

# House Research Act Summary

**CHAPTER:** 227

**SESSION:** 1999 Regular Session

**TOPIC:** Omnibus Data Practices Act

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- 1 Request to access for data.** Defines "inspection." Authorizes a fee for remote access to data under specific statutory authority. Lets government change a fee for remote access if the data or the access is enhanced at the request of the person who wants access.
- 2 Access to data by individual.** Changes the deadline for government entities to respond to a request by an individual for access to data on that individual. Allows ten days to respond if immediate compliance is not possible. Current law states a five-day deadline but lets the entity extend that period to ten days if unable to comply within five days.
- 3 Student health and census data; data on parents.** Amends current law on student health and census data. Provides that data on parents is private but may be treated as directory information if the district follows the usual procedures for designating it as directory information.
- 4 Private data; when disclosure is permitted.** Amends the educational data provision that allows disclosure of private data. Makes technical amendments.

Authorizes disclosure of college and university educational data to provide access to military recruiters required by federal law and regulation.

Authorizes release to the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably needed to protect the student or other individuals.

- 5 Building code violations.** Makes public: records of building code violations kept by government agencies, except as otherwise provided by current law (1) on names of complaints and (2) on civil and criminal investigative data.
- 6 Dissemination of data to economic security.** Requires disclosure of private personnel data to the department of economic security to administer the re-employment insurance program.
- 7 Employment and training data.** Allows data sharing to implement the federal Workforce Investment Act of 1998.

- 8 Rideshare data.** Classifies rideshare program participant data collected by the state department of transportation (MNDOT) and the metropolitan council. Makes private: residential address and telephone, beginning and ending work hours, mode of commuting and type of rideshare service information requested. Treats metropolitan council data the same as MNDOT rideshare data was treated in prior law.
- 9 Municipal utility customer data.** Classifies municipal electric utility customer data as private or nonpublic but authorizes its release to law enforcement, schools compiling pupil census data, the Metropolitan Council for studies required by law, the child support authority when establishing or enforcing support, or to other persons to advance the general welfare. Specifies that the commissioner of administration may issue opinions on the last clause.
- 10 Pollution control agency.** Classifies as nonpublic: data identifying locations in the state where studies of deformed frogs are being done or may be done. The classification lasts until the pollution control agency completes its investigation at a site or determines it will not investigate a site.
- 11 Must be kept.** Amends the prior statute that requires state and local government to keep records of their official activities. Provides these records may be kept on computer.
- 12 Responsibility for records.** Conforms to the change in the previous section .
- 13 Inspection.** Amends a statute on state inspections of private business, trade, and correspondence schools seeking licensure. Maintains prior substantive law but restates it using data practices act terminology: data from the inspection of a schools' financial records is nonpublic but may be disclosed (1) within the office doing the inspection, (2) to law enforcement authorities, or (3) in connection with a legal or administrative proceeding to enforce a law.
- 14 Disclosure of identity.** Amends portions of the "whistle blower" law that govern the disclosure of the identity of employees who report violations of law or cooperate with government investigations. Under prior law, the identity of an employee making a report or providing information could not be disclosed without the employee's consent, unless necessary for prosecution. This amendment strikes that provision and replaces it with the following data classification. It classifies an employee name based on whether an employee is actually making a report or simply cooperating with an investigation. With respect to employees cooperating with an investigation, the data would be private only if (1) the employee would not have provided the information without an assurance that the employee's identity would remain private because of a concern of retaliation, or (2) the government entity reasonably believes that the employee would not have provided the data because of that concern.
- 15 Who may inspect.** Creates an alternative to the prior requirement that requests for copies of tax returns be in writing. Allows the commissioner of revenue to approve written procedures for establishing that the requester is the taxpayer who filed the return.
- 16 Attorney in fact.** Amends the prior provision allowing someone with a power of attorney to get a taxpayer's return from the revenue department. Makes the same amendment as section 15.
- 17 Disclosure to commissioner of human services.** Allows the commissioner of revenue to give DHS information to verify whether applicants or recipients of specified human services programs (1) have claimed refundable tax credits under chapter 290 or a property tax refund, and (2) the amounts of the credits.
- 18 Disclosure to department of commerce.** Lets the commissioner of revenue disclose information, including social security numbers, to the commissioner of commerce to administer the Uniform Disposition of Unclaimed Property Act.
- 19 Homestead application.** Amends the statute on applying for homestead classification for property taxes. Permits the county auditor or treasurer to use social security numbers and federal identification numbers to help the commissioner of revenue prepare microdata samples. (The commissioner uses

these samples to do revenue forecasts, tax proposal simulations, and analyses of the incidence of current or proposed taxes.)

- 20 Social security numbers and tax returns.** Amends the marriage dissolution statute to specify that social security numbers and tax returns required to be submitted under chapter 518 are private data but must be disclosed to other parties to a proceeding.
- 21 Report of data practices laws.** Requires government entities, by September 1, 1999, to give the revisor a list of data practices laws coded outside chapter 13 that are not already included in the cross reference section. The revisor will use this in recodifying chapter 13.
- 22 Revisor instruction; data practices law recodification.** Requires the revisor to reorganize chapter 13 to (1) give users quick access to data practices laws in chapter 13, and (2) locate references to data law coded outside chapter 13 next to their service area in chapter 13. Defines laws coded outside chapter 13 to include both access restrictions and data sharing provisions. Gives examples of service areas; such as government entities, and function areas, such as education, law enforcement, human services, or child protection. Requires inclusion in the 2000 edition of Minnesota Statutes.
- 23 Repealer.** Repeals the prior rideshare data classification provision, which covered only MNDOT data, and is now replaced by section 8. Also repeals provisions in existing and pending landlord tenant statutes that contain the same code violation record provision found in section 5.
- 24 Effective date.** Sections 4, 8, 15 to 19, 21, and 22 are effective immediately.