

HOUSE RESEARCH

Bill Summary

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Overview

This bill provides a number of modifications to the data practices act, including allowing for expedited requests for data upon payment of a fee, notification to certain officials and employees when a request for data is received, additional information to be provided related to advisory opinions, classification of personnel data on subcontractors, and a requirement that copies of all subcontracts be provided to a government entity when the entity enters into a prime contract.

- 1 Request for access to data.** Permits a person to request expedited access to government data, upon payment of a fee in addition to other costs the government entity is already permitted to collect under current law. The fee for an expedited request would be \$25 per document, not to exceed \$200 in aggregate.

The requestor and the government entity would be required to mutually agree on a date for delivery of the data upon payment of the expedited fee. If the government entity fails to provide the data by the agreed-upon date, it would be required to refund the expedited fee at a rate of \$12.50 per each business day the data is delayed.

This section also requires a government entity to identify each series of record, file, or process from which data was withheld and the number of documents withheld if the entity denies a request for access to data. This identification would not be required if it would result, directly or indirectly, in the disclosure of data that is not accessible to the requestor.

Current law requires the entity to cite a specific statutory citation, temporary classification, or applicable provision of federal law when denying access to data.

- 2 Procedure upon receipt of request for data.** Requires the responsible authority to notify all officials or employees that may be in possession of data relevant to a data request, upon receipt of the request. The officials and employees must be notified of the existence of the request, the specific data requested, and the responsible authority's plan for responding to the request. They must also be instructed that all data related to the request, and the underlying data requested must be maintained until the request is fulfilled.

Improper destruction or tampering with requested data after notification would be subject to the same civil remedies currently provided in law for other violations of the data practices act.

- 3** **Advisory opinions.** Requires the commissioner of administration to notify the requestor and publish a notice on the commissioner's website if the commissioner determines that an advisory opinion will not be issued because the topic of the opinion request has already been addressed by a prior opinion.
- 4** **Advisory opinions; effect.** Requires the commissioner of administration to indicate when an advisory opinion is intended to provide guidance to all similarly situation persons or government entities.
- 5** **Definition; personnel data.** Provides that data on individuals who act as a subcontractor for a government entity are included in personnel data procedures and classifications contained in section 13.43.
- 6** **State contracts.** Requires all contracts entered into by a state agency to mandate that the prime contractor submit to the agency a copy of any subcontract entered into under the prime contract.
- 7** **Municipal contracts.** Requires all contracts entered into by a municipality to mandate that the prime contractor submit to the municipality a copy of any subcontract entered into under the prime contract. The municipality is required to maintain certain documents related to the contract as provided in current law.

Contracts under this section include construction-related contracts as well as contracts for professional services.

- 8** **Repealer.** Repeals a provision of law originally enacted in 2009 related to data collected by the department of natural resources to issue certain types of licenses. Section 13.7931, subdivision 6, is a cross reference to the classification; section 84.0874 contains the substantive classification, as follows:
 "The following data created, collected, stored, or maintained by the department for purposes of obtaining a noncommercial game and fish license, cross-country ski pass, horse pass, or snowmobile trail sticker; registering a recreational motor vehicle; or any other electronic licensing transaction are private data on individuals as defined in section 13.02, subdivision 12: name, addresses, driver's license number, and date of birth. The data may be disclosed for law enforcement purposes. The data, other than the driver's license number, may be disclosed to a government entity and for natural resources management purposes, including recruitment, retention, and training certification and verification."
 The repeal would be effective the day following final enactment.