

House Research Act Summary

CHAPTER: 82

SESSION: 2013 Regular Session

TOPIC: Omnibus Data Practices

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Date: May 22, 2013

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Overview

This act contains provisions related to government data practices, including sections related to newborn screening activities of the Department of Health, access to certain databases of the Bureau of Criminal Apprehension, and a number of other miscellaneous sections related to data classifications, handling, and disclosure.

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1 Personal contact and online account information. Classifies personal contact and online account information.

Paragraph (a) classifies data on individuals collected for notification purposes or as part of a subscription list for an entity's electronic periodic publications as private data. The data classified includes the individual's telephone number; e-mail address; and Internet user name and other online access information.

Paragraph (b) provides that section 13.04, subdivision 2, ("Tennessee warning") does not apply to data classified under this section. This is the requirement that government entities who collect private data from an individual inform them of the purpose and intended use of the data, who may have access to it, etc. An exception from the data classification for data submitted by an individual to the Campaign Finance Board to meet legal requirements imposed by campaign finance and public disclosure laws is included.

Paragraph (c) provides that data under paragraph (a) may only be used for the purpose for which the individual provided the data.

An immediate effective date is included and the classification would apply to data collected, maintained, or received before, on, or after that date.

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- 2** **Definitions (security information).** Provides that mailing addresses, e-mail and other digital addresses, GPS locations, and Internet accounts information on volunteers participating in community crime prevention programs constitute “security data” for purposes of chapter 13. These data are classified as private data.
- 3** **Collection, storage, use, and dissemination of genetic information.** Provides that genetic information provisions of chapter 13 govern the collection, storage, use and dissemination of genetic information for activities under the newborn screening program, but section 144.192 governs treatment of biological specimens and health data for other public health programs.
- This section is effective July 1, 2013.
- 4** **Public data.** Modifies the disclosure required upon completion of an investigation or complaint against a public official by further clarifying and adding certain employment positions within cities and counties of a specified size, and all school districts, as meeting the definition of public official.
- Existing language, providing that data related to a complaint or charge against a local public official are public only if the potential legal claims are released as part of a settlement agreement, is modified to eliminate a requirement that the settlement agreement be with another person before the disclosure requirement would apply.
- An immediate effective date is provided.
- 5** **Maltreatment data.** Amends the personnel data statute to authorize the release of personnel data for purposes of providing information to a parent, legal guardian, or custodian of a child as required under the new provisions enacted later in this act.
- 6** **Homestead and other applications.** Updates a cross-reference related to certain tax data classified later in this act.
- 7** **Department of Administration.** Classifies certain data maintained by the Department of Administration that identifies individuals with a disability, or family members of an individual with a disability, as private data.
- These data are collected related to services funded by the federal Assistive Technology Act.
- 8** **Transportation service data.** Classifies the name of an applicant or user of transportation services for the disabled or elderly as private data.
- An immediate effective date is provided.
- 9** **Construction manager/general contractor data.** (a) Classifies data related to the award of a certain construction manager/general contractor contracts, with a tiered approach.
- (b) Classifies data at the time the commissioner of transportation solicits a request for qualifications.
- (c) Requires disclosure of certain data when the commissioner of transportation announces

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the short list of qualified construction managers/general contractors.

(d) Classifies data at the time the commissioner of transportation solicits a request for proposals.

(e) Requires disclosure of certain data when the commissioner of transportation has completed the ranking of proposals and announces the selected construction manager/general contractor.

(f) Classifies data related to contract negotiations with the construction manager/general contractor, until the contract is fully executed.

(g) Requires disclosure of all remaining data otherwise classified by this section, when the contract is fully executed.

(h) Provides that certain data remain classified if the commissioner of transportation rejects all responses to a request for proposals before a construction manager/general contractor contract is fully executed, with certain specified conditions.

10 **Transit customer data.** Classifies data on applicants, users, and customers of public transit collected by or through the Met Council's personalized Web services or regional fare collection system as private data. Several definitions of terms are provided in this section.

The Met Council is permitted to disseminate data on user and customer transaction history and fare card use to entities and organizations that subsidize or provide fare cards to their clients, students, or employees. Use of the data is limited to measuring and promoting fare card use and evaluating the cost effectiveness of a fare card program. A user or customer is permitted to request, in writing, that the data disseminated is limited to only the card balance and the date a card was last used. The council may disseminate user data to another government entity to prevent unlawful intrusion into government electronic systems, or as otherwise provided by law.

An immediate effective date is provided.

11 **Treatment of biological specimens and health data.**

Subd. 1. Definitions. Defines the following terms for purposes of this section: biological specimen; health data; health oversight; individual; person; program operations; public health practice; representative of the decedent; and research.

Subd. 2. Collection, use, storage, and dissemination. Permits the commissioner to collect, store, use, and disseminate biological specimens and health data, including genetic data, as provided in this section or as permitted elsewhere in law. States that this provision does not supersede or repeal other existing law that applies. Specifies that for purposes of this section, genetic information is limited to biological specimens and health data.

Subd. 3. Biological specimens and health data for program operations, public health practice, and health oversight. (a) Permits the commissioner to collect, store,

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use and disseminate biological specimens and health data for program operations, public health activities, and health oversight. Provides that unless required in law, consent of an individual is not required for these activities.

(b) Provides the purposes for which biological specimens may be disseminated with the approval of the commissioner.

(c) Permits the commissioner to disseminate to public health labs, under certain circumstances, de-identified biological specimens for purposes of clinical laboratory (CLIA) proficiency testing.

(d) Provides that health data may be disseminated as provided in section 13.3805, subd. 1.

Subd. 4. Research. Permits the commissioner to collect, use, store, and disseminate biological specimens and health data to conduct research in a manner consistent with federal law.

Subd. 5. Storage of biological specimens and health data according to storage schedules. Requires the commissioner to store health data was provided in section 138.17. Requires the commissioner to store biological specimens according to a storage schedule to be developed by July 1, 2013. Requires that the storage schedule be posted on the department's website.

Subd. 6. Secure storage of biological specimens. Requires the commissioner to establish security safeguards for the storage of biological specimens and to store specimens according to those safeguards. Requires that when a specimen is disposed of, it must be in such a way as to prevent determining identity.

Subd. 7. Applicability to health boards. Provides that certain provisions of this section apply to boards of health and community health boards organized under chapter 145A. Permits these boards to disseminate health data pursuant to section 13.3805, subdivision 1, paragraph (b), clause (2).

A July 1, 2013, effective date is provided.

12 Inventory of biological and health data. Requires the commissioner of health to prepare an annual inventory of biological specimens, registries, and health data and databases collected or maintained by the commissioner, along with storage schedules. The information must be available on the department's website and submitted to the Legislature.

13 Newborn hearing screening advisory committee. Requires the commissioner of health to submit a biennial report to the legislature on the activities of the Newborn Hearing Screening Advisory Committee, beginning February 15, 2015. The expiration date of the advisory committee is extended from June 30, 2013, to June 30, 2019.

A July 1, 2013, effective date is provided.

14 Early hearing detection and intervention programs. Corrects a cross-reference in the early hearing detection and intervention program and refers to the parental election, rather

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than consent.

A July 1, 2013, effective date is provided.

- 15 Notification and information; data retention and destruction.** Requires parental notification of the right to discontinue storage of hearing test results and require destruction. The Department of Health may store hearing and rescreening test results for a period of time not to exceed 18 years from the infant's date of birth, provided that the parent or legal guardian may instruct the department to discontinue storage. Upon request, the test results must be destroyed within one month of receipt of the instruction or within 25 months after the Department of Health received the last test result, whichever is later.
- 16 Construction.** Provides that the early hearing detection and intervention program is not a newborn screening activity under sections 144.125 to 144.128, and that data collected by or submitted to the Department of Health related to newborn hearing screening are not genetic information for purposes of the requirements of chapter 13.
A July 1, 2013, effective date is provided.
- 17 Filing photograph or image; data classification.** Authorizes the Department of Public Safety to provide photographs or electronically produced images obtained in the process of issuing driver's licenses and state identification cards to the county medical examiner or coroner as required by existing law.
- 18 Procedures.** Requires the Department of Corrections to establish and implement audit requirements to ensure that authorized users of the statewide supervision system comply with applicable data practices laws.
- 19 Use of data.** Provides that certain unemployment data may be provided to the Department of Corrections for purposes of case planning for preprobation and postprobation employment tracking.
- 20 Homestead application.** In conjunction with section 21, modifies and recodifies language related to classification of data submitted to a county or local assessor in connection with an application for a property tax homestead classification. These data must be submitted to the Department of Revenue in certain circumstances.
- 21 Classification of data.** In conjunction with section 20, modifies and recodifies language related to classification of data submitted to a county or local assessor in connection with an application for a property tax homestead classification. These data must be submitted to the Department of Revenue in certain circumstances.
- 22 Class 1b homestead declaration before 2009.** Updates a cross-reference to reflect changes made in section 20.
- 23 Class 1b homestead declaration 2009 and thereafter.** Updates a cross-reference to reflect changes made in section 20.
- 24 Verification of Social Security numbers.** Updates a cross-reference to reflect changes

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made in section 20.

- 25 Identification data other than DNA.** Updates terminology related to fingerprint data. In many cases, fingerprints are stored electronically, rather than in paper form, and so these data may be “destroyed” rather than “returned” as provided in the law.
- 26 Establishment.** Provides technical modifications to and updated language related to secure access to the BCA’s various systems and services.
- 27 Criminal justice agency defined.** Incorporates agencies of the federal government that serve all or part of Minnesota, even if stationed outside of the state, within the definition of “criminal justice agency.” The change would permit these agencies to access BCA data in the same manner as provided for state or local criminal justice agencies.
- 28 Noncriminal justice agency defined.** Provides technical modifications to the definition of noncriminal justice agency.
- 29 Authorized use; fee.** Paragraph (a) modifies the list of permitted uses of the criminal justice data communication network, by:
- Updating a reference to federal law;
 - Permitting other agencies to access only in the event of a “declared” emergency or disaster situation;
 - Permitting access where otherwise specifically authorized by federal law or regulation, or state statute; and
 - Permitting access by a court where authorized by federal law or regulation or state statute and related to the disposition of a pending case.

Paragraph (c) contains updates to language related to access to data by other states and other countries.

Paragraphs (d), (e), and (f) establish certain standards that agencies must meet before establishing a secure connection to the data communication network.

Paragraphs (g) and (h) establish standards for conducting a criminal background check on individuals who may be granted access to the data communication network.

- 30 Minnesota criminal history checks.** Permits county sheriffs and local police departments to use the Minnesota criminal repository to conduct background checks on applicants for employment with the county or city and on individuals seeking licensure by the county or city if a background check is not otherwise mandated by federal or state law.

Standards for conducting the check are provided.

- 31 Definitions.** Provides technical updates to definitions in the section of statute providing for background checks on applicants for employment with, or current employees of, a fire

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department.

- 32 Plan for access to data.** Modifies standards for conducting a background check on applicants for employment with, or current employees of, a fire department.
- 33 Issuance to certain persons prohibited.** Establishes procedures for conducting a background check on individuals applying for an explosives license. The check results are used to determine if the applicant is qualified to receive the license.
- 34 Persons eligible.** Establishes procedures for conducting a background check on individuals applying for a wholesale liquor license. The check results are used to determine if the applicant is qualified to receive the license.
- 35 Persons eligible.** Establishes procedures for conducting a background check on individuals applying for a retail liquor license. The check results are used to determine if the applicant is qualified to receive the license.
- 36 Access to government data.** Expands the list of data about witnesses in the criminal justice data communications network that is accessible to public defenders.
- 37 Duties; access to data.** Grants domestic fatality review teams the ability to access certain corrections and detention data.
- 38 Report; information provided to parent.** Amends the Child Maltreatment Reporting Act to require schools to provide a notice to the parent, legal guardian, or custodian of a child that an incident has occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment. This requirement would apply regardless of whether a report is made.
- 39 Newborn screening program study.** Requires the commissioner of health, in consultation with medical research and advocacy groups, to review the newborn screening program and evaluate the validity of a comprehensive and sustainable long-term storage and use plan for test results. Factors that must be considered by the commissioner are specified. By February 1, 2014, the commissioner must submit a report to the chairs and ranking minority members of legislative committees with primary jurisdiction on health and human services and data privacy.
- A July 1, 2013, effective date is provided.
- 40 Destruction of mileage-based user fee data.** Requires the Department of Transportation to destroy, no later than July 31, 2013, mileage-based user fee data that is currently classified as not public, subject to temporary classification of the commissioner of administration. Summary data on types of vehicles used and road usage may be retained, provided that the data do not identify participants.
- 41 Repealer.** Repeals the McGruff Safe House program.