

208.3

ARTICLE 10

208.4

GOVERNMENT DATA PRACTICES AND PRIVACY

208.5 Section 1. Minnesota Statutes 2020, section 5B.02, is amended to read:

208.6

5B.02 DEFINITIONS.

208.7 (a) For purposes of this chapter and unless the context clearly requires otherwise, the
208.8 definitions in this section have the meanings given them.

208.9 (b) "Address" means an individual's work address, school address, or residential street
208.10 address, as specified on the individual's application to be a program participant under this
208.11 chapter.

208.12 (c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible
208.13 minor, or a guardian acting on behalf of an incapacitated person, as defined in section
208.14 524.5-102.

208.15 (d) "Domestic violence" means an act as defined in section 518B.01, subdivision 2,
208.16 paragraph (a), and includes a threat of such acts committed against an individual in a domestic
208.17 situation, regardless of whether these acts or threats have been reported to law enforcement
208.18 officers.

208.19 (e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in
208.20 section 524.5-102 for whom there is good reason to believe (1) that the eligible person is a
208.21 victim of domestic violence, sexual assault, or harassment or stalking, or (2) that the eligible
208.22 person fears for the person's safety, the safety of another person who resides in the same
208.23 household, or the safety of persons on whose behalf the application is made. An individual
208.24 must reside in Minnesota in order to be an eligible person. A person registered or required
208.25 to register as a predatory offender under section 243.166 or 243.167, or the law of another
208.26 jurisdiction, is not an eligible person.

208.27 (f) "Mail" means first class letters and flats delivered via the United States Postal Service,
208.28 including priority, express, and certified mail, and excluding ~~packages, parcels, (1)~~
208.29 ~~periodicals, and catalogues, and (2) packages and parcels~~ unless they are clearly identifiable
208.30 as nonrefrigerated pharmaceuticals or clearly indicate that they are sent by the federal
208.31 government or a state or county government agency of the continental United States, Hawaii,
208.32 District of Columbia, or United States territories.

209.1 (g) "Program participant" means an individual certified as a program participant under
209.2 section 5B.03.

209.3 (h) "Harassment" or "stalking" means acts criminalized under section 609.749 and
209.4 includes a threat of such acts committed against an individual, regardless of whether these
209.5 acts or threats have been reported to law enforcement officers.

209.6 Sec. 2. Minnesota Statutes 2020, section 5B.05, is amended to read:

209.7 **5B.05 USE OF DESIGNATED ADDRESS.**

209.8 (a) When a program participant presents the address designated by the secretary of state
209.9 to any person or entity, that address must be accepted as the address of the program
209.10 participant. The person may not require the program participant to submit any address that
209.11 could be used to physically locate the participant either as a substitute or in addition to the
209.12 designated address, or as a condition of receiving a service or benefit, unless the service or
209.13 benefit would be impossible to provide without knowledge of the program participant's
209.14 physical location. Notwithstanding a person's or entity's knowledge of a program participant's
209.15 physical location, the person or entity must use the program participant's designated address
209.16 for all mail correspondence with the program participant.

209.17 (b) A program participant may use the address designated by the secretary of state as
209.18 the program participant's work address.

209.19 (c) The Office of the Secretary of State shall forward all mail sent to the designated
209.20 address to the proper program participants.

209.21 (d) If a program participant has notified a person in writing, on a form prescribed by the
209.22 program, that the individual is a program participant and of the requirements of this section,
209.23 the person must not knowingly disclose the participant's name or address identified by the
209.24 participant on the notice. If identified on the notice, the individual receiving the notice must
209.25 not knowingly disclose the program participant's name, home address, work address, or
209.26 school address, unless the person to whom the address is disclosed also lives, works, or
209.27 goes to school at the address disclosed, or the participant has provided written consent to
209.28 disclosure of the participant's name, home address, work address, or school address for the
209.29 purpose for which the disclosure will be made. This paragraph applies to the actions and
209.30 reports of guardians ad litem, except that guardians ad litem may disclose the program
209.31 participant's name. This paragraph does not apply to records of the judicial branch governed
209.32 by rules adopted by the supreme court or government entities governed by section 13.045.

210.1 Sec. 3. Minnesota Statutes 2020, section 5B.10, subdivision 1, is amended to read:

210.2 Subdivision 1. **Display by landlord.** If a program participant has notified the program
210.3 participant's landlord in writing that the individual is a program participant and of the
210.4 requirements of this section, a local ordinance ~~or the landlord~~ must not require the display
210.5 of, and the landlord shall not display, the program participant's name at an address otherwise
210.6 protected under this chapter.

210.7 Sec. 4. Minnesota Statutes 2020, section 13.045, subdivision 1, is amended to read:

210.8 Subdivision 1. **Definitions.** As used in this section:

210.9 (1) "program participant" has the meaning given in section 5B.02, paragraph (g);

210.10 (2) "location data" means ~~any data the participant specifies~~ that may be used to physically
210.11 locate a program participant, ~~including but not limited to~~ such as the program participant's
210.12 residential address, work address, ~~and~~ or school address, and that is collected, received, or
210.13 maintained by a government entity prior to the date a program participant's certification
210.14 expires, or the date the entity receives notice that the program participant has withdrawn
210.15 from the program, whichever is earlier;

210.16 (3) "identity data" means data that may be used to identify a program participant,
210.17 including the program participant's name, phone number, e-mail address, address designated
210.18 under chapter 5B, Social Security number, or driver's license number, and that is collected,
210.19 received, or maintained by a government entity before the date a program participant's
210.20 certification expires, or the date the entity receives notice that the program participant has
210.21 withdrawn from the program, whichever is earlier;

210.22 (4) "county recorder" means the county official who performs the functions of the county
210.23 recorder or registrar of titles to record a document as part of the county real estate document
210.24 recording system, regardless of title or office; and

210.25 (5) "real property records" means any record of data that is maintained ~~by a county~~ as
210.26 part of the county real estate document recording system for use by the public, data on
210.27 assessments, data on real or personal property taxation, and other data on real property.

210.28 Sec. 5. Minnesota Statutes 2020, section 13.045, subdivision 2, is amended to read:

210.29 Subd. 2. **Notification of certification.** (a) A program participant may ~~submit a notice,~~
210.30 ~~in writing, to notify~~ the responsible authority of any government entity other than the county
210.31 recorder in writing, on a form prescribed by the secretary of state, that the participant is
210.32 certified in the Safe at Home address confidentiality program pursuant to chapter 5B. The
211.1 notice must include the program participant's name, ~~names of other program participants~~
211.2 ~~in the household,~~ date of birth, address designated under chapter 5B, program participant
211.3 signature, signature of the participant's parent or guardian if the participant is a minor, date
211.4 the program participant's certification in the program expires, and any other information
211.5 specified by the secretary of state. A program participant may submit a subsequent notice
211.6 of certification, if the participant's certification is renewed. The contents of the notification
211.7 of certification are private data on individuals. A notice provided pursuant to this paragraph
211.8 is a request to protect location data unless the participant requests that specific identity data
211.9 also be protected.

211.10 (b) To affect real property records, ~~including but not limited to documents maintained~~
211.11 ~~in a public recording system, data on assessments and taxation, and other data on real~~
211.12 ~~property,~~ a program participant must submit a real property notice in writing to the county
211.13 recorder in the county where the property identified in the real property notice is located.
211.14 To affect real property records maintained by any other government entity, a program
211.15 participant must submit a real property notice in writing to the other government entity's
211.16 responsible authority. A real property notice must be on a form prescribed by the secretary
211.17 of state and must include:

- 211.18 (1) the full legal name of the program participant, including middle name;
- 211.19 (2) the last four digits of the program participant's Social Security number;
- 211.20 ~~(3) the participant's date of birth;~~
- 211.21 ~~(3)~~ (4) the designated address of the program participant as assigned by the secretary of
- 211.22 state, including lot number;
- 211.23 ~~(4) the date the program participant's certification in the program expires;~~
- 211.24 (5) the legal description and street address, if any, of the real property affected by the
- 211.25 notice;
- 211.26 (6) the address of the Office of the Secretary of State; and
- 211.27 (7) the signature of the program participant.
- 211.28 Only one parcel of real property may be included in each notice, but more than one notice
- 211.29 may be presented to the county recorder. The county recorder recipient of the notice may
- 211.30 require a program participant to provide additional information necessary to identify the
- 211.31 records of the program participant or the real property described in the notice. A program
- 211.32 participant must submit a subsequent real property notice for the real property if the
- 212.1 participant's ~~certification is renewed~~ legal name changes. The real property notice is private
- 212.2 data on individuals.
- 212.3 Sec. 6. Minnesota Statutes 2020, section 13.045, subdivision 3, is amended to read:
- 212.4 Subd. 3. **Classification of identity and location data; amendment of records; sharing**
- 212.5 **and dissemination.** (a) Identity and location data ~~on~~ for which a program participant ~~who~~
- 212.6 ~~submits a notice seeks protection~~ under subdivision 2, paragraph (a), that are not otherwise
- 212.7 classified by law are private data on individuals. ~~Notwithstanding any provision of law to~~
- 212.8 ~~the contrary, private or confidential location data on a program participant who submits a~~
- 212.9 ~~notice under subdivision 2, paragraph (a), may not be shared with any other government~~
- 212.10 ~~entity or nongovernmental entity except as provided in paragraph (b).~~
- 212.11 (b) ~~Private or confidential location data on a program participant must not be shared or~~
- 212.12 ~~disclosed by a government entity. Notwithstanding any provision of law to the contrary,~~
- 212.13 private or confidential location data on a program participant who submits a notice under
- 212.14 subdivision 2, paragraph (a), may not be shared with any other government entity or
- 212.15 nongovernmental entity unless:
- 212.16 (1) the program participant has expressly consented in writing to sharing or dissemination
- 212.17 of the data for the purpose for which the sharing or dissemination will occur;
- 212.18 (2) the data are subject to sharing or dissemination pursuant to court order under section
- 212.19 13.03, subdivision 6;
- 212.20 (3) the data are subject to sharing pursuant to section 5B.07, subdivision 2;

212.21 (4) the location data related to county of residence are needed to provide public assistance
212.22 or other government services, or to allocate financial responsibility for the assistance or
212.23 services;

212.24 (5) the data are necessary to perform a government entity's health, safety, or welfare
212.25 functions, including the provision of emergency 911 services, the assessment and
212.26 investigation of child or vulnerable adult abuse or neglect, or the assessment or inspection
212.27 of services or locations for compliance with health, safety, or professional standards; or

212.28 (6) the data are necessary to aid an active law enforcement investigation of the program
212.29 participant.

212.30 (c) Data disclosed under paragraph (b), clauses (4) to (6), may be used only for the
212.31 purposes authorized in this subdivision and may not be further disclosed to any other person
213.1 or government entity. Government entities receiving or sharing private or confidential data
213.2 under this subdivision shall establish procedures to protect the data from further disclosure.

213.3 (d) Real property record data are governed by subdivision 4a.

213.4 (e) Notwithstanding sections 15.17 and 138.17, a government entity may amend records
213.5 to replace a participant's location data with the participant's designated address.

213.6 Sec. 7. Minnesota Statutes 2020, section 13.045, subdivision 4a, is amended to read:

213.7 Subd. 4a. **Real property records.** (a) If a program participant submits a notice ~~to a~~
213.8 ~~county recorder~~ under subdivision 2, paragraph (b), the ~~county recorder~~ government entity
213.9 must not disclose the program participant's identity data in conjunction with the property
213.10 identified in the written notice in the entity's real property records, unless:

213.11 (1) the program participant has consented to sharing or dissemination of the data for the
213.12 purpose identified in a writing acknowledged by the program participant;

213.13 (2) the data are subject to sharing or dissemination pursuant to court order under section
213.14 13.03, subdivision 6; ~~or~~

213.15 (3) the secretary of state authorizes the sharing or dissemination of the data under
213.16 subdivision 4b for the purpose identified in the authorization; or

213.17 (4) the data are shared with a government entity subject to this chapter for the purpose
213.18 of administering assessment and taxation laws.

213.19 This subdivision does not prevent ~~the~~ a county recorder from returning original documents
213.20 to the individuals that submitted the documents for recording. This subdivision does not
213.21 prevent the public disclosure of the participant's name and address designated under chapter
213.22 5B in the county reception index if the participant's name and designated address are not
213.23 disclosed in conjunction with location data. Each ~~county recorder~~ government entity shall
213.24 establish procedures for recording or filing documents to comply with this subdivision.
213.25 These procedures may include masking identity or location data and making documents or

213.26 certificates of title containing the data private and not viewable except as allowed by this
213.27 paragraph. The procedure must comply with the requirements of chapters 386, 507, 508,
213.28 and 508A and other laws as appropriate, to the extent these requirements do not conflict
213.29 with this section. The procedures must provide public notice of the existence of recorded
213.30 documents and certificates of title that are not publicly viewable and the provisions for
213.31 viewing them under this subdivision. Notice that a document or certificate is private and
213.32 viewable only under this subdivision or subdivision 4b is deemed constructive notice of the
213.33 document or certificate.

214.1 ~~(b) A real property notice is notice only to the county recorder. A notice that does not~~
214.2 ~~conform to the requirements of a real property notice under subdivision 2, paragraph (b),~~
214.3 ~~is not effective as a notice to the county recorder. On receipt of a real property notice, the~~
214.4 ~~county recorder shall provide a copy of the notice to the person who maintains the property~~
214.5 ~~tax records in that county, and~~ If the recipient of the real property notice is the county
214.6 recorder, the county recorder shall notify the county's responsible authority and provide a
214.7 copy to the secretary of state at the address specified in the notice. If the recipient of the
214.8 notice is the responsible authority, the responsible authority shall provide a copy to the
214.9 secretary of state at the address specified by the secretary of state in the notice.

214.10 (c) Paragraph (a) applies only to the records recorded or filed concurrently with the real
214.11 property notice specified in subdivision 2, paragraph (b), and real property records affecting
214.12 the same real property created or recorded subsequent to the county's government entity's
214.13 receipt of the real property notice.

214.14 (d) The prohibition on disclosure in paragraph (a) continues until:

214.15 (1) the program participant has consented to the termination of the real property notice
214.16 in a writing acknowledged by the program participant. Notification under this paragraph
214.17 must be given by the government entity to the secretary of state within 90 days of the
214.18 termination;

214.19 (2) the real property notice is terminated pursuant to a court order. Notification under
214.20 this paragraph must be given by the government entity to the secretary of state within 90
214.21 days of the termination;

214.22 (3) the program participant no longer holds a record interest in the real property identified
214.23 in the real property notice. Notification under this paragraph must be given by the government
214.24 entity to the secretary of state within 90 days of the termination; or

214.25 (4) the secretary of state has given written notice to the county recorder government
214.26 entity who provided the secretary of state with a copy of a participant's real property notice
214.27 that the program participant's certification has terminated. Notification under this paragraph
214.28 must be given by the secretary of state within 90 days of the termination.

214.29 Upon termination of the prohibition of disclosure, the county recorder government entity
214.30 shall make publicly viewable all documents and certificates of title relative to the participant
214.31 that were previously partially or wholly private and not viewable.

215.1 Sec. 8. [13.204] POLITICAL SUBDIVISIONS LICENSING DATA.

215.2 (a) The following data submitted to a political subdivision by a person seeking to obtain
215.3 a license are classified as private data on individuals or nonpublic data:

215.4 (1) a tax return, as defined by section 270B.01, subdivision 2; and

215.5 (2) a bank account statement.

215.6 (b) Notwithstanding section 138.17, data collected by a political subdivision as part of
215.7 a license application and classified under paragraph (a) must be destroyed no later than 90
215.8 days after a final decision on the license application.

215.9 Sec. 9. Minnesota Statutes 2020, section 13.32, subdivision 1, is amended to read:

215.10 Subdivision 1. **Definitions.** As used in this section:

215.11 (a) "Educational data" means data on individuals maintained by a public educational
215.12 agency or institution or by a person acting for the agency or institution which relates to a
215.13 student.

215.14 Records of instructional personnel which are in the sole possession of the maker thereof
215.15 and are not accessible or revealed to any other individual except a substitute teacher, and
215.16 are destroyed at the end of the school year, shall not be deemed to be government data.

215.17 Records of a law enforcement unit of a public educational agency or institution which
215.18 are maintained apart from education data and are maintained solely for law enforcement
215.19 purposes, and are not disclosed to individuals other than law enforcement officials of the
215.20 jurisdiction are not educational data; provided, that education records maintained by the
215.21 educational agency or institution are not disclosed to the personnel of the law enforcement
215.22 unit. The University of Minnesota police department is a law enforcement agency for
215.23 purposes of section 13.82 and other sections of Minnesota Statutes dealing with law
215.24 enforcement records. Records of organizations providing security services to a public
215.25 educational agency or institution must be administered consistent with section 13.861.

215.26 Records relating to a student who is employed by a public educational agency or
215.27 institution which are made and maintained in the normal course of business, relate exclusively
215.28 to the individual in that individual's capacity as an employee, and are not available for use
215.29 for any other purpose are classified pursuant to section 13.43.

215.30 (b) "Juvenile justice system" includes criminal justice agencies and the judiciary when
215.31 involved in juvenile justice activities.

216.1 (c) "Parent" means a parent of a student and includes a natural parent, a guardian, or an
216.2 individual acting as a parent in the absence of a parent or a guardian.

216.3 (d) "School-issued device" means hardware or software that a public educational agency
216.4 or institution, acting independently or with a technology provider, provides to an individual

- 216.5 student for that student's dedicated personal use. A school-issued device includes a device
216.6 issued through a one-to-one program.
- 216.7 ~~(e)~~ (e) "Student" means an individual currently or formerly enrolled or registered,
216.8 applicants for enrollment or registration at a public educational agency or institution, or
216.9 individuals who receive shared time educational services from a public agency or institution.
- 216.10 ~~(f)~~ (f) "Substitute teacher" means an individual who performs on a temporary basis the
216.11 duties of the individual who made the record, but does not include an individual who
216.12 permanently succeeds to the position of the maker of the record.
- 216.13 (g) "Technology provider" means a person who:
- 216.14 (1) contracts with a public educational agency or institution, as part of a one-to-one
216.15 program or otherwise, to provide a school-issued device for student use; and
- 216.16 (2) creates, receives, or maintains educational data pursuant or incidental to a contract
216.17 with a public educational agency or institution.
- 216.18 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.
- 216.19 Sec. 10. Minnesota Statutes 2020, section 13.32, subdivision 3, is amended to read:
- 216.20 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision
216.21 5, educational data is private data on individuals and shall not be disclosed except as follows:
- 216.22 (a) pursuant to section 13.05;
- 216.23 (b) pursuant to a valid court order;
- 216.24 (c) pursuant to a statute specifically authorizing access to the private data;
- 216.25 (d) to disclose information in health, including mental health, and safety emergencies
216.26 pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code
216.27 of Federal Regulations, title 34, section 99.36;
- 216.28 (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1),
216.29 (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations,
216.30 title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;
- 217.1 (f) to appropriate health authorities to the extent necessary to administer immunization
217.2 programs and for bona fide epidemiologic investigations which the commissioner of health
217.3 determines are necessary to prevent disease or disability to individuals in the public
217.4 educational agency or institution in which the investigation is being conducted;
- 217.5 (g) when disclosure is required for institutions that participate in a program under title
217.6 IV of the Higher Education Act, United States Code, title 20, section 1092;
- 217.7 (h) to the appropriate school district officials to the extent necessary under subdivision
217.8 6, annually to indicate the extent and content of remedial instruction, including the results

217.9 of assessment testing and academic performance at a postsecondary institution during the
217.10 previous academic year by a student who graduated from a Minnesota school district within
217.11 two years before receiving the remedial instruction;

217.12 (i) to appropriate authorities as provided in United States Code, title 20, section
217.13 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the
217.14 system to effectively serve, prior to adjudication, the student whose records are released;
217.15 provided that the authorities to whom the data are released submit a written request for the
217.16 data that certifies that the data will not be disclosed to any other person except as authorized
217.17 by law without the written consent of the parent of the student and the request and a record
217.18 of the release are maintained in the student's file;

217.19 (j) to volunteers who are determined to have a legitimate educational interest in the data
217.20 and who are conducting activities and events sponsored by or endorsed by the educational
217.21 agency or institution for students or former students;

217.22 (k) to provide student recruiting information, from educational data held by colleges
217.23 and universities, as required by and subject to Code of Federal Regulations, title 32, section
217.24 216;

217.25 (l) to the juvenile justice system if information about the behavior of a student who poses
217.26 a risk of harm is reasonably necessary to protect the health or safety of the student or other
217.27 individuals;

217.28 (m) with respect to Social Security numbers of students in the adult basic education
217.29 system, to Minnesota State Colleges and Universities and the Department of Employment
217.30 and Economic Development for the purpose and in the manner described in section 124D.52,
217.31 subdivision 7;

217.32 (n) to the commissioner of education for purposes of an assessment or investigation of
217.33 a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request
218.1 by the commissioner of education, data that are relevant to a report of maltreatment and are
218.2 from charter school and school district investigations of alleged maltreatment of a student
218.3 must be disclosed to the commissioner, including, but not limited to, the following:

218.4 (1) information regarding the student alleged to have been maltreated;

218.5 (2) information regarding student and employee witnesses;

218.6 (3) information regarding the alleged perpetrator; and

218.7 (4) what corrective or protective action was taken, if any, by the school facility in response
218.8 to a report of maltreatment by an employee or agent of the school or school district;

218.9 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge
218.10 of a crime of violence or nonforcible sex offense to the extent authorized under United
218.11 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title
218.12 34, sections 99.31 (a)(13) and (14);

218.13 (p) when the disclosure is information provided to the institution under United States
218.14 Code, title 42, section 14071, concerning registered sex offenders to the extent authorized
218.15 under United States Code, title 20, section 1232g(b)(7); ~~or~~

218.16 (q) when the disclosure is to a parent of a student at an institution of postsecondary
218.17 education regarding the student's violation of any federal, state, or local law or of any rule
218.18 or policy of the institution, governing the use or possession of alcohol or of a controlled
218.19 substance, to the extent authorized under United States Code, title 20, section 1232g(i), and
218.20 Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution
218.21 has an information release form signed by the student authorizing disclosure to a parent.
218.22 The institution must notify parents and students about the purpose and availability of the
218.23 information release forms. At a minimum, the institution must distribute the information
218.24 release forms at parent and student orientation meetings;

218.25 (r) with Tribal Nations about Tribally enrolled or descendant students to the extent
218.26 necessary for the Tribal Nation and school district or charter school to support the educational
218.27 attainment of the student; or

218.28 (s) a student's name, home address, telephone number, e-mail address, or other personal
218.29 contact information may be disclosed to a government entity that is determined to have a
218.30 legitimate educational interest in the data and that is conducting a service, activity, or event
218.31 sponsored by or endorsed by the educational agency or institution for students or former
218.32 students.

218.33 **EFFECTIVE DATE.** This section is effective the day following final enactment.

219.1 Sec. 11. Minnesota Statutes 2020, section 13.32, subdivision 5, is amended to read:

219.2 Subd. 5. **Directory information.** ~~Information~~ (a) Educational data designated as directory
219.3 information ~~is public data on individuals to the extent required under federal law. Directory~~
219.4 information must be designated pursuant to the provisions of:

219.5 (1) this subdivision; and

219.6 (2) United States Code, title 20, section 1232g, and Code of Federal Regulations, title
219.7 34, section 99.37, which ~~are~~ were in effect on January 3, 2012, ~~is public data on individuals,~~
219.8 to the extent required under federal law.

219.9 (b) When conducting the directory information designation and notice process required
219.10 by federal law, an educational agency or institution shall give parents and students notice
219.11 of the right to refuse to let the agency or institution designate ~~any or all~~ specified data about
219.12 the student as directory information. This notice may be given by any means reasonably
219.13 likely to inform the parents and students of the right.

219.14 (c) An educational agency or institution may not designate a student's home address,
219.15 telephone number, e-mail address, or other personal contact information as directory

219.16 information under this subdivision. This paragraph does not apply to a postsecondary
219.17 institution.

219.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.
219.19 Beginning upon the effective date of this section, a student's personal contact information
219.20 subject to this section must be treated by an educational agency or institution as private
219.21 educational data under Minnesota Statutes, section 13.32, regardless of whether that contact
219.22 information was previously designated as directory information under Minnesota Statutes,
219.23 section 13.32, subdivision 5.

219.24 Sec. 12. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to
219.25 read:

219.26 **Subd. 13. Technology providers.** (a) A technology provider is subject to the provisions
219.27 of section 13.05, subdivision 11.

219.28 (b) All educational data created, received, maintained, or disseminated by a technology
219.29 provider pursuant or incidental to a contract with a public educational agency or institution
219.30 are not the technology provider's property.

219.31 (c) If educational data maintained by the technology provider are subject to a breach of
219.32 the security of the data, as defined in section 13.055, the technology provider must, following
220.1 discovery of the breach, disclose to the public educational agency or institution all
220.2 information necessary to fulfill the requirements of section 13.055.

220.3 (d) Unless renewal of the contract is reasonably anticipated, within 30 days of the
220.4 expiration of the contract, a technology provider must destroy or return to the appropriate
220.5 public educational agency or institution all educational data created, received, or maintained
220.6 pursuant or incidental to the contract.

220.7 (e) A technology provider must not sell, share, or disseminate educational data, except
220.8 as provided by this section or as part of a valid delegation or assignment of its contract with
220.9 a public educational agency or institution. An assignee or delegee that creates, receives, or
220.10 maintains educational data is subject to the same restrictions and obligations under this
220.11 section as the technology provider.

220.12 (f) A technology provider must not use educational data for any commercial purpose,
220.13 including but not limited to marketing or advertising to a student or parent.

220.14 (g) A technology provider must establish written procedures to ensure appropriate
220.15 security safeguards for educational data. These procedures must require that:

220.16 (1) the technology provider's employees or contractors have access to educational data
220.17 only if authorized; and

- 220.18 (2) the technology provider's employees or contractors may be authorized to access
220.19 educational data only if access is necessary to fulfill the official duties of the employee or
220.20 contractor.
- 220.21 These written procedures are public data.
- 220.22 (h) Within 30 days of the start of each school year, a public educational agency or
220.23 institution must give parents and students direct, timely notice, by United States mail, e-mail,
220.24 or other direct form of communication, of any curriculum, testing, or assessment technology
220.25 provider contract affecting a student's educational data. The notice must:
- 220.26 (1) identify each curriculum, testing, or assessment technology provider with access to
220.27 educational data;
- 220.28 (2) identify the educational data affected by the curriculum, testing, or assessment
220.29 technology provider contract; and
- 220.30 (3) include information about the contract inspection and, if applicable, the parent or
220.31 student's ability to opt out of any program or activity that allows a curriculum, testing, or
220.32 assessment technology provider to access a student's educational data.
- 221.1 (i) A public educational agency or institution must provide parents and students an
221.2 opportunity to inspect a complete copy of any contract with a technology provider.
- 221.3 (j) A public educational agency or institution must not penalize or withhold an educational
221.4 benefit from a parent or student who opts out of any program or activity that allows a
221.5 technology provider to access a student's educational data.
- 221.6 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.
- 221.7 Sec. 13. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to
221.8 read:
- 221.9 Subd. 14. **School-issued devices.** (a) Except as provided in paragraph (b), a government
221.10 entity or technology provider must not electronically access or monitor:
- 221.11 (1) any location-tracking feature of a school-issued device;
- 221.12 (2) any audio or visual receiving, transmitting, or recording feature of a school-issued
221.13 device; or
- 221.14 (3) student interactions with a school-issued device, including but not limited to
221.15 keystrokes and web-browsing activity.
- 221.16 (b) A government entity or technology provider may only engage in activities prohibited
221.17 by paragraph (a) if:
- 221.18 (1) the activity is limited to a noncommercial educational purpose for instruction by
221.19 district employees, technical support by district employees, or exam-proctoring by staff

- 221.20 contracted by a district, a vendor, or the Department of Education and notice is provided in
221.21 advance;
- 221.22 (2) the activity is permitted under a judicial warrant;
- 221.23 (3) the public educational agency or institution is notified or becomes aware that the
221.24 device is missing or stolen;
- 221.25 (4) the activity is necessary to respond to an imminent threat to life or safety and the
221.26 access is limited to that purpose;
- 221.27 (5) the activity is necessary to comply with federal or state law; or
- 221.28 (6) the activity is necessary to participate in federal or state funding programs, including
221.29 but not limited to the E-Rate program.
- 221.30 (c) If a government entity or technology provider interacts with a school-issued device
221.31 as provided in paragraph (b), clause (4), it must, within 72 hours of the access, notify the
222.1 student to whom the school-issued device was issued or that student's parent and provide a
222.2 written description of the interaction, including which features of the device were accessed
222.3 and a description of the threat. This notice is not required at any time when the notice itself
222.4 would pose an imminent threat to life or safety, but must instead be given within 72 hours
222.5 after that imminent threat has ceased.
- 222.6 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.
- 222.7 Sec. 14. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to
222.8 read:
- 222.9 **Subd. 15. Application to postsecondary institutions; exemption.** (a) A postsecondary
222.10 institution is exempt from subdivisions 13 and 14. This exemption extends to a technology
222.11 provider for purposes of a contract with a postsecondary institution.
- 222.12 (b) Subdivisions 13 and 14 shall not apply to a nonprofit national assessment provider
222.13 solely for purposes of providing access to employment, educational scholarships and
222.14 programs, financial aid, or postsecondary educational opportunities, if the provider secures
222.15 express digital or written consent of the student or the student's parent or guardian, in
222.16 response to clear and conspicuous notice.
- 222.17 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.
- 222.18 Sec. 15. **[13.463] EDUCATION SUPPORT SERVICES DATA.**
- 222.19 **Subdivision 1. Definition.** As used in this section, "education support services data"
222.20 means data on individuals collected, created, maintained, used, or disseminated relating to
222.21 programs administered by a government entity or entity under contract with a government
222.22 entity designed to eliminate disparities and advance equities in educational achievement
222.23 for youth by coordinating services available to participants, regardless of the youth's

222.24 involvement with other government services. Education support services data does not
222.25 include welfare data under section 13.46.

222.26 Subd. 2. **Classification.** (a) Unless otherwise provided by law, all education support
222.27 services data are private data on individuals and must not be disclosed except according to
222.28 section 13.05 or a court order.

222.29 (b) The responsible authority for a government entity maintaining education support
222.30 services data must establish written procedures to ensure that only individuals authorized
222.31 by law may enter, update, or access not public data collected, created, or maintained by the
222.32 driver and vehicle services information system. An authorized individual's ability to enter,
223.1 update, or access data in the system must correspond to the official duties or training level
223.2 of the individual and to the statutory authorization granting access for that purpose. All
223.3 queries and responses, and all actions in which education support services data are entered,
223.4 updated, accessed, shared, or disseminated, must be recorded in a data audit trail. Data
223.5 contained in the audit trail have the same classification as the underlying data tracked by
223.6 the audit trail.

223.7 Sec. 16. Minnesota Statutes 2021 Supplement, section 299C.72, subdivision 2, is amended
223.8 to read:

223.9 Subd. 2. **Criminal history check authorized.** (a) The criminal history check authorized
223.10 by this section shall not be used in place of a statutorily mandated or authorized background
223.11 check.

223.12 (b) An authorized law enforcement agency may conduct a criminal history check of an
223.13 individual who is an applicant for employment, current employee, applicant for licensure,
223.14 or current licensee. Prior to conducting the criminal history check, the authorized law
223.15 enforcement agency must receive the informed consent of the individual.

223.16 (c) The authorized law enforcement agency ~~shall not may~~ disseminate criminal history
223.17 data ~~and~~ to either the hiring or licensing authority of the city or county requesting checks
223.18 for applicants, licensees, or current employees. The authorized law enforcement agency
223.19 and the hiring or licensing authority of the city or county must maintain ~~it~~ criminal history
223.20 data securely with the agency's office and act consistently with section 364.05. ~~The authorized~~
223.21 law enforcement agency can indicate whether the applicant for employment or applicant
223.22 for licensure has a criminal history that would prevent hire, acceptance as a volunteer to a
223.23 hiring authority, or would prevent the issuance of a license to the department that issues the
223.24 license.