HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 695   **DATE:** March 14, 2013
         Version: First subcommittee engrossment

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         Subject: Data Practices Omnibus

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Overview

This bill constitutes the Data Practices Omnibus bill. It contains all or modified portions of the following House Files:

HF 20 (Freiberg); HF 501 (Hilstrom); HF 604 (Myhra); HF 621 (Winkler); HF 798 (Erhardt); HF 828 (Lesch); HF 589 (Kahn); HF 804 (Scott); HF 782 (Norton); HF 695 (Simon); HF 584 (Hortman).

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1   **Personal contact information.** Provides that the telephone number, personal email address, and certain online access data of an individual that is collected, maintained, or received by a government entity for notification or informational purposes is private data on individuals.

Data classified under this section are exempt from the requirement that a data subject be provided a Tennessen warning under section 13.04, subdivision 2, when asked to supply private data. A Tennessen warning includes, among other things, notification about the way the data will be handled and used.

2 `   **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.

3   **Private data; library borrowers.** Provides that existing data classifications related to library borrowers apply to vendors providing electronic data services under contract with the library.

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4   **Public data (public employee settlements).** 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.

5   **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.

6   **Transportation service data.** Classifies the name of an applicant or user of transportation
services for the disabled or elderly as private data.

7   **Mileage-based user fees.** (a) Classifies a number of types of data collected by the
Department of Transportation related to participation in the Minnesota road use test as
nonpublic or private data.

(b) Permits disclosure of these data in summary form, as permitted by current law.

(c) Prohibits the Department of Transportation from disclosing data classified under this
section except where required by a search warrant.

8   **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
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

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all responses to a request for proposals before a construction manager/general contractor contract is fully executed, with certain conditions specified in the bill.

9   **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 for certain purposes, including:

- Data on applicant, user, and customer transaction history and fare card use, to government entities, organizations, school districts, educational institutions, and employers that subsidize fares or provide fare cards or passes to clients, students, or employee.

Data on transit services applicant, user, and customer data, as provided by law, including several allowances contained in the bill.

10   **Treatment of biological specimens and health data held by the Department of Health and health boards.**

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, 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

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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).

11 **Newborn hearing screening advisory committee.** Extends the Newborn Hearing Screening Advisory Committee, currently scheduled to expire on June 30, 2013, to June 30, 2019.

12 **Early hearing detection and intervention programs.** Updates a cross-reference to more accurately reflect existing law related to parental consent.

13 **Construction.** Provides that the early hearing detection and intervention program is not a newborn screening activity under sections 144.125 to 144.128.

14 **Data collected.** Provides that data collected pursuant to the newborn hearing screening program is subject to section 144.125, subdivisions 6 to 9.

Section 144.125, subdivisions 6 to 9, provide standards for storage and use of blood samples and test results collected during newborn screenings, including notice and consent rights for parents, and a maximum period for storage of samples and test results absent written informed consent of a parent or legal guardian.

15 **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.

16 **Use of data; probation employment tracking.** Provides that certain unemployment data may be provided to the Department of Corrections for purposes of case planning for preprobation and postprobation employment tracking.

17 **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.

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18   **Establishment.** Provides technical modifications to and updated language related to secure access to the BCA's various systems and services.

19   **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.

20   **Noncriminal justice agency defined.** Provides technical modifications to the definition of noncriminal justice agency.

21   **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;

- 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 a criminal justice agency must meet before establishing a secure connection to the data communication network.

Paragraph (g) establishes standards for conducting a criminal background check on individuals who may be granted access to the data communication network.

22   **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.

23   **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 department.

24   **Plan for access to data.** Modifies standards for conducting a background check on applicants for employment with, or current employees of, a fire department.

25   **Issuance to certain persons prohibited.** Establishes procedures for conducting a

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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.

26   **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.

27   **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.

28   **Repealer.** Repeals a section of statute related to background checks for McGruff Safe House program participants.