

House Research Act Summary

CHAPTER: 173

SESSION: 2014 Regular Session

TOPIC: Safe at Home Program; Real Property Data

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Overview

This act makes several modifications to the data handling procedures related to participants in the Safe at Home address confidentiality program, including new provisions related to handling of real property data.

This act became effective April 30, 2014.

Section

- 1 Use of designated address.** Adds a cross reference to the data practices provisions governing Safe at Home participants, in the more general section of law regulating disclosure of the name and address of a person participating in the program.
- 2 Safe at Home program participant data.** Adds language, primarily related to handling of real property records, to the Safe at Home program section of the data practices act.

Subdivision 1. Definitions. Separates a definition of “identity data” from “location data” and also adds new definitions of “county recorder” and “real property records.”

Subd. 2. Notification of certification. Clarifies requirements related to submitting a notice of participation in the Safe at Home program to a government entity.

New paragraph (b) requires submission of a notice to the county recorder in the county where the real property is located, if the program participant seeks to protect information related to that real property. The content requirements for the notice are provided in this paragraph.

Subd. 3. Classification of identity and location data. Adds new allowances related to sharing of location data, including where sharing the data is necessary to

Section

provide public assistance or other government services (new clause 4), where necessary to perform a health, safety, or welfare function of government (new clause 5), or where necessary to aid an active law enforcement investigation (new clause 6).

Subd. 4a. Real property records. In paragraph (a), establishes new procedures for handling real property records. Identity data may not be released in conjunction with real property identified in a program participant notice, except where otherwise authorized by the participant (new clause 1) or the secretary of state (new clause 3), or where required by court order (new clause 2).

This subdivision also contains several provisions to facilitate implementation, including provisions requiring the county record to adopt procedures for recording or filing documents subject to this subdivision, standards for what constitutes proper notice to a county recorder, and the length of time records are prohibited from being disclosed after a notice is received by a county recorder (new paragraphs (b) to (d)).

Subd. 4b. Access to real property data; title examination. Establishes standards for providing access to data on real property that is subject to a bona fide title examination, including the requirements for submitting a request to the secretary of state.

Subd. 6. Service of process upon program participants. Establishes procedures for a government entity's service of process upon a program participant. Service must be made by personal service or by mail to the secretary of state. This subdivision also describes standards where service by publication is required.

Subd. 7. Sharing of program participant data with secretary of state. Provides that the data practices provisions related to Safe at Home participants do not prohibit sharing participant data with the secretary of state to facilitate compliance with the law.

- 3 Effective date; early compliance.** Provides that sections 1 and 2 are effective the day following final enactment (April 30, 2014). Compliance prior to the effective date is not a violation of chapter 13.