

Subject Consumer data privacy: Age-Appropriate Design Code Act

Authors Bahner and others

Analyst Nathan Hopkins

Date March 15, 2023

Overview

This bill creates a Minnesota Age-Appropriate Design Code Act, which places certain obligations and restrictions on businesses that offer online services, products, or features likely to be accessed by children. These obligations and restrictions are generally intended to protect children's privacy, well-being, and autonomy. This bill is modeled after a law enacted by California in 2022. See 2021 Cal. A.B. 2273.

Summary

Section	Description
---------	-------------

- | | |
|---|---|
| 1 | Attorney general data coded elsewhere.
Creates a cross-reference in the Government Data Practices Act for the data protection impact assessments collected by the attorney general under section 5, subdivision 4, of the bill. |
| 2 | Citation; construction.
Provides the title of the new chapter of statute created by the bill. Provides general guidelines for construing the bill's provisions, including that the privacy, safety, and well-being should be prioritized over a business's commercial interests when those are in conflict. |
| 3 | Definitions.
Provides definitions for key terms used in the bill. |
| 4 | Scope; exclusions.
Establishes that a business is only subject to the bill if it collects and uses consumers' personal data, does business in Minnesota, and meets the specified thresholds regarding the size/scope of its operations. |

Section	Description
---------	-------------

Also, excludes from the bill entities and information already protected by the federal HIPAA regulations regarding health information, and information collected as part of clinical trials and research.

5 **Business obligations.**

Subd. 1. Requirements for businesses. Places requirements on a business that will provide an online service, product, or feature likely to be accessed by children. This includes various requirements regarding the design and settings of the product, providing certain privacy notices and policies, and completing a data protection impact assessment that may be reviewed by the attorney general.

Subd. 2. Data protection impact assessments; requirements. Specifies what information must be included in a required data protection impact assessment.

Subd. 3. Prohibitions on businesses. Prohibits a business that will provide an online service, product, or feature likely to be accessed by children from taking certain actions. This includes limiting the amount of data that the business collects on children and limiting the allowable uses of that data.

Subd. 4. Data practices. Classifies as private/nonpublic a data protection impact assessment collected or maintained by the attorney general.

6 **Attorney general enforcement.**

Allows the attorney general to bring a civil action to enforce the provisions of this bill, including seeking civil penalties in the specified amounts. Appropriates money recovered by the attorney general in an enforcement action to the attorney general's office. Provides that certain businesses must be given an opportunity to cure any alleged violations before the attorney general may begin an enforcement action.

7 **Effective date.**

Provides that the act is effective July 1, 2024, and is not applicable to services, products, or features that were not offered to the public before that date. Provides that data protection impact assessments on existing services, products, or features must be completed by July 1, 2025.



**MN HOUSE
RESEARCH**

Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155