

# HOUSE RESEARCH

## Bill Summary

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**Authors:** Simon

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**Analyst:** Matt Gehring, 651-296-5052

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### Overview

This bill makes various modifications of the laws relating to government data practices. In addition to technical and miscellaneous changes, the bill increases the penalties that may be imposed for violations, and provides new classifications of data related to individuals who are appointed to a public body, the use and storage of explosives, and users of automated parking at the Minneapolis-St. Paul International Airport .

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- 1 Review of Data; State Auditor.** Requires that if a person receives data from the state auditor for purposes of review and verification prior to public release of the formal audit, the person must protect the data from any disclosure that would be prohibited by law. A person who improperly releases data is subject to civil and criminal remedies as provided in the data practices act.
- 2 Request for Access.** Removes an existing authorization for a government entity to charge a cost-based fee for “compiling” copies of requested data; the use of the term “compiling” is considered obsolete. The entity may charge for the costs of making and certifying the copies.
- 3 Damages.** Increases the penalty for a willful violation of the data practices act. Provides that a government entity is liable for exemplary damages of between \$5,000 and \$50,000 for each violation. Current law sets the damage range between \$100 and \$10,000 per violation.
- 4 Action to Compel Compliance.** Increases the potential civil penalty – to a maximum of

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\$3,000 – against a government entity if a court issues an order to compel compliance with a provision of the data practices act. Under current law, the civil penalty may not exceed \$300.

**5 Metropolitan Airport Parking.** Establishes a cross-reference to a new substantive provision related to parking customers at the Minneapolis-St. Paul International Airport, established in section 27 of this bill.

**6 Civil Actions.** Replaces the phrase “state agency, political subdivision, or statewide system” with the term “government entity.” The change does not expand or restrict current substantive law.

This section also provides that a government entity may make civil investigative data available to the public if its release would aid an investigative process. This new allowance adds to several existing provisions which permit release of civil investigative data if access would aid the law enforcement process, promote public health or safety, or dispel widespread rumor and unrest.

**7 Disclosure of Data.** Makes a grammatical correction to section 13.39.

**8 Licensing Data; Definition.** Defines the term “license” as a credential (including a those specified by law as a “license,” “certification,” “registration,” or “permit”) issued by a state agency that is required for a regulated occupation, trade, or business.

This section also specifies that the substantive licensing data provisions included in the section of law being amended here apply only to state agencies. This modification is technical.

**9 Licensing Data; Classifications.** Provides that an applicant’s name, designated address, any applicable license period, and the status of the license application is public.

All other data related to a license application is classified as private, in addition to the non-designated address of a licensee, the identity of a certain complainants that appear in inactive civil investigative data, the nature or content of an unsubstantiated complaint if no disciplinary action or penalty is imposed, and the identity of certain medical patients.

**10 POST Board Data.** Specifies that license numbers, license status, and continuing education records issued or maintained by the Board of Peace Officer Standards and Training are public data. This specification exists in current law, but is being moved to improve organization of this section.

**11 POST Board Data.** Strikes the public classification of certain POST Board data. This provision is moved to a different subdivision in the same section of law (see section 10 above).

**12 Complaints and Investigations.** Establishes a cross reference to data related to complaints and investigations about an individual holding or applying for certain licenses.

**13 Applicants for Election or Appointment.** Specifies that data on a candidate for election or an applicant for appointment to a public board, commission, or other similar body is private, with some exceptions. The person’s name, address, education and training, employment history, volunteer work, awards and honors, and prior government service or experience are public data.

**14 Boards, Commissions, and Advisory Groups.** Provides that, upon election or appointment to a public body, all application data held by the appropriate government entity on the individual is public, including the individual’s home address, telephone number, and

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email address.

An elected official or appointed member of a public body may request that their contact information be kept private by making a request, in writing, to the responsible authority. Upon a request, the entity must classify the public official or member's address, telephone number, and email address as private.

A person who requests the contact information of an elected official or an appointed member of a public body whose home contact information is classified as private must be given an alternate postal or email address at which materials may be sent. The official is responsible for collecting materials sent to the alternate address.

This section overturns a recent Department of Administration temporary classification of data, which classified the home contact information of appointees and applicants for appointment to a public body as private data.

- 15 **Vehicle Registration Application Data.** Modifies a cross reference to reflect changes made in section 18 of this bill.
- 16 **Driver's License Number and Application Data.** Establishes a cross reference related to driver's license numbers and applications, reflecting changes made in sections 19 – 21 of this bill.
- 17 **Use and Storage of Explosives.** Establishes a cross reference to a new substantive provision related to the use and storage of explosives, reflecting changes made in sections 24 and 25 of this bill.
- 18 **Vehicle Registration Data.** Specifies that data collected during the vehicle registration process, including an individual's driver's license number, may only be disclosed as required or permitted by federal law.
- 19 **Driver's License Number; Private Data.** Specifies that, for uses not governed by federal law, an individual's driver's license number is private data. This section also specifies that driver's license application data provided by the Department of Public Safety to a state or local government agency is private data, but may be disclosed pursuant to a court order, according to a statute specifically authorizing disclosure, or to administer federal funds or programs for child support enforcement purposes.
- 20 **Driver's License Number and Application Data.** Provides that driver's license numbers and data on an individual applying for a driver's license may only be disclosed as required or permitted by federal law.
- 21 **Driver's License Number; Private Data.** Specifies that, for uses not governed by federal law, an individual's driver's license number is private data. This section also specifies that driver's license application data provided by the Department of Public Safety to a state or local government agency is private data, but may be disclosed pursuant to a court order, according to a statute specifically authorizing disclosure, or to administer federal funds or programs for child support enforcement purposes.
- This section is identical to section 19 of the bill, except that the statutory references are modified to reflect the language's incorporation into a different chapter of law.
- 22 **Peace Officer Records.** Corrects an erroneous cross reference in the section of law relating to peace officer records on children.
- 23 **Data Sharing; Employment Data.** Permits the sharing of certain employment data held

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by the Department of Employment and Economic Development. The department may share data on individuals convicted and sentenced to confinement with the Department of Corrections for purposes of the individual's pre- and post-confinement case planning.

This section is effective July 1, 2008 .

- 24 Explosives Data.** Establishes an exception to the presumption that data held by the state fire marshal is public. Data collected by the state fire marshal on the location of storage and use of explosives or blasting agents by authorized individuals is classified as nonpublic data.
- 25 Explosives; Application for Possession.** Provides that the portions of an application submitted for purposes of securing a permit to possess explosives or blasting agents that indicate: (1) the applicant's place and time of intended use; and (2) the place and means of storage of the explosives or blasting agents are classified as nonpublic.
- 26 Hennepin County Medical Center .** Permits the Hennepin County Medical Center to exchange medical data with other entities within its facility for the purpose of treatment, payment, or health care operations. This section also provides that participants in the exchange agreement are considered related health care entities and operate within the same facility for purposes specified elsewhere in law.
- 27 Airport Parking.** Provides that certain data related to applicants for use or users of automated parking facilities at the Minneapolis-St. Paul International Airport are classified as private or nonpublic data.

The following data are classified: (1) applications for an electronic tag or device that provides access to an airport parking facility and which assesses a charge for a vehicle's use of the facilities; (2) personal and vehicle information; (3) financial and credit data; (4) parking usage.

- 28 Marriage Dissolution Proceedings; Social Security Numbers.** Requires that a separate document be submitted to the court providing the social security numbers of a petitioner and respondent. This requirement applies to proceedings for marriage dissolution or legal separation where child support or spousal maintenance issues will be addressed. The document containing the numbers must not be made available to the public.

This section is amended to conform to a recent change to court rules which require that social security numbers be filed separately in these proceedings.

- 29 Repealer .** Repeals section 13.41, subdivision 4, which classifies certain active investigative data as confidential.

The repealed subdivision reads, in its entirety, as follows:

“Subd. 4. **Confidential data.** The following data collected, created or maintained by any licensing agency are classified as confidential, pursuant to section 13.02, subdivision 3: active investigative data relating to the investigation of complaints against any licensee.”