

HOUSE RESEARCH

Bill Summary

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Overview

This is the annual bill that regulates public access to government information.
Common terms used in the bill:

"Private data" and "nonpublic data" is accessible to the subject of it but not to the general public;

"Confidential data" and "protected nonpublic data" is not accessible to the subject of the data or the general public.

Section

- 1 Information on web site.** Prohibits the Campaign Finance and Public Disclosure Board from putting on its web site any cancelled checks, account numbers, or Social Security numbers it contains in connection with report or statement filings or complaints. (Author's amendment)
- 2 Opinion; when required.** Amends the deadline for the commissioner of administration to notify a requester if no advisory opinion will be issued on a question. Changes from five days to five business days. (H.F. 3867)(Holberg)
- 3 Action for damages.** Increases the range of exemplary damages that can be awarded against government entity that willfully violates the Government Data Practices Act. Current range is \$100 to \$10,000. Changes this to \$5,000 to \$100,000. (Committee amendment)

Section

- 4 **Drinking water testing data.** Enacts into law a temporary classification that was given to drinking water testing data. Makes private or nonpublic: data that identify residential homeowners on sites tested for copper and lead in the drinking water. (Introduced bill)
- 5 **Name and index service; data classification.** Defines the "name and event index service" as data held by the Bureau of Criminal Apprehension (BCA) that links data about an individual which is stored in one or more databases maintained by criminal justice agencies and the judiciary.

Classifies name and event index service data as private data on individuals. Makes the data confidential if it links public or private data about the individual to confidential data about the same individual. Makes the data revert to private data when no confidential data about the individual is maintained in the databases. Provides that the classification of data in the name and event index service does not change the data classification in the linked databases. (H.F. 3389)(Cornish)

- 6 **Classification of data.** Amends the data classification statute governing financial aid programs administered by the Higher Education Services Office. Makes private: the names and addresses of aid recipients. (Committee amendment)
- 7 **Powers and duties.** Technical. Amends the Department of Revenue data practices chapter to reflect the reorganization of the federal Alcohol, Tobacco, and Firearms agency. (Author amendment)
- 8 **Notice of multiple law enforcement operations conflicts.** Allows the Department of Public Safety to use a secure subscription service to protect officer safety by notifying other law enforcement agencies when multiple agency efforts are under way. Allows notification to include warrant executions, surveillance activity, SWAT activity, undercover operations, and other investigative operations. Makes the data in the system criminal investigative data, which is confidential. (H.F. 2585)(Holberg)
- 9 **Definitions.** Amends the definitions that apply to the Comprehensive Incident-Based Reporting System managed by the BCA. Adds to the definition of law enforcement agency: the Department of Corrections Fugitive Apprehension Unit. (H.F. 2585)(Holberg)
- 10 **Access to CIBRS data by data subject.** Requires that if an individual wants to get CIBRS data on himself or herself from the Bureau of Criminal Apprehension or wants the BCA to release data about him or her, the individual must go to the BCA or a law enforcement agency in person to give consent. (Author's amendment).
- 11 **Subscription Service.** Current law prohibits DPS from establishing a subscription service for ongoing electronic notice of contacts an individual has with a criminal justice agency. This section allows an exception for the multiple law enforcement agency system described earlier in the bill. (H.F.2585)(Holberg).
- 12 **Fraud related to consumer telephone records.**

Subd. 1. Prohibited acts. Prohibits the following acts with regard to telephone records of state residents: knowingly procuring, selling, or receiving customer phone records without the customer's authorization.

Subd. 2. Penalties. A violation is a gross misdemeanor; subsequent violations are five year/\$5,000 felonies. A \$5,000 civil penalty also applies.

Subd. 3. Definitions. "Telephone record" and "telephone company" are defined.

Section

Subd. 4. Unfair or deceptive trade practices. Makes a violation a deceptive trade practice. Remedies in current law include injunctive relief and attorney fees.

Subd. 5. Information security. Requires telephone companies to have security procedures to minimize fraudulent disclosure. States there is no private right of action under this subdivision.

Subd. 6. Telephone companies. States several circumstances in which telephone companies are allowed to obtain or disclose customer records: unless prohibited by law; with the customer's lawful consent; as necessary to provide service; in connection with sale or transfer of all or part of a business; to a government entity

Subd. 7. Enforcement. Provides for enforcement under section 8.31, which includes the attorney general bringing suit for injunction or damages. (H.F. 3487)(Holberg)

13 Evaluation and referral of reports. Amends the vulnerable adults reporting act provision on referring a report to the appropriate agency. Provides that in the case a report suggesting a suspicious death, the local medical examiner is one of the agencies that must be notified.

14 Report to legislature. Directs the commissioner of administration to review chapter 13 and evaluate how well it meets the competing goals of protecting individual privacy, allowing government to function, and promoting government transparency. The commissioner is also directed to look at ways of responding to new technologies for data storage and dissemination. A report to the legislature including legislative proposals is required by January 15, 2007.