

HOUSE RESEARCH

Bill Summary

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Overview

This the Omnibus Government Data Practices bill. It classifies various data and modifies attorney fees in compliance actions.

Section

- 1 Action to compel compliance.** Amends the data practices act provision that establishes an action to compel compliance with the act. Allows attorney fees to a winning plaintiff if: (1) the government defendant in the case was also the subject of a written advisory opinion, and (2) the court finds the opinion is directly related to the issue being litigated and the government did not follow the opinion.
- 2 Computer data.**
 - Subd. 1. Definitions.** Defines "electronic access data" to mean data created, collected, or maintained about a person's access to a government computer in order to get information, transfer information, or use government services.
Defines "cookie" to mean data a government-owned computer electronically places on the computer of someone who accesses the government computer.
 - Subd. 2. Notice.** Classifies as private or nonpublic: electronic access data.
 - Subd. 3. Notice.** Requires a government entity that collects electronic access data or uses cookies to so notify a person who gains access to the government's computer. Requires the government to inform the person how the data will be used and isseminated.
 - Subd. 4. Use of electronic access data.** Allows disseminating electronic access data to (1) the commissioner of administration to evaluate electronic government services; (2)

another government entity to prevent unlawful intrusions on government computers, or (3) as otherwise provided by law.

- 3 Nonpublic school students.** Defines as private data the information on nonpublic school students and their parents that must be reported to a school superintendent. Prohibits a school district from designating the information as directory information unless the parent of the child who is the subject of the information consents in writing to its release beforehand. Allows the information to be disclosed without the parent's consent only under circumstances such as a requirement to collect data, a court order or immunization programs or health investigations that appear in the law governing access to student records.

Specifies that the provision does not apply to students who receive shared time educational services from a public agency or institution.
- 4 Access by juvenile justice system.** Amends the statute that specifies what education data is to be disclosed to the juvenile justice system. Specifies that data about a student's alleged involvement in a delinquent act on school property can be disclosed to law enforcement.
- 5 University of Minnesota data.** Classifies as "nonpublic data not on individuals," unless the University determines that release of data will not harm the plan or program: (1) claims experience and related information from carriers and claims administrators participating in a University group health, dental, life, or disability insurance plan or worker's compensation program; and (2) survey information from employees or students in these programs.
- 6 Data received from federal government.** Classifies as nonpublic or private: data received by the state department of agriculture from the federal department of health and human services, the food and drug administration, and the agriculture, food safety, and inspection service, for the purpose of carrying out the department's statutory food safety regulatory and enforcement duties.
- 7 Cross-reference.** From data practices act to department of veterans affairs chapter of statutes.
- 8 Information in bids and proposals.** Amends a state bidding statute by adding a subdivision providing that data on bids and proposals are governed by the data practices act section on vendor data.
- 9 Reverse auction.** Provides that if a reverse auction is used (vendors compete in an open environment to provide goods at the lowest price), the data practices act section on vendor data does not apply.
- 10 Data privacy classification made.**

Paragraph (a), existing language is unchanged.

Paragraph (b) stipulates three conditions for release of discharge papers by any government entity: (1) proof of identity, (2) tangible interest, and (3) completion of a release form.

Paragraph (c) states that employees and officials within one agency may use discharge certificates for performance of official duties.

Paragraph (d) classifies military certificates of discharge as private data on individuals under the data privacy act. This classification applies to discharge documents filed after January 1, 2004.

Paragraph (e) stipulates that no fee may be charged for release of military discharge papers

Paragraph (f) defines "tangible interest" as the following hierarchy of persons: (1) the veteran, (2) surviving spouse of the veteran, (3) surviving child of the veteran, (4) surviving parent of the veteran, and (5) the guardian of the veteran.

Paragraph (g) defines "governmental entity" by cross reference.

- 11** **Burial sites data.** Provides that locational and related data for burial sites maintained on the state archaeologist's web site are security information. Persons who access the information from the web site and improperly use or further disseminate it are subject to the data practices act remedies and penalties.
- 12** **Cross-reference.** From the county recorder statute to the veterans affairs chapter.
- 13** **Repealer.** Repeals (1) a cross-reference that would no longer apply if section 2 is enacted, and (2) a provision classifying data if the commissioner rejects all responses to a request for proposals.
- 14** **Effective date.** Section 1 is effective August 1, 2003, and applies to actions commenced on or after that date.

Sections 7, 10, and 12 are effective January 1, 2004.