



March 11, 2025

Chairman Novotny  
House Public Safety Finance and Policy Committee  
MN House of Representatives

**RE: Written Testimony in Opposition to HF 0016  
Data Privacy Concerns and Harm to Health of MN Immigrant Communities**

Dear Chairman Novotny and Members of the House Public Safety and Finance Committee:

My name is Ana Pottratz Acosta and I am a Professor of Law at Mitchell Hamline School of Law (MHSL) in St. Paul, MN, specializing in the areas of immigration law, public benefits for non-citizens and immigration status as a social determinant of health. Additionally, I also teach the MHSL Health Law Clinic, which uses a Medical Legal Partnership (MLP) model, and oversee the MLP program between Mitchell Hamline and Riverland Community Health, a Federally Qualified Health Center in St. Paul, MN. Under the MLP model used by the MHSL Health Law Clinic, law students working under my supervision provide legal services to patients of Riverland Community Health, our medical partner, as part of an interdisciplinary care team to address social determinants of health and improve health outcomes.

Please accept my written testimony, presented in my professional capacity as a law professor with specialized knowledge regarding the intersection of immigration law and health law, in opposition to HF 16. Specifically, as discussed further below, I submit this testimony to express my opposition to HF 16 on account of language in the bill, in its current form, that inadequately protects private health information, school enrollment information and other private individual data. Additionally, I submit this testimony in opposition to HF 16 on account of the likely harm this bill would cause to the health and welfare of Minnesota's immigrant community.

**HF 16 Directly Conflicts with Existing Federal and State Data Protection Laws, including the Minnesota Government Data Practices Act (MNGDPA), the Health Insurance Portability and Accountability Act (HIPAA) and the Family Educational Rights and Privacy Act (FERPA)**

In its current form, HF 16 would prohibit Minnesota government entities or responsible authorities from limiting or restricting the sharing of information and personal data pertaining to immigration status maintained by Minnesota government entities with federal agencies for immigration enforcement purposes. The broad scope of the language in HF 16, requiring **all Minnesota government entities**, including schools and healthcare providers, to comply with requests for data by federal agencies for immigration enforcement, directly conflicts with existing federal and state data protection law. Existing data protection law in conflict with HF 16 includes the Minnesota Government Data Practices Act (MNGDPA), the Health Insurance Portability and Accountability Act (HIPAA), protecting individual health information, and the Family Educational Rights and Privacy Act (FERPA), protecting student education records.

While HF 16 contains carve out language permitting restrictions on sharing of information to assist with federal immigration enforcement where required by **any other state or local law** no such language exists to account for conflicting federal law, including HIPAA and FERPA. Because Minnesota government entities include both covered healthcare entities subject to HIPAA and public K-12 and higher education entities subject to FERPA, HF 16's failure to account for conflicting federal law raises serious concerns regarding the unlawful sharing of protected private healthcare and educational data. Additionally, because the language of HF 16 prohibits Minnesota government entities and responsible authorities from limiting or restricting the sharing of information, it strips HIPAA and FERPA covered state entities and authorities from exercising their discretion to limit release of protected private data to comply with requests by law enforcement agencies. To illustrate this issue, both HIPAA and FERPA permit covered healthcare entities and educational institutions to exercise discretion to not comply with requests for records in response to an administrative warrant or subpoena by an agency. Administrative warrants and subpoenas, differ from judicial warrants and court subpoenas which are supported by probable cause and signed by a judge. Eliminating this discretionary authority under HIPAA and FERPA to not comply with administrative warrants runs counter to the goals of these laws to protect private data from arbitrary release without the individual's prior authorization.

**HF 16, if Enacted, Would Harm to the Health and Welfare of Minnesota's Immigrant Communities**

In addition to the grave data privacy concerns raised by HF 16, this bill would also cause significant harm to Minnesota's immigrant communities by creating a climate of fear and reluctance by immigrant households to access healthcare and other services. On this topic, I recently authored an article examining Minnesota public benefit enrollment data for existence of a chilling effect in response to the 2019 public charge regulations by the Trump Administration. According to my findings, there was a statistically significant reduction in the number of Minnesota immigrant households receiving means tested benefits following

publication of the public charge regulations in 2019. If immigrant households fear that their public benefit enrollment data will be shared with the federal government for immigration enforcement purposes, this will lead to further reductions in benefit enrollment and cause food insecurity, housing insecurity and other negative outcomes leading to poor health for Minnesota immigrants.

For the reasons set forth above, I strongly oppose HF 16 in its current form.

Respectfully Submitted,

Ana Pottratz Acosta  
Professor of Law  
Mitchell Hamline School of Law