

# HOUSE RESEARCH

## Bill Summary

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**Subject:** Criminal intelligence data

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This bill provides, classifies, and regulates distribution of data that is related to criminal intelligence.

**Definitions.** A number of definitions are provided for terms used throughout the bill, including “association data,” “criminal intelligence data,” “criminal intelligence data assessment,” “criminal predicate,” “critical infrastructure,” “law enforcement agency,” “terrorist activity,” and “threat of imminent serious harm.”

**Classifications.** This bill provides that “criminal intelligence data” are classified as confidential data or protected nonpublic data for a period of one year. These classifications mean that the data are not accessible to the public, and are similarly not accessible to the subject of the data. After one year, the classification of the data is changed to private or nonpublic data, unless the conditions provided below are satisfied. A classification of private or nonpublic means that the data is not accessible to the public, but is accessible to the subject of the data.

Criminal intelligence data would remain classified as confidential or protected nonpublic even after one year has passed if all of the following conditions are met:

- (1) The source of the data is reliable and verifiable;
- (2) The person alleged to be involved in criminal activity can be identified;
- (3) The allegations of criminal activity are supported by a criminal predicate;
- (4) The data were collected in a lawful manner; and
- (5) The data are accurate and current.

If any of these conditions are not met, the data are automatically reclassified as private or nonpublic. The data may revert to its confidential or protected nonpublic classification if the conditions are met at a later date, prior to destruction of the data. Data that are reclassified may not be held for more than three years from the last date of reclassification.

Criminal intelligence data assessments and dissemination records are classified as confidential or protected nonpublic data, and are not eligible for reclassification by this bill.

**Sharing of data.** Criminal intelligence data may be shared with:

- (1) other law enforcement agencies, under specified circumstances;
- (2) another person or government entity if necessary to protect the person, government entity or property from the threat of imminent serious harm, or to protect critical infrastructure; or
- (3) the public, to promote public health or safety or to dispel widespread rumor or unrest.

Criminal intelligence assessment data may be shared in the same manner, except that sharing this data with a law enforcement agency may occur even if one of the specified circumstances provided for criminal intelligence data sharing does not exist.

**Use of data.** Criminal intelligence data may not be used or maintained by a law enforcement agency without a criminal predicate.

Association data may not be maintained or shared by a Minnesota law enforcement agency.

Law enforcement agencies are required to maintain a record of each time criminal intelligence data is shared as permitted by law.