has been
28.8 issued, or a complaint is resolved, the following data on current and former licensees
28.9 and applicants are public: the substance and investigative findings of the licensing or
28.10 maltreatment complaint, licensing violation, or substantiated maltreatment; the record
28.11 of informal resolution of a licensing violation; orders of hearing; findings of fact;
28.12 conclusions of law; specifications of the final correction order, fine, suspension, temporary
28.13 immediate suspension, revocation, denial, or conditional license contained in the record
28.14 of licensing action; whether a fine has been paid; and the status of any appeal of these
28.15 actions. If a licensing sanction under section 245A.07, or a license denial under section
28.16 245A.05, is based on a determination that the license holder or applicant is responsible for
28.17 maltreatment or is disqualified under chapter 245C, the identity of the license holder or
28.18 applicant as the individual responsible for maltreatment or as the disqualified individual
28.19 ~~is~~ are public data at the time of the issuance of the licensing sanction or denial.

28.20 (2) Notwithstanding sections 626.556, subdivision 11, and 626.557, subdivision 12b,
28.21 when any person subject to disqualification under section 245C.14 in connection with a
28.22 license to provide family day care for children, child care center services, foster care
28.23 for children in the provider's home, or foster care or day care services for adults in the
28.24 provider's home is a substantiated perpetrator of maltreatment, and the substantiated
28.25 maltreatment is a reason for a licensing action, the identity of the substantiated perpetrator
28.26 of maltreatment is public data. For purposes of this clause, a person is a substantiated
28.27 perpetrator if the maltreatment determination has been upheld under section 256.045;
28.28 626.556, subdivision 10i; 626.557, subdivision 9d; or chapter 14, or if an individual or
28.29 facility has not timely exercised appeal rights under these sections, except as provided
28.30 under clause (1).

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

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

29.8 (5) The following data on persons subject to disqualification under section 245C.14
29.9 in connection with a license to provide family day care for children, child care center
29.10 services, foster care for children in the provider's home, or foster care or day care services
29.11 for adults in the provider's home, are public: the nature of any disqualification set
29.12 aside under section 245C.22, subdivisions 2 and 4, and the reasons for setting aside the
29.13 disqualification; the nature of any disqualification for which a variance was granted under
29.14 sections 245A.04, subdivision 9; and 245C.30, and the reasons for granting any variance
29.15 under section 245A.04, subdivision 9; and, if applicable, the disclosure that any person
29.16 subject to a background study under section 245C.03, subdivision 1, has successfully
29.17 passed a background study. If a licensing sanction under section 245A.07, or a license
29.18 denial under section 245A.05, is based on a determination that an individual subject to
29.19 disqualification under chapter 245C is disqualified, the disqualification as a basis for the
29.20 licensing sanction or denial is public data. As specified in clause (1), if the disqualified
29.21 individual is the license holder or applicant, the identity of the license holder or applicant
29.22 is public data. If the disqualified individual is an individual other than the license holder
29.23 or applicant, the identity of the disqualified individual shall remain private data.

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

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

29.33 (c) The following are private data on individuals under section 13.02, subdivision
29.34 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial
29.35 data on family day care program and family foster care program applicants and licensees
29.36 and their family members who provide services under the license.

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

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

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

30.15 (g) Government data that are not public data collected, created, received, maintained,
30.16 ~~used,~~ or disseminated under this subdivision that relate to or are derived from a report as
30.17 defined in section 626.556, subdivision 2, or 626.5572, subdivision 18, are subject to the
30.18 destruction provisions of sections 626.556, subdivision 11c, and 626.557, subdivision 12b.

30.19 (h) Upon request, not public government data collected, created, received,
30.20 ~~used,~~ or disseminated under this subdivision that relate to or are derived from
30.21 a report of substantiated maltreatment as defined in section 626.556 or 626.557 may be
30.22 exchanged with the Department of Health for purposes of completing background studies
30.23 pursuant to section 144.057 and with the Department of Corrections for purposes of
30.24 completing background studies pursuant to section 241.021.

30.25 (i) Data on individuals collected according to licensing activities under chapters
30.26 245A and 245C, and data on individuals collected by the commissioner of human services
30.27 according to maltreatment investigations under sections 626.556 and 626.557, may be
30.28 shared with the Department of Human Rights, the Department of Health, the Department
30.29 of Corrections, the ombudsman for mental health and developmental disabilities, and
30.30 the individual's professional regulatory board when there is reason to believe that laws
30.31 or standards under the jurisdiction of those agencies may have been violated. Unless
30.32 otherwise specified in this chapter, the identity of a reporter of alleged maltreatment or
30.33 licensing violations may not be disclosed.

30.34 (j) In addition to the notice of determinations required under section 626.556,
30.35 subdivision 10f, if the commissioner or the local social services agency has determined
30.36 that an individual is a substantiated perpetrator of maltreatment of a child based on sexual

31.1 abuse, as defined in section 626.556, subdivision 2, and the commissioner or local social
 31.2 services agency knows that the individual is a person responsible for a child's care in
 31.3 another facility, the commissioner or local social services agency shall notify the head
 31.4 of that facility of this determination. The notification must include an explanation of the
 31.5 individual's available appeal rights and the status of any appeal. If a notice is given under
 31.6 this paragraph, the government entity making the notification shall provide a copy of the
 31.7 notice to the individual who is the subject of the notice.

31.8 (k) All not public government data collected, created, received, maintained, ~~used,~~ or
 31.9 disseminated under this subdivision and subdivision 3 may be exchanged between the
 31.10 Department of Human Services, Licensing Division, and the Department of Corrections
 31.11 for purposes of regulating services for which the Department of Human Services and the
 31.12 Department of Corrections have regulatory authority.

31.13 Sec. 58. Minnesota Statutes 2010, section 13.46, subdivision 5, is amended to read:

31.14 Subd. 5. **Medical data; contracts.** Government data relating to the medical,
 31.15 psychiatric, or mental health of any individual, including diagnosis, progress charts,
 31.16 treatment received, case histories, and opinions of health care providers, that ~~is~~ are
 31.17 collected, created, received, maintained, ~~used,~~ or disseminated by any agency to the
 31.18 welfare system ~~is~~ are private data on individuals and will be available to the data subject,
 31.19 unless the private health care provider has clearly requested in writing that the data be
 31.20 withheld pursuant to sections 144.291 to 144.298. Government data on individuals that
 31.21 ~~is~~ are collected, created, received, maintained, ~~used,~~ or disseminated by a private health
 31.22 care provider under contract to any agency of the welfare system ~~is~~ are private data on
 31.23 individuals, and ~~is~~ are subject to the provisions of sections 13.02 to 13.07 and this section,
 31.24 except that the provisions of section 13.04, subdivision 3, shall not apply. Access to
 31.25 medical data referred to in this subdivision by the individual who is the subject of the data
 31.26 is subject to the provisions of sections 144.291 to 144.298. Access to information that is
 31.27 maintained by the public authority responsible for support enforcement and that is needed
 31.28 to enforce medical support is subject to the provisions of section 518A.41.

31.29 Sec. 59. Minnesota Statutes 2010, section 13.46, subdivision 6, is amended to read:

31.30 Subd. 6. **Other data.** Government data collected, ~~used,~~ created, received,
 31.31 maintained, or disseminated by the welfare system that ~~is~~ are not data on individuals ~~is~~ are
 31.32 public pursuant to section 13.03, except the following data:

31.33 (a) investigative data classified by section 13.39;

31.34 (b) welfare investigative data classified by section 13.46, subdivision 3; and

32.1 (c) security information classified by section 13.37, subdivision 2.

32.2 Sec. 60. Minnesota Statutes 2010, section 13.46, subdivision 7, is amended to read:

32.3 Subd. 7. **Mental health data.** (a) Mental health data are private data on individuals
32.4 and shall not be disclosed, except:

32.5 (1) pursuant to section 13.05, as determined by the responsible authority for the
32.6 community mental health center, mental health division, or provider;

32.7 (2) pursuant to court order;

32.8 (3) pursuant to a statute specifically authorizing access to or disclosure of mental
32.9 health data or as otherwise provided by this subdivision; or

32.10 (4) with the consent of the client or patient.

32.11 (b) An agency of the welfare system may not require an individual to consent to the
32.12 release of mental health data as a condition for receiving services or for reimbursing a
32.13 community mental health center, mental health division of a county, or provider under
32.14 contract to deliver mental health services.

32.15 (c) Notwithstanding section 245.69, subdivision 2, paragraph (f), or any other law
32.16 to the contrary, the responsible authority for a community mental health center, mental
32.17 health division of a county, or a mental health provider must disclose mental health data to
32.18 a law enforcement agency if the law enforcement agency provides the name of a client or
32.19 patient and communicates that the:

32.20 (1) client or patient is currently involved in an emergency interaction with the law
32.21 enforcement agency; and

32.22 (2) data is necessary to protect the health or safety of the client or patient or of
32.23 another ~~person~~ individual.

32.24 The scope of disclosure under this paragraph is limited to the minimum necessary
32.25 for law enforcement to respond to the emergency. Disclosure under this paragraph
32.26 may include, but is not limited to, the name and telephone number of the psychiatrist,
32.27 psychologist, therapist, mental health professional, practitioner, or case manager of the
32.28 client or patient. A law enforcement agency that obtains mental health data under this
32.29 paragraph shall maintain a record of the requestor, the provider of the information, and
32.30 the client or patient name. Mental health data obtained by a law enforcement agency
32.31 under this paragraph are private data on individuals and must not be used by the law
32.32 enforcement agency for any other purpose. A law enforcement agency that obtains mental
32.33 health data under this paragraph shall inform the subject of the data that mental health
32.34 data was obtained.

33.1 (d) In the event of a request under paragraph (a), clause (4), a community mental
33.2 health center, county mental health division, or provider must release mental health data to
33.3 Criminal Mental Health Court personnel in advance of receiving a copy of a consent if the
33.4 Criminal Mental Health Court personnel communicate that the:

33.5 (1) client or patient is a defendant in a criminal case pending in the district court;

33.6 (2) data being requested is limited to information that is necessary to assess whether
33.7 the defendant is eligible for participation in the Criminal Mental Health Court; and

33.8 (3) client or patient has consented to the release of the mental health data and a copy
33.9 of the consent will be provided to the community mental health center, county mental
33.10 health division, or provider within 72 hours of the release of the data.

33.11 For purposes of this paragraph, "Criminal Mental Health Court" refers to a specialty
33.12 criminal calendar of the Hennepin County District Court for defendants with mental illness
33.13 and brain injury where a primary goal of the calendar is to assess the treatment needs of
33.14 the defendants and to incorporate those treatment needs into voluntary case disposition
33.15 plans. The data released pursuant to this paragraph may be used for the sole purpose of
33.16 determining whether the person is eligible for participation in mental health court. This
33.17 paragraph does not in any way limit or otherwise extend the rights of the court to obtain the
33.18 release of mental health data pursuant to court order or any other means allowed by law.

33.19 Sec. 61. Minnesota Statutes 2010, section 13.462, subdivision 1, is amended to read:

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

33.27 Sec. 62. Minnesota Statutes 2010, section 13.467, subdivision 1, is amended to read:

33.28 Subdivision 1. **General.** The following government data collected, created ~~and~~
33.29 received, maintained, or disseminated by a community action agency in a study of the
33.30 impact of foster care policies on families are classified as confidential data, pursuant to
33.31 section 13.02, subdivision 3: names of persons interviewed; foster care placement plans
33.32 obtained from other public and private agencies; and all information gathered during
33.33 interviews with study participants.

34.1 Sec. 63. Minnesota Statutes 2010, section 13.47, subdivision 1, is amended to read:

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

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

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

34.16 Sec. 64. Minnesota Statutes 2010, section 13.485, is amended by adding a subdivision
34.17 to read:

34.18 Subd. 5. Corporations created before May 31, 1997. Government data maintained
34.19 by a corporation created by a political subdivision before May 31, 1997, are governed by
34.20 section 465.719, subdivision 14.

34.21 Sec. 65. Minnesota Statutes 2010, section 13.485, is amended by adding a subdivision
34.22 to read:

34.23 Subd. 6. Northern Technology Initiative, Inc. Government data maintained by
34.24 Northern Technology Initiative, Inc. are classified under section 116T.02, subdivisions
34.25 7 and 8.

34.26 Sec. 66. Minnesota Statutes 2010, section 13.495, is amended to read:

34.27 **13.495 LODGING TAX DATA.**

34.28 Government data, other than basic taxpayer identification data, collected from
34.29 taxpayers, created, received, maintained, or disseminated under a lodging tax ordinance
34.30 are nonpublic.

34.31 Sec. 67. Minnesota Statutes 2010, section 13.51, subdivision 1, is amended to read:

35.1 Subdivision 1. **Generally.** The following government data collected, created ~~and~~,
 35.2 received, maintained, or disseminated by political subdivisions are ~~classified as private,~~
 35.3 ~~pursuant to section 13.02, subdivision 12~~ data on individuals, or nonpublic data depending
 35.4 on the content of the specific data:

35.5 Data contained on sales sheets received from private multiple listing service
 35.6 organizations where the contract with the organizations requires the political subdivision
 35.7 to refrain from making the data available to the public.

35.8 Sec. 68. Minnesota Statutes 2010, section 13.51, subdivision 2, is amended to read:

35.9 Subd. 2. **Income property assessment data.** The following government data
 35.10 ~~collected by~~ of political subdivisions ~~from~~ on individuals or business entities concerning
 35.11 income properties are ~~classified as private~~ data on individuals or nonpublic data ~~pursuant~~
 35.12 ~~to section 13.02, subdivisions 9 and 12:~~

- 35.13 (a) detailed income and expense figures;
- 35.14 (b) average vacancy factors;
- 35.15 (c) verified net rentable areas or net usable areas, whichever is appropriate;
- 35.16 (d) anticipated income and expenses;
- 35.17 (e) projected vacancy factors; and
- 35.18 (f) lease information.

35.19 Sec. 69. Minnesota Statutes 2010, section 13.52, is amended to read:

35.20 **13.52 DEFERRED ASSESSMENT DATA.**

35.21 Any government data, collected, created, received, maintained, or disseminated by
 35.22 political subdivisions pursuant to section 435.193, which indicate the amount or location
 35.23 of cash or other valuables kept in the homes of applicants for deferred assessment, are
 35.24 private data ~~pursuant to section 13.02, subdivision 12~~ on individuals.

35.25 Sec. 70. Minnesota Statutes 2010, section 13.548, is amended to read:

35.26 **13.548 SOCIAL RECREATIONAL DATA.**

35.27 The following government data collected ~~and~~, created, received, maintained,
 35.28 or disseminated by political subdivisions for the purpose of enrolling individuals in
 35.29 recreational and other social programs are ~~classified as private, pursuant to section 13.02,~~
 35.30 ~~subdivision 12~~ data on individuals: the name, address, telephone number, any other data
 35.31 that ~~identifies~~ identify the individual, and any data which describes the health or medical
 35.32 condition of the individual, family relationships and living arrangements of an individual
 35.33 or which are opinions as to the emotional makeup or behavior of an individual.

36.1 Sec. 71. Minnesota Statutes 2010, section 13.55, subdivision 1, is amended to read:

36.2 Subdivision 1. **Not public classification.** The following government data ~~received,~~
36.3 ~~created, or collected, created, received, maintained or disseminated~~ by or for publicly
36.4 owned and operated convention facilities, civic center authorities, or the Metropolitan
36.5 Sports Facilities Commission are ~~classified as nonpublic data pursuant to section 13.02,~~
36.6 ~~subdivision 9;~~ or private data on individuals ~~pursuant to section 13.02, subdivision 12:~~

36.7 (a) a letter or other documentation from any person who makes inquiry to or who is
36.8 contacted by the facility regarding the availability of the facility for staging events;

36.9 (b) identity of firms and corporations which contact the facility;

36.10 (c) type of event which they wish to stage in the facility;

36.11 (d) suggested terms of rentals; and

36.12 (e) responses of authority staff to these inquiries.

36.13 Sec. 72. Minnesota Statutes 2010, section 13.585, subdivision 2, is amended to read:

36.14 Subd. 2. **Confidential data.** The following government data on individuals
36.15 maintained by the housing agency are ~~classified as confidential data, pursuant to section~~
36.16 ~~13.02, subdivision 3~~ on individuals: correspondence between the agency and the agency's
36.17 attorney containing data collected as part of an active investigation undertaken for the
36.18 purpose of the commencement or defense of potential or actual litigation, including but not
36.19 limited to: referrals to the Office of the Inspector General or other prosecuting agencies
36.20 for possible prosecution for fraud; initiation of lease terminations and eviction actions;
36.21 admission denial hearings concerning prospective tenants; commencement of actions
36.22 against independent contractors of the agency; and tenant grievance hearings.

36.23 Sec. 73. Minnesota Statutes 2010, section 13.585, subdivision 3, is amended to read:

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

36.32 Sec. 74. Minnesota Statutes 2010, section 13.585, subdivision 4, is amended to read:

37.1 Subd. 4. **Nonpublic data.** The following government data not on individuals
37.2 ~~maintained by~~ of the housing agency are ~~classified as nonpublic data, pursuant to section~~
37.3 ~~13.02, subdivision 9~~: all data pertaining to negotiations with property owners regarding
37.4 the purchase of property. With the exception of the housing agency's evaluation of
37.5 properties not purchased, all other negotiation data shall be public at the time of the
37.6 closing of the property sale.

37.7 Sec. 75. Minnesota Statutes 2010, section 13.587, is amended to read:

37.8 **13.587 EMERGENCY SERVICES FOR HOMELESS PERSONS; PRIVATE**
37.9 **DATA.**

37.10 (a) "Grant recipient" includes a local government unit or nonprofit organization
37.11 that receives grants from a state agency to provide emergency services for homeless
37.12 ~~persons~~ individuals.

37.13 (b) Data on individuals maintained by a grant recipient from which the identity
37.14 of any individual receiving emergency services may be determined are private data on
37.15 individuals and the grant recipient shall maintain the data in accordance with this chapter.

37.16 Sec. 76. Minnesota Statutes 2010, section 13.59, subdivision 1, is amended to read:

37.17 Subdivision 1. **Private survey data.** The following government data collected,
37.18 created, received, maintained, or disseminated in surveys of individuals conducted
37.19 by cities and housing and redevelopment authorities for the purposes of planning,
37.20 development, and redevelopment, are ~~classified as private data pursuant to section 13.02,~~
37.21 ~~subdivision 12~~ on individuals: the names and addresses of individuals and the legal
37.22 descriptions of property owned by individuals.

37.23 Sec. 77. Minnesota Statutes 2010, section 13.59, subdivision 2, is amended to read:

37.24 Subd. 2. **Nonpublic survey data.** The following government data collected,
37.25 created, received, maintained, or disseminated in surveys of businesses conducted by cities
37.26 and housing and redevelopment authorities, for the purposes of planning, development,
37.27 and redevelopment, are ~~classified as nonpublic data pursuant to section 13.02, subdivision~~
37.28 ~~9~~: the names, addresses, and legal descriptions of business properties and the commercial
37.29 use of the property to the extent disclosure of the use would identify a particular business.

37.30 Sec. 78. Minnesota Statutes 2010, section 13.59, subdivision 3, is amended to read:

38.1 Subd. 3. **Financial assistance data.** (a) The following government data ~~that are~~
 38.2 ~~submitted to~~ of a housing and redevelopment authority ~~by~~ on persons who are requesting
 38.3 financial assistance are private data on individuals or nonpublic data:

- 38.4 (1) financial statements;
- 38.5 (2) credit reports;
- 38.6 (3) business plans;
- 38.7 (4) income and expense projections;
- 38.8 (5) customer lists;
- 38.9 (6) balance sheets;
- 38.10 (7) income tax returns; and
- 38.11 (8) design, market, and feasibility studies not paid for with public funds.

38.12 (b) Data submitted to the authority under paragraph (a) become public data if the
 38.13 authority provides financial assistance to the person, except that the following data remain
 38.14 private or nonpublic:

- 38.15 (1) business plans;
- 38.16 (2) income and expense projections not related to the financial assistance provided;
- 38.17 (3) customer lists;
- 38.18 (4) income tax returns; and
- 38.19 (5) design, market, and feasibility studies not paid for with public funds.

38.20 Sec. 79. Minnesota Statutes 2010, section 13.591, subdivision 4, is amended to read:

38.21 Subd. 4. **Classification of evaluative data; data sharing.** (a) Government data
 38.22 ~~created or collected, created, received, maintained, or disseminated~~ by a government
 38.23 entity as part of the selection or evaluation process referred to in this section are protected
 38.24 nonpublic data until completion of the selection process or completion of the evaluation
 38.25 process at which time the data are public with the exception of trade secret data as defined
 38.26 and classified in section 13.37.

38.27 (b) If a government entity asks ~~employees of other government entities~~ individuals
 38.28 to assist with the selection of the responses to a request for bid or the evaluation of
 38.29 responses to a request for proposal, the government entity may share not public data in the
 38.30 responses with those ~~employees~~ individuals. The ~~employees~~ individuals participating in
 38.31 the selection or evaluation may not further disseminate the not public data they review.

38.32 Sec. 80. Minnesota Statutes 2010, section 13.601, subdivision 3, is amended to read:

38.33 Subd. 3. **Applicants for appointment.** (a) Government data about applicants for
 38.34 appointment to a public body ~~collected, created, received, maintained, or disseminated~~ by

39.1 a government entity as a result of the applicant's application for appointment to the public
39.2 body are private data on individuals except that the following are public:

39.3 (1) name;

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

39.6 (3) education and training;

39.7 (4) employment history;

39.8 (5) volunteer work;

39.9 (6) awards and honors;

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

39.11 (8) any data required to be provided or that ~~is~~ are voluntarily provided in an
39.12 application for appointment to a multimember agency pursuant to section 15.0597; and

39.13 (9) veteran status.

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

39.16 (1) residential address; ~~and~~

39.17 (2) either a telephone number or electronic mail address where the appointee can be
39.18 reached, or both at the request of the appointee;

39.19 (3) first and last dates of service on the public body;

39.20 (4) the existence and status of any complaints or charges against an appointee; and

39.21 (5) upon completion of an investigation of a complaint or charge against an
39.22 appointee, the final investigative report is public, unless access to the data would
39.23 jeopardize an active investigation.

39.24 (c) Notwithstanding paragraph (b), any electronic mail address or telephone number
39.25 provided by a public body for use by an appointee shall be public. An appointee may
39.26 use an electronic mail address or telephone number provided by the public body as the
39.27 designated electronic mail address or telephone number at which the appointee can be
39.28 reached.

39.29 Sec. 81. Minnesota Statutes 2010, section 13.643, subdivision 1, is amended to read:

39.30 Subdivision 1. **Department of Agriculture data.** (a) **Loan and grant applicant**
39.31 **data.** The following government data on applicants, collected, created, received,
39.32 maintained, or disseminated by the Department of Agriculture in its sustainable agriculture
39.33 revolving loan and grant programs under sections 17.115 and 17.116, are private data on
39.34 individuals or nonpublic: nonfarm income; credit history; insurance coverage; machinery
39.35 and equipment list; financial information; and credit information requests.

40.1 (b) **Farm advocate data.** The following government data supplied by farmer
 40.2 clients ~~to~~ that are collected, created, received, maintained, or disseminated by Minnesota
 40.3 farm advocates and ~~to~~ the Department of Agriculture are private data on individuals:
 40.4 financial history, including listings of assets and debts, and personal and emotional
 40.5 status information.

40.6 Sec. 82. Minnesota Statutes 2010, section 13.643, subdivision 2, is amended to read:

40.7 Subd. 2. **Farm assistance data.** The following government data ~~collected~~
 40.8 ~~and maintained by~~ of counties that provide assistance to individual farmers who are
 40.9 experiencing economic or emotional distress are ~~classified as private data on individuals:~~
 40.10 financial history, including listings of assets and debts, and personal and emotional
 40.11 status information.

40.12 Sec. 83. Minnesota Statutes 2010, section 13.643, subdivision 3, is amended to read:

40.13 Subd. 3. **Aquaculture permit data.** The following government data ~~collected and~~
 40.14 ~~maintained by~~ of an agency issuing aquaculture permits under sections 17.47 to 17.498 are
 40.15 ~~classified as private~~ data on individuals or nonpublic data: the names and addresses of
 40.16 customers provided in the permit application.

40.17 Sec. 84. Minnesota Statutes 2010, section 13.643, subdivision 5, is amended to read:

40.18 Subd. 5. **Data received from federal government.** All government data ~~received~~
 40.19 collected, created, received, maintained, or disseminated by the Department of Agriculture
 40.20 from the United States Department of Health and Human Services, the Food and Drug
 40.21 Administration, and the Agriculture, Food Safety, and Inspection Service that ~~is~~ are
 40.22 necessary for the purpose of carrying out the Department of Agriculture's statutory food
 40.23 safety regulatory and enforcement duties are classified as nonpublic data ~~under section~~
 40.24 ~~13.02, subdivision 9, and or~~ private data on individuals ~~under section 13.02, subdivision~~
 40.25 ~~12~~. This section does not preclude the obligation of the Department of Agriculture to
 40.26 appropriately inform consumers of issues that could affect public health.

40.27 Sec. 85. Minnesota Statutes 2010, section 13.643, subdivision 6, is amended to read:

40.28 Subd. 6. **Animal premises data.** (a) The following government data ~~collected and~~
 40.29 ~~maintained by~~ of the Board of Animal Health related to registration and identification of
 40.30 premises and animals under chapter 35, are ~~classified as private~~ data on individuals or
 40.31 nonpublic data:

40.32 (1) the names and addresses;

41.1 (2) the location of the premises where animals are kept; and

41.2 (3) the identification number of the premises or the animal.

41.3 (b) The Board of Animal Health may disclose government data ~~collected~~ under
41.4 paragraph (a) to any person, agency, or to the public if the board determines that the
41.5 access will aid in the law enforcement process or the protection of public or animal health
41.6 or safety.

41.7 Sec. 86. Minnesota Statutes 2010, section 13.643, subdivision 7, is amended to read:

41.8 Subd. 7. **Research, monitoring, or assessment data.** (a) Except as provided in
41.9 paragraph (b), the following government data created, collected, ~~and~~ received, maintained,
41.10 or disseminated by the Department of Agriculture during research, monitoring, or the
41.11 assessment of farm practices and related to natural resources, the environment, agricultural
41.12 facilities, or agricultural practices are classified as private or nonpublic:

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

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

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

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

41.19 (2) data from samples collected from a public water supply as defined in section
41.20 144.382, subdivision 4.

41.21 (c) The Department of Agriculture may disclose government data ~~collected~~ under
41.22 paragraph (a) if the Department of Agriculture determines that there is a substantive
41.23 threat to human health and safety or to the environment, or to aid in the law enforcement
41.24 process. The Department of Agriculture may also disclose data with written consent
41.25 of the subject of the data.

41.26 Sec. 87. Minnesota Statutes 2010, section 13.6435, is amended by adding a subdivision
41.27 to read:

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

41.32 Sec. 88. Minnesota Statutes 2010, section 13.65, subdivision 1, is amended to read:

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

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

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

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

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

42.13 (e) government data collected, created, received, maintained, or disseminated by
 42.14 the Consumer Division of the Attorney General's Office in its administration of the home
 42.15 protection hot line including: the name, address, and phone number of the consumer;
 42.16 the name and address of the mortgage company; the total amount of the mortgage; the
 42.17 amount of money needed to bring the delinquent mortgage current; the consumer's place
 42.18 of employment; the consumer's total family income; and the history of attempts made by
 42.19 the consumer to renegotiate a delinquent mortgage.

42.20 Sec. 89. Minnesota Statutes 2010, section 13.65, subdivision 2, is amended to read:

42.21 Subd. 2. **Confidential data.** The following government data ~~created, collected and~~
 42.22 ~~maintained by~~ of the Office of the Attorney General are ~~classified as~~ confidential, ~~pursuant~~
 42.23 ~~to section 13.02, subdivision 3~~ data on individuals: data acquired through communications
 42.24 made in official confidence to members of the attorney general's staff where the public
 42.25 interest would suffer by disclosure of the data.

42.26 Sec. 90. Minnesota Statutes 2010, section 13.65, subdivision 3, is amended to read:

42.27 Subd. 3. **Public data.** Government data of a state agency, board, or commission
 42.28 describing the final disposition of disciplinary proceedings held by ~~any~~ the state agency,
 42.29 board, or commission are ~~classified as~~ public, pursuant to section 13.02, subdivision 15.

42.30 Sec. 91. Minnesota Statutes 2010, section 13.67, is amended to read:

42.31 **13.67 EMPLOYEE RELATIONS DATA.**

43.1 The following government data ~~collected, created, or maintained by~~ of the
 43.2 Department of Management and Budget are ~~classified as nonpublic data pursuant to~~
 43.3 ~~section 13.02, subdivision 9~~:

43.4 (a) the commissioner's plan prepared by the department, pursuant to section 3.855,
 43.5 which governs the compensation and terms and conditions of employment for employees
 43.6 not covered by collective bargaining agreements until the plan is submitted to the
 43.7 Legislative Commission on Employee Relations;

43.8 (b) data pertaining to grievance or interest arbitration that ~~has~~ have not been
 43.9 presented to the arbitrator or other party during the arbitration process;

43.10 (c) notes and preliminary drafts of reports prepared during personnel investigations
 43.11 and personnel management reviews of state departments and agencies;

43.12 (d) the managerial plan prepared by the department pursuant to section 43A.18
 43.13 that governs the compensation and terms and conditions of employment for employees
 43.14 in managerial positions, as specified in section 43A.18, subdivision 3, until the plan is
 43.15 submitted to the Legislative Commission on Employee Relations; and

43.16 (e) claims experience and all related information received from carriers and claims
 43.17 administrators participating in either the state group insurance plan, the Minnesota
 43.18 employee insurance program, the state workers' compensation program, or the public
 43.19 employees insurance program as defined in chapter 43A, and survey information collected
 43.20 from employees and employers participating in these plans and programs, except when
 43.21 the department determines that release of the data will not be detrimental to the plan or
 43.22 program.

43.23 Sec. 92. Minnesota Statutes 2010, section 13.679, subdivision 1, is amended to read:

43.24 Subdivision 1. **Tenant.** Government data ~~collected by~~ of the commissioner of
 43.25 commerce that ~~reveals~~ reveal the identity of a tenant who makes a complaint regarding
 43.26 energy efficiency standards for rental housing are private data on individuals.

43.27 Sec. 93. Minnesota Statutes 2010, section 13.679, subdivision 2, is amended to read:

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

44.1 (b) The following are private data on individuals: government data collected by
44.2 of the commission or the commissioner of commerce on individual public utility or
44.3 telephone company customers or prospective customers, including copies of tax forms,
44.4 needed to administer federal or state programs that provide relief from telephone company
44.5 bills, public utility bills, or cold weather disconnection. The determination of eligibility of
44.6 the customers or prospective customers may be released to public utilities or telephone
44.7 companies to administer the programs.

44.8 Sec. 94. Minnesota Statutes 2010, section 13.69, subdivision 1, is amended to read:

44.9 Subdivision 1. **Classifications.** (a) The following government data of the
44.10 Department of Public Safety are private data:

44.11 (1) medical data on driving instructors, licensed drivers, and applicants for parking
44.12 certificates and special license plates issued to physically disabled ~~persons~~ individuals;

44.13 (2) other data on holders of a disability certificate under section 169.345, except that
44.14 data that are not medical data may be released to law enforcement agencies;

44.15 (3) Social Security numbers in driver's license and motor vehicle registration
44.16 records, except that Social Security numbers must be provided to the Department of
44.17 Revenue for purposes of tax administration, the Department of Labor and Industry for
44.18 purposes of workers' compensation administration and enforcement, and the Department
44.19 of Natural Resources for purposes of license application administration; and

44.20 (4) data on persons listed as standby or temporary custodians under section 171.07,
44.21 subdivision 11, except that the data must be released to:

44.22 (i) law enforcement agencies for the purpose of verifying that an individual is a
44.23 designated caregiver; or

44.24 (ii) law enforcement agencies who state that the license holder is unable to
44.25 communicate at that time and that the information is necessary for notifying the designated
44.26 caregiver of the need to care for a child of the license holder.

44.27 The department may release the Social Security number only as provided in clause
44.28 (3) and must not sell or otherwise provide individual Social Security numbers or lists of
44.29 Social Security numbers for any other purpose.

44.30 (b) The following government data of the Department of Public Safety are
44.31 confidential data: data concerning an individual's driving ability when that data is received
44.32 from a member of the individual's family.

44.33 Sec. 95. Minnesota Statutes 2010, section 13.714, is amended to read:

44.34 **13.714 INSURANCE TRUST DATA; PRIVATE AND NONPUBLIC DATA.**

45.1 The following government data collected or, created, received, maintained, or
 45.2 disseminated by the League of Minnesota Cities insurance trust, Association of Minnesota
 45.3 Counties insurance trust, or by the Minnesota School Board Association insurance trust in
 45.4 order to process claims for workers' compensation are classified as either private data in
 45.5 regard to claims when the insured worker is living, or nonpublic data in regard to claims
 45.6 when the insured worker is deceased: name, address, phone number, and Social Security
 45.7 account number of the claimant if the claimant is not a public employee; claim number,
 45.8 date of claimed injury, employee's Social Security number, home phone number, home
 45.9 address, date of birth, sex, and marital status; whether claimed injury caused loss of time
 45.10 from work; whether the employee lost time from work on the day of the claimed injury
 45.11 and the number of hours lost; whether the employee has returned to work; whether full or
 45.12 partial wages were paid for the first day of lost time and the amount paid, time of day, and
 45.13 location where injury occurred; whether the injury occurred on employer's premises; the
 45.14 name, address, and phone number of the treating physician or practitioner; identification
 45.15 of the hospital where treated; nature of the claimed injury or occupational illness; part
 45.16 of body affected; name or type of object involved in causing the injury; nature of injury;
 45.17 type of accident; description of actions taken to prevent recurrence; names of coworker
 45.18 witnesses; and all data collected or created as a result of the investigation of the claim
 45.19 including, but not limited to, physicians' reports; other data on the medical condition of the
 45.20 claimant; data collected from the claimant's physicians; and data collected in interviews of
 45.21 the claimant's employer, coworkers, family members, and neighbors.

45.22 Sec. 96. Minnesota Statutes 2010, section 13.719, subdivision 1, is amended to read:

45.23 Subdivision 1. **Comprehensive health insurance data.** (a) The following
 45.24 government data on eligible persons individuals, as defined in section 62E.02, subdivision
 45.25 13, paragraph (a), and enrollees of the state comprehensive health insurance plan are
 45.26 ~~classified as private data on individuals: all government data collected or maintained by of~~
 45.27 the Minnesota Comprehensive Health Association, the writing carrier, and the Department
 45.28 of Commerce.

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

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

45.34 (1) the board authorizes the disclosure;

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

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

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

46.5 Sec. 97. Minnesota Statutes 2010, section 13.719, subdivision 5, is amended to read:

46.6 Subd. 5. **Data on insurance companies and township mutual companies.** The
46.7 following government data ~~collected and maintained by~~ of the Department of Commerce
46.8 are ~~classified as~~ nonpublic data:

46.9 (a) that portion of any of the following data which would identify the affected
46.10 insurance company or township mutual company: (1) any order issued pursuant to
46.11 section 60A.031, subdivision 5, or 67A.241, subdivision 4, and based in whole or in
46.12 part upon a determination or allegation by the Commerce Department or commissioner
46.13 that an insurance company or township mutual company is in an unsound, impaired, or
46.14 potentially unsound or impaired condition; or (2) any stipulation, consent agreement, letter
46.15 agreement, or similar document evidencing the settlement of any proceeding commenced
46.16 pursuant to an order of a type described in clause (1), or an agreement between the
46.17 department and an insurance company or township mutual company entered in lieu of the
46.18 issuance of an order of the type described in clause (1); and

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

46.20 Sec. 98. Minnesota Statutes 2010, section 13.7191, subdivision 14, is amended to read:

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

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

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

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

46.31 Sec. 99. Minnesota Statutes 2010, section 13.7191, subdivision 18, is amended to read:

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

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

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

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

47.10 (e) Commercial self-insurance group security fund. The commercial
 47.11 self-insurance group security fund and its board of trustees are governed by section
 47.12 79A.28.

47.13 Sec. 100. Minnesota Statutes 2010, section 13.72, subdivision 7, is amended to read:

47.14 Subd. 7. **Public investigative data.** The following government data created,
 47.15 collected, ~~or received,~~ maintained, ~~or disseminated~~ about persons subject to chapter
 47.16 221 and rules adopted under that chapter are public: data contained in inspection and
 47.17 compliance forms and data contained in audit reports that are not prepared under contract
 47.18 to the Federal Highway Administration.

47.19 Sec. 101. Minnesota Statutes 2010, section 13.792, is amended to read:

47.20 **13.792 PRIVATE DONOR GIFT DATA.**

47.21 The following data ~~maintained by~~ of the Minnesota Zoological Garden, the
 47.22 University of Minnesota, the Minnesota State Colleges and Universities, the Regional
 47.23 Parks Foundation of the Twin Cities, and State Services for the Blind, ~~and any related~~
 47.24 ~~entity subject to chapter 13~~ are classified as private data on individuals or nonpublic data:

47.25 (1) research information about prospects and donors gathered to aid in determining
 47.26 appropriateness of solicitation and level of gift request;

47.27 (2) specific data in prospect lists that would identify prospects to be solicited, dollar
 47.28 amounts to be requested, and name of solicitor;

47.29 (3) portions of solicitation letters and proposals that identify the prospect being
 47.30 solicited and the dollar amount being requested;

47.31 (4) letters, pledge cards, and other responses received from donors regarding
 47.32 prospective gifts in response to solicitations;

48.1 (5) portions of thank-you letters and other gift acknowledgment communications
48.2 that would identify the name of the donor and the specific amount of the gift, pledge,
48.3 or pledge payment;

48.4 (6) donor financial or estate planning information, or portions of memoranda, letters,
48.5 or other documents commenting on any donor's financial circumstances; and

48.6 (7) data detailing dates of gifts, payment schedule of gifts, form of gifts, and specific
48.7 gift amounts made by donors.

48.8 Names of donors and gift ranges are public data.

48.9 Sec. 102. Minnesota Statutes 2010, section 13.7932, is amended to read:

48.10 **13.7932 LOGGER SAFETY AND EDUCATION PROGRAM DATA.**

48.11 The following government data collected from persons, created, received,
48.12 maintained, or disseminated about individuals who attend safety and education programs
48.13 or seminars for loggers established or approved by the commissioner under section
48.14 176.130, subdivision 11, ~~is~~ are public data:

48.15 (1) the names of the individuals attending the program or seminar;

48.16 (2) the names of each attendee's employer;

48.17 (3) the city where the employer is located;

48.18 (4) the date the program or seminar was held; and

48.19 (5) a description of the seminar or program.

48.20 Sec. 103. Minnesota Statutes 2010, section 13.82, subdivision 2, is amended to read:

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

48.25 (a) time, date and place of the action;

48.26 (b) any resistance encountered by the agency;

48.27 (c) any pursuit engaged in by the agency;

48.28 (d) whether any weapons were used by the agency or other individual;

48.29 (e) the charge, arrest or search warrants, or other legal basis for the action;

48.30 (f) the identities of the agencies, units within the agencies and ~~individual persons~~

48.31 individuals taking the action;

48.32 (g) whether and where the individual is being held in custody or is being incarcerated
48.33 by the agency;

49.1 (h) the date, time and legal basis for any transfer of custody and the identity of the
49.2 agency or ~~person~~ individual who received custody;

49.3 (i) the date, time and legal basis for any release from custody or incarceration;

49.4 (j) the name, age, sex and last known address of an adult ~~person~~ individual or the
49.5 age and sex of any juvenile ~~person~~ individual cited, arrested, incarcerated or otherwise
49.6 substantially deprived of liberty;

49.7 (k) whether the agency employed wiretaps or other eavesdropping techniques, unless
49.8 the release of this specific data would jeopardize an ongoing investigation;

49.9 (l) the manner in which the agencies received the information that led to the arrest
49.10 and the names of individuals who supplied the information unless the identities of those
49.11 individuals qualify for protection under subdivision 17; and

49.12 (m) response or incident report number.

49.13 Sec. 104. Minnesota Statutes 2010, section 13.82, subdivision 3, is amended to read:

49.14 Subd. 3. **Request for service data.** The following government data ~~created or~~
49.15 ~~collected by~~ of law enforcement agencies ~~which documents that document~~ requests by the
49.16 public for law enforcement services shall be public government data:

49.17 (a) the nature of the request or the activity complained of;

49.18 (b) the name and address of the individual making the request unless the identity of
49.19 the individual qualifies for protection under subdivision 17;

49.20 (c) the time and date of the request or complaint; and

49.21 (d) the response initiated and the response or incident report number.

49.22 Sec. 105. Minnesota Statutes 2010, section 13.82, subdivision 6, is amended to read:

49.23 Subd. 6. **Response or incident data.** The following government data ~~created or~~
49.24 ~~collected by~~ of law enforcement agencies ~~which documents that document~~ the agency's
49.25 response to a request for service including, but not limited to, responses to traffic
49.26 accidents, or ~~which describes that describe~~ actions taken by the agency on its own
49.27 initiative shall be public government data:

49.28 (a) date, time and place of the action;

49.29 (b) agencies, units of agencies and individual agency personnel participating in the
49.30 action unless the identities of agency personnel qualify for protection under subdivision 17;

49.31 (c) any resistance encountered by the agency;

49.32 (d) any pursuit engaged in by the agency;

49.33 (e) whether any weapons were used by the agency or other individuals;

49.34 (f) a brief factual reconstruction of events associated with the action;

50.1 (g) names and addresses of witnesses to the agency action or the incident unless the
50.2 identity of any witness qualifies for protection under subdivision 17;

50.3 (h) names and addresses of any victims or casualties unless the identities of those
50.4 individuals qualify for protection under subdivision 17;

50.5 (i) the name and location of the health care facility to which victims or casualties
50.6 were taken;

50.7 (j) response or incident report number;

50.8 (k) dates of birth of the parties involved in a traffic accident;

50.9 (l) whether the parties involved were wearing seat belts; and

50.10 (m) the alcohol concentration of each driver.

50.11 Sec. 106. Minnesota Statutes 2010, section 13.82, subdivision 7, is amended to read:

50.12 Subd. 7. **Criminal investigative data.** Except for the government data defined in
50.13 subdivisions 2, 3, and 6, investigative data collected ~~or~~, created, received, maintained, or
50.14 disseminated by a law enforcement agency in order to prepare a case against a person,
50.15 whether known or unknown, for the commission of a crime or other offense for which the
50.16 agency has primary investigative responsibility ~~is~~ are confidential or protected nonpublic
50.17 while the investigation is active. Inactive investigative data ~~is~~ are public unless the release
50.18 of the data would jeopardize another ongoing investigation or would reveal the identity
50.19 of individuals protected under subdivision 17. Photographs which are part of inactive
50.20 investigative files and which are clearly offensive to common sensibilities are classified as
50.21 private or nonpublic data, provided that the existence of the photographs shall be disclosed
50.22 to any person requesting access to the inactive investigative file. An investigation becomes
50.23 inactive upon the occurrence of any of the following events:

50.24 (a) a decision by the agency or appropriate prosecutorial authority not to pursue
50.25 the case;

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

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

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

50.34 During the time when an investigation is active, any person may bring an action in
50.35 the district court located in the county where the data is being maintained to authorize

51.1 disclosure of investigative data. The court may order that all or part of the data relating to
51.2 a particular investigation be released to the public or to the person bringing the action. In
51.3 making the determination as to whether investigative data shall be disclosed, the court
51.4 shall consider whether the benefit to the person bringing the action or to the public
51.5 outweighs any harm to the public, to the agency or to any person identified in the data.
51.6 The data in dispute shall be examined by the court in camera.

51.7 Sec. 107. Minnesota Statutes 2010, section 13.82, subdivision 17, is amended to read:

51.8 Subd. 17. **Protection of identities.** A law enforcement agency or a law enforcement
51.9 dispatching agency working under direction of a law enforcement agency shall withhold
51.10 public access to data on individuals to protect the identity of individuals in the following
51.11 circumstances:

51.12 (a) when access to the data would reveal the identity of an undercover law
51.13 enforcement officer, as provided in section 13.43, subdivision 5;

51.14 (b) when access to the data would reveal the identity of a victim or alleged victim of
51.15 criminal sexual conduct or of a violation of section 617.246, subdivision 2;

51.16 (c) when access to the data would reveal the identity of a paid or unpaid informant
51.17 being used by the agency if the agency reasonably determines that revealing the identity of
51.18 the informant would threaten the personal safety of the informant;

51.19 (d) when access to the data would reveal the identity of a victim of or witness to a
51.20 crime if the victim or witness specifically requests not to be identified publicly, unless the
51.21 agency reasonably determines that revealing the identity of the victim or witness would
51.22 not threaten the personal safety or property of the individual;

51.23 (e) when access to the data would reveal the identity of a deceased ~~person~~ individual
51.24 whose body was unlawfully removed from a cemetery in which it was interred;

51.25 (f) when access to the data would reveal the identity of a ~~person~~ an individual who
51.26 placed a call to a 911 system or the identity or telephone number of a service subscriber
51.27 whose phone is used to place a call to the 911 system and: (1) the agency determines that
51.28 revealing the identity may threaten the personal safety or property of any person; or (2)
51.29 the object of the call is to receive help in a mental health emergency. For the purposes of
51.30 this paragraph, a voice recording of a call placed to the 911 system is deemed to reveal
51.31 the identity of the caller;

51.32 (g) when access to the data would reveal the identity of a juvenile witness and
51.33 the agency reasonably determines that the subject matter of the investigation justifies
51.34 protecting the identity of the witness; or

52.1 (h) when access to the data would reveal the identity of a mandated reporter under
52.2 section 609.456, 626.556, or 626.557.

52.3 Data concerning individuals whose identities are protected by this subdivision are
52.4 private data about those individuals. Law enforcement agencies shall establish procedures
52.5 to acquire the data and make the decisions necessary to protect the identity of individuals
52.6 described in clauses (c), (d), (f), and (g).

52.7 Sec. 108. Minnesota Statutes 2010, section 13.82, subdivision 26, is amended to read:

52.8 Subd. 26. **Booking photographs.** (a) For purposes of this subdivision, "booking
52.9 photograph" means a photograph or electronically produced image taken by law
52.10 enforcement for identification purposes in connection with the arrest of ~~a person~~ an
52.11 individual.

52.12 (b) Except as otherwise provided in this subdivision, a booking photograph is public
52.13 data. A law enforcement agency may temporarily withhold access to a booking photograph
52.14 if the agency determines that access will adversely affect an active investigation.

52.15 Sec. 109. Minnesota Statutes 2010, section 13.82, subdivision 27, is amended to read:

52.16 Subd. 27. **Pawnshop and scrap metal dealer data.** Data that would reveal the
52.17 identity of ~~persons~~ individuals who are customers of a licensed pawnbroker, secondhand
52.18 goods dealer, or a scrap metal dealer are private data on individuals. Data describing the
52.19 property in a regulated transaction with a licensed pawnbroker, secondhand goods dealer,
52.20 or a scrap metal dealer are public.

52.21 Sec. 110. Minnesota Statutes 2010, section 13.82, is amended by adding a subdivision
52.22 to read:

52.23 Subd. 30. **Inactive financial transaction investigative data.** Investigative data
52.24 that become inactive under subdivision 7 that relate to a person's financial accounts or
52.25 transaction numbers are private or nonpublic data.

52.26 Sec. 111. Minnesota Statutes 2010, section 13.822, subdivision 1, is amended to read:

52.27 Subdivision 1. **Definitions.** (a) "Community-based program" means any office,
52.28 institution, or center offering assistance to victims of sexual assault and their families
52.29 through crisis intervention, medical, and legal accompaniment and subsequent counseling.

52.30 (b) "Sexual assault counselor" means ~~a person~~ an individual who has undergone at
52.31 least 40 hours of crisis counseling training and works under the direction of a supervisor in

53.1 a crisis center, whose primary purpose is the rendering of advice, counseling, or assistance
53.2 to victims of sexual assault.

53.3 (c) "Victim" means ~~a person~~ an individual who consults a sexual assault counselor
53.4 for the purpose of securing advice, counseling, or assistance concerning a mental,
53.5 physical, or emotional condition caused by a sexual assault.

53.6 (d) "Sexual assault communication data" means all information transmitted in
53.7 confidence between a victim of sexual assault and a sexual assault counselor and all other
53.8 information received by the sexual assault counselor in the course of providing assistance
53.9 to the victim. The victim shall be deemed the subject of sexual assault communication
53.10 data.

53.11 Sec. 112. Minnesota Statutes 2010, section 13.83, subdivision 2, is amended to read:

53.12 Subd. 2. **Public data.** Unless specifically classified otherwise by state statute or
53.13 federal law, the following government data ~~created or collected by~~ of a medical examiner
53.14 or coroner on a deceased individual ~~is~~ are public: name of the deceased; date of birth;
53.15 date of death; address; sex; race; citizenship; height; weight; hair color; eye color; build;
53.16 complexion; age, if known, or approximate age; identifying marks, scars and amputations;
53.17 a description of the decedent's clothing; marital status; location of death including name
53.18 of hospital where applicable; name of spouse; whether or not the decedent ever served
53.19 in the armed forces of the United States; occupation; business; father's name (also birth
53.20 name, if different); mother's name (also birth name, if different); birthplace; birthplace of
53.21 parents; cause of death; causes of cause of death; whether an autopsy was performed and
53.22 if so, whether it was conclusive; date and place of injury, if applicable, including work
53.23 place; how injury occurred; whether death was caused by accident, suicide, homicide,
53.24 or was of undetermined cause; certification of attendance by physician; physician's
53.25 name and address; certification by coroner or medical examiner; name and signature of
53.26 coroner or medical examiner; type of disposition of body; burial place name and location,
53.27 if applicable; date of burial, cremation or removal; funeral home name and address; and
53.28 name of local register or funeral director.

53.29 Sec. 113. Minnesota Statutes 2010, section 13.83, subdivision 4, is amended to read:

53.30 Subd. 4. **Investigative data.** Government data ~~created or collected by~~ of a
53.31 county coroner or medical examiner ~~which is that~~ are part of an active investigation
53.32 mandated by chapter 390, or any other general or local law relating to coroners or medical
53.33 examiners ~~is~~ are confidential data or protected nonpublic data, until the completion of
53.34 the coroner's or medical examiner's final summary of findings but may be disclosed to

54.1 a state or federal agency charged by law with investigating the death of the deceased
 54.2 individual about whom the medical examiner or coroner has medical examiner data.
 54.3 Upon completion of the coroner's or medical examiner's final summary of findings, the
 54.4 data collected in the investigation and the final summary of it are private or nonpublic
 54.5 data. However, if the final summary and the record of death indicate the manner of
 54.6 death is homicide, undetermined, or pending investigation and there is an active law
 54.7 enforcement investigation, within the meaning of section 13.82, subdivision 7, relating to
 54.8 the death of the deceased individual, the data remain confidential or protected nonpublic.
 54.9 Upon review by the county attorney of the jurisdiction in which the law enforcement
 54.10 investigation is active, the data may be released to persons described in subdivision 8 if
 54.11 the county attorney determines release would not impede the ongoing investigation. When
 54.12 the law enforcement investigation becomes inactive, the data are private or nonpublic
 54.13 data. Nothing in this subdivision shall be construed to make not public the data elements
 54.14 identified in subdivision 2 at any point in the investigation or thereafter.

54.15 Sec. 114. Minnesota Statutes 2010, section 13.83, subdivision 6, is amended to read:

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

54.20 Sec. 115. Minnesota Statutes 2010, section 13.861, subdivision 1, is amended to read:

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

54.22 (a) "Security service" means an organization that provides security services to a
 54.23 government entity as a part of that entity or under contract to it. Security service does not
 54.24 include a law enforcement agency.

54.25 (b) "Security service data" means all government data collected, created, ~~or~~ received,
 54.26 maintained, or disseminated by a security service for the purpose of providing security
 54.27 services.

54.28 Sec. 116. Minnesota Statutes 2010, section 13.87, subdivision 1, is amended to read:

54.29 Subdivision 1. **Criminal history data.** (a) **Definition.** For purposes of this
 54.30 subdivision, "criminal history data" means all government data ~~maintained~~
 54.31 history records compiled by the Bureau of Criminal Apprehension, including, but not
 54.32 limited to fingerprints, photographs, identification data, arrest data, prosecution data,
 54.33 criminal court data, custody and supervision data.

55.1 (b) **Classification.** Criminal history data collected, created, received, maintained,
 55.2 or disseminated by agencies, political subdivisions and statewide systems are ~~classified~~
 55.3 ~~as private, pursuant to section 13.02, subdivision 12~~ data on individuals, except
 55.4 that government data ~~created, collected, or maintained by~~ of the Bureau of Criminal
 55.5 Apprehension that identify an individual who was convicted of a crime, the offense of
 55.6 which the individual was convicted, associated court disposition and sentence information,
 55.7 controlling agency, and confinement information are public data for 15 years following
 55.8 the discharge of the sentence imposed for the offense. If an individual's name or
 55.9 other identifying information is erroneously associated with a criminal history and a
 55.10 determination is made through a fingerprint verification that the individual is not the
 55.11 subject of the criminal history, the name or other identifying information must be redacted
 55.12 from the public criminal history data. The name and other identifying information must be
 55.13 retained in the criminal history and are classified as private data.

55.14 The Bureau of Criminal Apprehension shall provide to the public at the central office
 55.15 of the bureau the ability to inspect in person, at no charge, through a computer monitor the
 55.16 criminal conviction data classified as public under this subdivision.

55.17 (c) **Limitation.** Nothing in paragraph (a) or (b) shall limit public access to data
 55.18 made public by section 13.82.

55.19 Sec. 117. Minnesota Statutes 2010, section 13.87, subdivision 2, is amended to read:

55.20 Subd. 2. **Firearms data.** All government data pertaining to the purchase or transfer
 55.21 of firearms and applications for permits to carry firearms which are collected, created,
 55.22 received, maintained, or disseminated by government entities pursuant to sections 624.712
 55.23 to 624.719 are ~~classified as~~ private, pursuant to section 13.02, subdivision 12.

55.24 Sec. 118. Minnesota Statutes 2010, section 13.89, subdivision 1, is amended to read:

55.25 Subdivision 1. **Developmental disabilities.** Data on clients and residents of
 55.26 facilities or programs licensed pursuant to sections 144.50 to 144.58, 245A.01 to 245A.16,
 55.27 245C.01 to 245C.32, and 252.28, subdivision 2, may be disseminated to the protection
 55.28 and advocacy system established in this state pursuant to Part C of Public Law 98-527 to
 55.29 protect the legal and human rights of ~~persons~~ individuals with developmental disabilities
 55.30 or other related conditions who live in residential facilities or programs for these ~~persons~~
 55.31 individuals if:

55.32 (1) the protection and advocacy system receives a complaint by or on behalf of
 55.33 that ~~person~~ individual; and

56.1 (2) the ~~person~~ individual does not have a legal guardian or the state or a designee
56.2 of the state is the legal guardian of the ~~person~~ individual.

56.3 Sec. 119. Minnesota Statutes 2010, section 13.89, subdivision 2, is amended to read:

56.4 Subd. 2. **Mental illness or emotional impairment.** Data on an individual who has
56.5 significant mental illness or emotional impairment and who is an inpatient or resident in a
56.6 facility rendering care or treatment may be disseminated to the protection and advocacy
56.7 system established in this state pursuant to Public Law 99-319 to protect the rights of
56.8 ~~persons~~ individuals who are mentally ill if:

56.9 (1) the protection and advocacy system receives a complaint by or on behalf of the
56.10 ~~person~~ individual or there is probable cause to believe that the ~~person~~ individual has been
56.11 subjected to abuse or neglect, as defined in Public Law 99-319;

56.12 (2) the ~~person~~ individual is by reason of a mental or physical condition unable to
56.13 authorize the system to have access to data; and

56.14 (3) the ~~person~~ individual does not have a legal guardian or the state is the legal
56.15 guardian of the ~~person~~ individual.

56.16 Sec. 120. Minnesota Statutes 2010, section 13D.015, subdivision 5, is amended to read:

56.17 Subd. 5. **Notice.** If telephone or another electronic means is used to conduct a
56.18 regular, special, or emergency meeting, the entity shall provide notice of the regular
56.19 meeting location, of the fact that some members may participate by electronic means, and
56.20 of the provisions of subdivision 4. The timing and method of providing notice is governed
56.21 by section 13D.04. In addition, the entity must post the notice on its Web site at least ten
56.22 days before ~~the~~ any regular meeting as defined in section 13D.04, subdivision 1.

56.23 Sec. 121. Minnesota Statutes 2010, section 79A.16, is amended to read:

56.24 **79A.16 OPEN MEETING; ADMINISTRATIVE PROCEDURE ACT.**

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

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

56.30 Sec. 122. Minnesota Statutes 2010, section 79A.28, is amended to read:

56.31 **79A.28 OPEN MEETING; ADMINISTRATIVE PROCEDURE ACT.**

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

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

57.4 (2) the Open Appointments Law;

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

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

57.7 Sec. 123. **REPEALER.**

57.8 (a) Minnesota Statutes 2010, section 13.05, subdivisions 1, 2, and 8, are repealed.

57.9 (b) Minnesota Rules, part 1205.0700, is repealed."

57.10 Amend the title accordingly