

House Research Act Summary

CHAPTER: 290

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TOPIC: Data Practices Omnibus

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Overview

This act contains grammatical and miscellaneous updates to the Data Practices Act and open meetings law, and establishes new classifications or procedures for handling data in several policy contexts, as summarized below. It also regulates certain procedures related to the 2012 State Employee Group Insurance Program dependent eligibility audit.

- 1-8, 14-15, 18-19, 25-36, 40-50, 53-57, 59-62, 67-68** **Grammar and miscellaneous updates.** These sections correct grammatical deficiencies in the Data Practices Act and make various other miscellaneous changes to the language.
- Among other more minor changes, the miscellaneous updates include the addition of cross-references to other sections of law that classify data as something other than public.
- 9** **Responsible authority designation.** Designates an official within a political subdivision to serve as the responsible authority, in the event an individual has not otherwise been designated by the political subdivision's governing body.
- The default responsible authority is, in the case of a county, the county coordinator or administrator, or if there is no coordinator or administrator, the county auditor; in the case of a statutory or home rule charter city, the elected or appointed city clerk or, if there is no official clerk, the chief clerical officer for filing and record keeping purposes; in the case of a school district, the superintendent; and in the case of any other covered political subdivision, the chief clerical officer for filing and record-keeping purposes.
- 10** **Government entity obligation.** Codifies into a single section of statute several current requirements related to a government entity's creation and publication of an inventory of certain types of data, and procedures related access to data by members of the public and data subjects.
- 11** **Procedures.** Strikes language that is moved into a new section of statute. See section 10.
- 12** **Dissemination among agencies; data received from the judicial branch.** Specifies that data that "travel" to a government entity from a judicial branch entity maintains any classification that exists in

state or federal law that regulates dissemination of that data.

This section also includes miscellaneous grammatical updates.

- 13** **Advisory opinions; effect.** Requires the commissioner of administration to indicate when an advisory opinion is not intended to provide guidance to all similarly situation persons or government entities.
- 16-17** **Security information.** Provides that the determination of whether data meets the definition of "security information" is a decision of the responsible authority, and requires the government entity to provide, upon request, a short explanation of the necessity for determining data are security information when denying a request for access.
- 20** **Civil investigative data; exclusion.** Provides that the provisions classifying certain data as not public when collected or retained as part of an active investigation do not apply when the sole issue or dispute is a government entity's timeliness when responding to a data request.
- 21-22** **Personnel data; public data.** Moves language related to employee suggestions into a new subdivision of law.
- 23** **Employee of contractor or subcontractor.** Provides that the personal telephone number, home address, and email address of a current or former employee of a contractor or subcontractor, maintained as a result of contractual relationship entered on or after August 1, 2012, are private data.
- The data must be shared with another government entity to perform functions authorized by law, and must be disclosed to any government entity or person for prevailing wage purposes.
- 24** **Real property; appraisal data.** Permits the estimated or appraised value of real property subject to a potential sale or purchase by a government entity to be made public, at the discretion of the governing body of the entity. If the government entity is a state agency, the data may be made public at the discretion of the agency's commissioner.
- 37** **Applicants for appointment to a public body.** Adds veteran status to the list of data that are public on an applicant's application for appointment to a public body. The following items are added to the list of additional data that become public once an individual is actually appointed to a public body: first and last dates of service; the existence and status of any complaints or charges against the appointee; and a final investigative report once an investigation is complete, unless access would otherwise jeopardize an active investigation.
- 38** **Dependent eligibility audit.** Establishes a cross-reference in chapter 13 to a new classification of data related to dependent eligibility audits in the State Employee Group Insurance Plan. See section 65.
- 39** **Unofficial fiscal notes.** Classifies data collected or created by a state agency to prepare an "unofficial fiscal note" on legislation that has not been formally introduced in the legislative process. The data, including any bill draft provided to the agency and the unofficial fiscal note itself, are private or nonpublic data upon a directive from the requestor.
- The fiscal note would become public data if it is subsequently used for an introduced bill, or for any legislation, including an amendment or a proposed bill, that any member of the legislature offers for consideration by a legislative committee.
- 51** **Design-build transportation project data.** Classifies certain data of the department of transportation, when the commissioner undertakes a design-build transportation project. Data are classified at several stages of the bid process, including when the commissioner solicits a request for qualifications, a request for proposals, and when price proposals are opened.

- 52 **Adopt-a-highway data.** Classifies certain data related to adopt-a-highway program participants. Home addresses (except zip codes), home email addresses, and home telephone numbers are classified as private data.
- 58 **Inactive financial transaction investigative data.** Specifies that certain criminal investigative data related to a person's financial accounts or transaction numbers are private or nonpublic data if the investigation becomes inactive.
- 63 **Open meetings law; website notification of meeting.** Specifies that the requirement that a meeting notice be posted on an entity's website at least ten days before a meeting applies only to regular meetings.
- 64 **Open meetings law; cross-references.** Adds technical cross-references to sections of statute outside of chapter 13D that reference the open meetings law.
- 65 **Enrollment; SEGIP audit.** Classifies data submitted to the commissioner of management and budget for the purposes of the State Employee Group Insurance Program dependent eligibility audit conducted pursuant to a law enacted in 2011. These data are private, but may be shared with and used by an employer if necessary to pursue any action arising out the apparent ineligibility of an dependent.
- 66 **Limit on termination of dependent coverage.** Prohibits the commissioner of management and budget from terminating the enrollment of a dependent in the State Employee Group Insurance Program as a result of a failure to submit proper documentation as required by the dependent eligibility verification audit, unless certain notices are provided at least 30 days before the proposed termination, and the commissioner has provided an alternate method of compliance if the covered plan member has demonstrated that compliance is impractical.
- This section is scheduled to expire January 1, 2014.
- 69 **DNR electronic licensing system data.** Permits data related to certain electronic licenses and registrations issued by the Department of Natural Resources, currently classified as private data, to be disclosed for several specified purposes.
- 70-71 **Energy programs data classification.** Provides classification and data sharing procedures for certain data collected upon application by an individual for benefits of certain energy assistance and weatherization programs.
- 72 **Repealers.** Repeals the following provisions of statute:
- (a) **Section 13.05, subdivisions 1, 2, and 8,** related to publication of a data inventory and access procedures (re-codified elsewhere in statute - see section 10).
- (b) **Section 13.4967, subdivision 6a and section 298.22, subdivision 12,** provisions of statute that classifies as private or nonpublic certain data contained on an application to the Commissioner of Iron Range Resources and Rehabilitation for a certain loans or equity investments.
- The repeal under this paragraph would be effective retroactively to the date of this provision's first enactment (May 29, 2008).