

HOUSE RESEARCH

Bill Summary

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Overview

This bill (1) classifies veterans' discharge papers filed on after January 1, 2004, as private data on individuals, and (2) defines the criteria for release to a person showing tangible interest, which is defined as a specific hierarchy of persons centering on the veteran himself or herself.

Section

1 **Cross-reference.** From data practices act to department of veterans affairs chapter of statutes.

2 **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.

Section

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.

3 **Cross-reference.** From the county recorder statute to the veterans affairs chapter.

4 **Effective date.** January 1, 2004, and for discharge documents filed on or after that date.

House Research Note:

Under Minn. Stat. § 13.10, subd. 2, upon the death of the data subject, "private data on individuals" shall become "private data on decedents", which shall become public when ten years have elapsed from the actual or presumed death of the individual and 30 years have elapsed from the creation of the data.