

Minnesota Consumer Data Privacy Act HF 1492



**Minnesota
House of
Representatives**

Representative Steve Elkins | House District 49B

Rep.Steve.Elkins@House.MN

Genealogy of State Data Privacy Bills

Europe

- GDPR



California

- CCPA



- CPRA



Washington (Carlyle)

- WA SB 6281



- WA SB 5062



MN/Other States

- MN HF3936 (2020)

- VA HB 2307 (Passed)

- CO SB 190 (Passed)

- MN HF 1492 (2021)

Basic Rights Established by these bills

- **Basic Data Privacy Rights**

HF 1492 would extend these rights to Minnesota residents, as well, while staying within a consistent, well-vetted regulatory regime that is being adopted by other states, as well.



THE RIGHT TO KNOW



THE RIGHT TO CORRECT



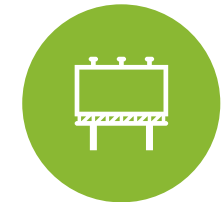
THE RIGHT TO DATA DELETION



THE RIGHT TO RESTRICT "PROFILING"



THE RIGHT TO RESTRICT USAGE



THE RIGHT TO "OPT IN/OUT"

Other Requirements

- Transparency & Accessibility Requirements
 - Readable privacy policies
 - Accessible and prompt processes for requests and appeals
- Use of Data Limitations
 - No extraneous use of customer data
 - Consumer data must be kept secure
 - Data may not be used for discriminatory purposes
- Data Protection Assessments Required
- Attorney General Enforcement
 - Fiscal Note: 2 Attorneys, 1 Investigator \$378K (1st year), \$278K, (2nd, 3rd year)

Scope

- Private entities, only
 - Companies that collect data (controllers)
 - Companies that process data for controllers (processors)
 - *Government Data is Covered by the MN Data Practices Act*
- Small Businesses exempt
- Industries governed by well-established federal law would continue to be governed by those federal laws, instead, e.g.,
 - HIPAA/HITECH (Health Care)
 - Grams-Leach-Bliley (Finance)
 - Fair Credit Reporting Act (Credit Bureaus)
 - FERPA (Education)
- Facial Recognition is broken out into a separate bill.
 - HF 1196 (Gomez, others)

Likely Points of Contention

- Private Right of Action
 - Bill relies on Attorney General Enforcement, no PRA
- Definition of Sale
 - Both cash and barter exchanges are covered
- Opt-in vs Opt-Out
 - Opt-in for sensitive personal data
 - Personally Identifying Information (PII)
 - Biometric data of all kinds
 - Precise locational data
 - Opt-out for all other data
- Integration with other Federal & State Laws

Discussion

- Questions?
- Comments
- Discussion



Minnesota House of Representatives

Thank You

Rep. Steve Elkins

Rep.Steve.Elkins@House.MN

651-296-7803 (Office)