

House Research Act Summary

CHAPTER: 290

SESSION: 2004 Regular Session

TOPIC: Omnibus Data Practices Act

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Overview

This is the annual Data Practices Bill that enacts temporary classifications approved by the legislature and classifies various government data as private/nonpublic (not public but accessible to the subject) or confidential/protected nonpublic (not public and also not accessible to the subject). Section 18 amends the Open Meeting Law.

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- 1 Pleadings.** Provides that pleadings, as defined by court rule, in a lawsuit by or against a government entity, are public data to the same extent they would be if filed with the court.
- 2 Service cooperative claims data.** Classifies as nonpublic data not on individuals—except where the executive director of a service cooperative determines that release would not harm the plan or program—(1) claims experience information from carriers and claims administrators participating in group health or dental plans offered through the Minnesota service cooperatives to political subdivisions, and (2) survey information collected from participating employees and employers. This was a commissioner's temporary classification.
- 3 Birth defections information system.** Provides a cross reference in chapter 13 to the statute that covers the birth defects information system.

Makes the section effective on receipt of a federal grant to set up a birth defects information system.
- 4 Public data.** Cross reference.

Also makes private: city and county of residence of public employees.

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- 5** **Limitation on disclosures of certain personnel data.** Specifies information about employees of secure treatment facilities, corrections facilities, or involved in community supervision of offenders that must not be disclosed to patients, inmates, or others if administrators reasonably believe the information will be used to harass, intimidate or assault the employees: place where educated, prior employment, payroll timesheets and similar data that might show future work assignments, home address or telephone, the employee's nonwork home location, and the location of immediate family members.
- 6** **Personal and intangible property; appraisal data.** Makes nonpublic: preliminary and final market value appraisals of personal and intangible city property until (1) a purchase agreement is entered, or (2) the parties to a transaction exchange appraisals. This was a temporary classification.
- 7** **Definitions.** Modifies definition of "program" for purposes of welfare data. Adds TANF and child care assistance.
- 8** **General.** Permits disclosure of private data on individuals to welfare system personnel who require the data to verify an individual's identity, determine the need to provide services to an individual or family across programs, evaluate program effectiveness, and investigate suspected fraud.

Also permits disclosure to the Department of Revenue to administer and evaluate tax refund or tax credit programs. Specifies the data that may be disclosed. Updates the list of credits included in the tax refund or tax credit programs.

- 9** **Mental health center data.** Requires a community mental health center, county mental health division, or mental health provider to disclose mental health data to law enforcement if law enforcement provides a client/patient name and indicates (1) the individual is involved in emergency interaction with law enforcement, and (2) data are needed to protect the health or safety of the client/patient or another. Gives examples of information that may be disclosed. Requires law enforcement to keep as private data the names of the requestor, the information provider and the client/patient.

Allows a community mental health center, county mental health division, or provider to release mental health data to Hennepin County Criminal Mental Health Court before receiving client/patient consent if (1) the individual is a district court criminal defendant, (2) data is limited to what is necessary to assess while the defendant is eligible for Criminal Mental Health Court, and (3) the client has consented and a copy of the consent will be provided within 72 hours. Data obtained under this paragraph may only be used to determine eligibility for Mental Health Court.

- 10** **Child care assistance program.** Provides that welfare system data regarding persons selected as legal nonlicensed child care providers by families receiving child care assistance are classified under the child care assistance law.
- 11** **Data preparation.** Technical.
- 12** **Income property assessment data.** Amends the Data Practices Act section on data collected by local governments concerning income properties. Strikes time limits on the period for which specified kinds of data will be classified as private/nonpublic.
- 13** **Request for legal discovery.** If a party asks a responsible authority for legal discovery of income property assessment data, the requesting party must notify the property owner of record.
- 14** **Employment and economic development data coded elsewhere.** Amends a section of the

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Data Practices Act that lists statutes outside the act that classify employment and economic development data. Adds references to existing laws that are not currently included in this section.

15 **Specific location data.** Cross reference.

16 **Domestic abuse data.** Amends the Data Practices Act provision on access to domestic abuse incident reports that police are required to prepare. Adds the victim and victim's attorney to the persons who must be given access to the report.

This section was effective May 30, 2004.

17 **Mental health data received by law enforcement.** Cross reference.

18 **What meetings may be closed.** Amends the Open Meeting Law. Allows closing public body meetings to receive security briefings or to discuss security systems, emergency response procedures, or security deficiencies if public discussion would endanger public safety or compromise security procedures or responses. Requires discussion of, and decisions about, financial issues to occur at an open meeting. Before closing a meeting, the public body must refer to the facilities, systems, procedures, services, or infrastructures that will be considered. The body must tape record the meeting and keep the record for at least eight years.

19 **Annual meetings; reports.** Makes county agricultural society reports public data and requires them to be available for public inspection.

20 - 22 These sections revise state securities law to reference the National Association of Securities Dealers and to allow release of any active or inactive investigation data to registered securities exchanges and associations.

23 **Specific location data.** Defines "specific location data" to mean data that enable persons to locate a protected wild animal, or endangered, threatened, or a special concern plant or animal identified by the data.

Classifies this data as non-public if disclosure is likely to:

- hinder DNR management, propagation or research;
- facilitate the unfair chase or illegal taking, transport, or sale of a species; or
- decrease the likelihood of establishing a protected species of wildlife, or recovering a special concern, threatened, or endangered species.

Requires the commissioner to give a written explanation of the reason for denying access to specific location data.

Allows for the disclosure of nonpublic specific location data to promote public benefits like environmental review, research, education, conservation planning, or providing information to landowners about specific locations on their property.

24 **Data.** Classifies welfare system data regarding persons selected as legal nonlicensed child care providers by families receiving child care assistance. Makes this licensing data under the Data Practices Act.

25 **Birth defects information system.** Requires the commissioner of health to establish an

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information system on the cause, treatment, prevention, and cure of major birth defects. Specifies duties in this regard, including protecting individually identifiable data and limiting its dissemination.

- 26** **Birth defects records and reports required.** Provides for institutions to give the commissioner data on birth defects cases, with the informed consent of the parents. Provides that good faith reports do not subject the reporter to an action for damages or relief.

Specifies information the commissioner must include in a written consent form.

This section is effective on receipt of a federal grant.

- 27** **Classification of birth defects information.** Makes this information private. Makes unlawful disclosure a misdemeanor.

This section is effective on receipt of a federal grant.

- 28** **Transfers of information to other government agencies.** Allows the birth defects system to (1) give information to local government or other state agencies that follow the data classification provision of this law and (2) receive information from other states and apply the same data classifications to it.

This section is effective on receipt of a federal grant.

- 29** **Transfers of information to research entities.** Nonidentifying birth defects may be shared with researchers on request. If identifiable data are requested, the commissioner must get the parent or guardian's informed consent before sharing the data.

- 30** **Patient consent to release of records.** Same as the first part of section 9. Amends the Patient's Medical Records Act.

This section is effective on receipt of a federal grant.

- 31** **Use of data.** Amends a provision of the employment and economic development statute on unemployment insurance law that allows release of private data pursuant to a court order. States that a subpoena is not a court order.

Makes technical changes.

- 32** **Employer information; absolute privilege.** Lets the commissioner disseminate an employer's name and address and other information from an employer necessary to administer unemployment insurance.

- 33** **Minnesota tax laws.** Amends the definition that applies to Revenue Department records. Adds to these laws: the statute on certifying property as homestead.

This section was effective May 30, 2004.

- 34** **County assessors.** Allows the Revenue Department to verify for a county assessor whether an individual requesting or holding homestead property tax status filed a resident income state return.

- 35** **County assessors.** Lets the Revenue Department disclose to a county assessor the names and addresses of qualified applicants for homestead property tax status.

This section was effective May 30, 2004.

- 36** **Disclosure.** Corrects the name of the Department of Employment and Economic

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Development in a section of law on data on individuals.

- 37** **Report required.** Amends the statute that requires police to prepare a report of a domestic abuse incident. Adds the victim and victim's attorney to the persons who must be given access to the report.

This section was effective May 30, 2004.

- 38** **Domestic fatality review.** In 1999, the legislature authorized the district court in Hennepin county to operate a pilot project reviewing domestic fatalities. The pilot was extended in 2000 to expire March 31, 2001. In 2002, the legislature extended the pilot to December 31, 2004. This bill further extends the pilot to December 31, 2006, and requires the review team to submit a report to the legislature by January 15, 2007.
- 39** **Repealer.** Repeals cross references to data provisions coded outside chapter 13. The act relocates these cross references.