

House Research Act Summary

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Overview

This summary describes the statutory changes and clarifications made as part of the omnibus data practices bill, senate file number 596.

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- 1** **Individual.** Modifies the definition of "individual" to replace the reference to individuals "judged mentally incompetent" with "incapacitated person." This new term is consistent with currently used terminology, and is defined in statute.
- 2, 5, 6, 10, 12-22, 24-38, 43, 45** **Terminology.** Substitutes the term "government entity" for the phrase "political subdivision, statewide system, or state agency" (depending on the section, these three terms may appear in a different order). This replacement is intended to simplify the language in statute and does not change any substantive law; the term "government entity" is defined in statute to mean "state agency, statewide system, or political subdivision."
- 3** **Judicial Branch Data.** Specifies that the "traveling data" provisions apply to the judicial branch. If the judicial branch disseminates judicial branch data to a government entity, the existing classification of the new government-entity-controlled data remains unchanged.
- 4** **Access to Data by Individual.** Permits the designee of a responsible authority to respond to data requests from individuals who seek access to data about themselves. This modification provides consistency with the section governing the public's access to public data.
- 7** **Advisory Opinions.** Specifies that an attorney general's written advisory opinion takes precedence over advisory opinions issued by the commissioner of administration if the attorney general's opinion is numbered and published.
- 8** **Action to Compel Compliance.** Modifies language relating to a government entity's

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conformity with issued advisory opinions; it eliminates the requirement that a court consider whether the entity has specifically sought an oral, written, or electronic opinion when the court determines whether a civil penalty is appropriate.

9 **Directory Information.** Updates a date reference to student information. Classifies as public data information designated as "directory information" under federal law as of January 1, 2007.

11 **Partial Social Security Numbers.** Modifies the classification of social security numbers; partial social security numbers (for example, the last four digits of a social security number) are designated as private data.

This section also makes a terminology substitution, as described in section 2.

23 **Public Official Complaint Data.** States that disciplinary data related to a public official are public data only if the data concerns a specified public official in state government.

This section also makes a terminology substitution, as described in section 2.

39 **Market Research Data.** Classifies as private data names, home addresses except ZIP codes, home e-mail addresses, and home telephone numbers obtained by the Department of Transportation in preparation for, or in response to a survey. The same types of information are classified as nonpublic data when relating to a business.

Data practices law provides that "private data on individuals" and "nonpublic data" are both accessible to the subject of the data only; these data are not available to the public.

40 **Overhead Rate Data.** Classifies as nonpublic data or private data on individuals financial statements and lists of stockholders provided to the commissioner of transportation by a consultant in order to establish its overhead rate. The schedule of audit adjustments and the overhead rate schedule prepared by the department of transportation to establish the overhead rate for a consultant carries the same classification.

The overhead rate percentage is classified as public data. Public data is accessible to anyone, for any reason.

41 **Bid Escrow Data.** Classifies as nonpublic data any bid documentation held in escrow by the department of transportation. Any data on individuals in the bid documentation is private data.

"Bid documentation" is defined as all writings, working papers, computer printout charts, and other data calculations used by a contractor to determine its bid on a contract.

42 **Bureau of Mediation Services Data.** Recodifies the classification of Bureau of Mediation Services Data into a section separate from Department of Labor and Industry Data. The substance of the classifications is unchanged.

44 **Criminal History Data; Innocent Parties.** Requires redaction of an innocent person's name or other identifying information from the public criminal history record when fingerprint verification determines that the person is not the subject of the criminal history. The innocent person's name must still be retained in the criminal history and classified as private data.

46 **Integrated Search Service Data Subject Access.**

Subd. 1. Definitions. Defines "Integrated Search Service" (ISS) to mean a service operated

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by the Bureau of Criminal Apprehension which allows authorized users to search and view data stored and maintained by criminal justice agencies.

A "criminal justice agency," defined in section 299C.46, subdivision 2, is an agency of the state or of a political subdivision charged with detection, enforcement, prosecution, adjudication, or incarceration related to state criminal or traffic laws.

Subd. 2. Requests by Data Subject. Permits an individual to request a state or local law enforcement agency with access to the ISS to conduct a search to locate data about the individual. Agencies with access must only provide: 1) a list of the government entities that have provided public or private data about the individual through the ISS; and 2) data that describe what information is maintained about the individual at each entity on the list.

Subd. 3. Bureau Responsibilities. Requires the Bureau of Criminal Apprehension to provide a listing of all law enforcement agencies with ISS access and information for individual data subjects on how to challenge the accuracy or completeness of data. This information must be provided on a public internet site.

47 **Landowner's Rights.** Directs the Department of Natural Resources to share a real estate appraisal with the landowner prior to an offer. Eliminates the requirement that a landowner be given a resume of the state's certified appraisal, and instead requires the landowner be informed of the value of the land as determined by the commissioner. This provision makes the law consistent with other requirements in the data practices act.

48 **High School Coaching Data.** Corrects a technical error; specifies that a school board hearing on the renewal of a coaching contract may be closed to discuss private data, rather than nonpublic data. Data is classified as "private" when it concerns an individual; it is classified as "nonpublic" when the data does not concern a particular individual.

49 **Drivers License Photos.** Permits criminal justice agencies and public defenders to access driver's license photos for specified purposes. A criminal justice agency may use photos to investigate and prosecute crimes, serve process, enforce a no-contact order, locate missing persons, supervise offenders, and prepare for court cases. A public defender may use the photos for preparation of criminal, juvenile, and traffic court cases.

50 **Unemployment Data.** Permits data related to unemployment insurance to be disseminated to the department of corrections to conduct postconfinement employment tracking of individuals previously in the custody of the DOC, without the consent of the individual subject of the data.

51 **"Tax Laws" Definition.** For purposes of tax data classification and disclosure, incorporates motor vehicle sales taxes (chapter 297B) into the definition of "Minnesota tax laws."

52 **Confidential and Protected Non-public Data.** Clarifies that classification of certain information given to the Department of Revenue concerning tax-law compliance by an individual as confidential or protected non-public does not apply to laws relating to property taxes.

53 **Debt Collection.** Permits the commissioner of revenue to use tax return information for the purpose of collecting any debts referred to the commissioner of revenue under the general state debt collection chapter, 16D. Chapter 16D allows state agencies to refer debts to the commissioner of revenue for collection purposes, and grants the commissioner of revenue certain powers to collect these debts.

54 **Disclosure for Certain Job Opportunity, Biotechnology, and Health Science Industry Programs.** Permits the commissioner of revenue to disclose return information for certain

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taxes to the Department of Employment and Economic Development and appropriate local government units, if a qualifying business is located there, as needed to enforce job opportunity building zone benefits and biotechnology and health science industry zone benefits.

- 55 Social Security Numbers; Generally.** Provides that section 325E.59, related to the regulation of the use of social security numbers, does not go into effect until July 1, 2008.
- 56 Social Security Numbers.** Provides a conforming effective date to the change in section 55.
- 57 Social Security Numbers.** Provides a conforming effective date to the change in section 55.
- 58 Repealers.**

(a) Section 13.79, subdivision 2. Removes the provisions of law related to the Bureau of Mediation Services from the section dealing with the Department of Labor and Industry. The provisions are not eliminated from statute, but have been moved in their entirety to a new section as described in section 45 of this bill.

(b) Section 325E.59, subdivision 2. Repeals a "grandfather clause" that permits continued use of an individual's Social Security number after July 1, 2007, by a person who was using it before then, under certain conditions.