

1.1 ..... moves to amend S.F. No. 1143, the second engrossment, as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2010, section 13.02, subdivision 3, is amended to read:

1.4 Subd. 3. **Confidential data on individuals.** "Confidential data on individuals"  
1.5 ~~means are~~ data ~~which is~~ made not public by statute or federal law applicable to the data  
1.6 and ~~is are~~ inaccessible to the individual subject of ~~that those~~ data.

1.7 Sec. 2. Minnesota Statutes 2010, section 13.02, subdivision 4, is amended to read:

1.8 Subd. 4. **Data not on individuals.** "Data not on individuals" ~~means are~~ all  
1.9 government data ~~which is~~ that are not data on individuals.

1.10 Sec. 3. Minnesota Statutes 2010, section 13.02, subdivision 8a, is amended to read:

1.11 Subd. 8a. **Not public data.** "Not public data" ~~means are~~ any government data ~~which~~  
1.12 ~~is~~ classified by statute, federal law, or temporary classification as confidential, private,  
1.13 nonpublic, or protected nonpublic.

1.14 Sec. 4. Minnesota Statutes 2010, section 13.02, subdivision 9, is amended to read:

1.15 Subd. 9. **Nonpublic data.** "Nonpublic data" ~~means are~~ data not on individuals ~~that~~  
1.16 ~~is~~ made by statute or federal law applicable to the data: (a) not accessible to the public;  
1.17 and (b) accessible to the subject, if any, of the data.

1.18 Sec. 5. Minnesota Statutes 2010, section 13.02, subdivision 12, is amended to read:

1.19 Subd. 12. **Private data on individuals.** "Private data on individuals" ~~means are~~  
1.20 data ~~which is~~ made by statute or federal law applicable to the data: (a) not public; and  
1.21 (b) accessible to the individual subject of ~~that those~~ data.

1.22 Sec. 6. Minnesota Statutes 2010, section 13.02, subdivision 13, is amended to read:

2.1 Subd. 13. **Protected nonpublic data.** "Protected nonpublic data" ~~means~~ are data  
2.2 not on individuals ~~which is~~ made by statute or federal law applicable to the data (a) not  
2.3 public and (b) not accessible to the subject of the data.

2.4 Sec. 7. Minnesota Statutes 2010, section 13.02, subdivision 14, is amended to read:

2.5 Subd. 14. **Public data not on individuals.** "Public data not on individuals" ~~means~~  
2.6 are data ~~which is~~ accessible to the public pursuant to section 13.03.

2.7 Sec. 8. Minnesota Statutes 2010, section 13.02, subdivision 15, is amended to read:

2.8 Subd. 15. **Public data on individuals.** "Public data on individuals" ~~means~~ are data  
2.9 ~~which is~~ accessible to the public in accordance with the provisions of section 13.03.

2.10 Sec. 9. Minnesota Statutes 2010, section 13.02, subdivision 16, is amended to read:

2.11 Subd. 16. **Responsible authority.** (a) "Responsible authority" in a state agency or  
2.12 statewide system means the state official designated by law or by the commissioner as  
2.13 the individual responsible for the collection, use and dissemination of any set of data on  
2.14 individuals, government data, or summary data.

2.15 (b) "Responsible authority" in any political subdivision means the individual  
2.16 designated by the governing body of that political subdivision as the individual responsible  
2.17 for the collection, use, and dissemination of any set of data on individuals, government  
2.18 data, or summary data, unless otherwise provided by state law. Until an individual is  
2.19 designated by the political subdivision's governing body, the responsible authority shall  
2.20 be as follows:

2.21 (1) for counties, the county auditor;

2.22 (2) for statutory or home rule charter cities, the elected or appointed city clerk. If the  
2.23 home rule charter does not provide for an office of city clerk, the responsible authority  
2.24 shall be the chief clerical officer for filing and record keeping purposes;

2.25 (3) for school districts, the superintendent; and

2.26 (4) for all other political subdivisions, the chief clerical officer for filing and record  
2.27 keeping purposes.

2.28 Sec. 10. **[13.025] GOVERNMENT ENTITY OBLIGATION.**

2.29 Subdivision 1. **Data inventory.** The responsible authority shall prepare an inventory  
2.30 containing the authority's name, title, address, and a description of each category of  
2.31 record, file, or process relating to private or confidential data on individuals maintained  
2.32 by the authority's government entity. Forms used to collect private and confidential data

3.1 may be included in the inventory. Beginning August 1, 1977, and annually thereafter,  
3.2 the responsible authority shall update the inventory and make any changes necessary  
3.3 to maintain the accuracy of the inventory. The inventory shall be available from the  
3.4 responsible authority to the public according to the provisions of sections 13.03 and  
3.5 15.17. The commissioner may require responsible authorities to submit copies of the  
3.6 inventory and may request additional information relevant to data collection practices,  
3.7 policies, and procedures.

3.8 Subd. 2. **Public data access policy.** The responsible authority shall prepare a data  
3.9 access policy and update it no later than August 1 of each year, and at any other time as  
3.10 necessary to reflect changes in personnel, procedures, or other circumstances that impact  
3.11 the public's ability to access data. The responsible authority shall make copies of the  
3.12 policy easily available to the public by distributing free copies to the public or by posting  
3.13 it in a conspicuous place within the government entity that is easily accessible to the  
3.14 public or by posting it on the government entity's Web site.

3.15 Subd. 3. **Data subject rights and access policy.** The responsible authority shall  
3.16 prepare a written policy of the rights of data subjects under section 13.04, and the specific  
3.17 procedures used by the government entity for access by the data subject to public or  
3.18 private data on individuals, and update it no later than August 1 of each year, and at any  
3.19 other time as necessary to reflect changes in personnel, procedures, or other circumstances  
3.20 that impact the public's ability to access data. The responsible authority shall make copies  
3.21 of the policy easily available to the public by distributing free copies of it to the public or  
3.22 by posting it in a conspicuous place within the government entity that is easily accessible  
3.23 to the public or by posting it on the government entity's Web site.

3.24 Sec. 11. Minnesota Statutes 2010, section 13.03, subdivision 2, is amended to read:

3.25 Subd. 2. **Procedures.** (a) The responsible authority in every government entity shall  
3.26 establish procedures, consistent with this chapter, to insure that requests for government  
3.27 data are received and complied with in an appropriate and prompt manner.

3.28 ~~(b) The responsible authority shall prepare public access procedures in written form~~  
3.29 ~~and update them no later than August 1 of each year as necessary to reflect any changes~~  
3.30 ~~in personnel or circumstances that might affect public access to government data. The~~  
3.31 ~~responsible authority shall make copies of the written public access procedures easily~~  
3.32 ~~available to the public by distributing free copies of the procedures to the public or by~~  
3.33 ~~posting a copy of the procedures in a conspicuous place within the government entity that~~  
3.34 ~~is easily accessible to the public.~~

4.1 ~~(e)~~ (b) Full convenience and comprehensive accessibility shall be allowed to  
4.2 researchers including historians, genealogists and other scholars to carry out extensive  
4.3 research and complete copying of all records containing government data except as  
4.4 otherwise expressly provided by law.

4.5 A responsible authority may designate one or more designees.

4.6 Sec. 12. Minnesota Statutes 2010, section 13.03, subdivision 4, is amended to read:

4.7 Subd. 4. **Change in classification of data; effect of dissemination among**  
4.8 **agencies.** (a) The classification of a government entity's data ~~in the possession of an entity~~  
4.9 shall change if it is required to do so to comply with either judicial or administrative rules  
4.10 pertaining to the conduct of legal actions or with a specific statute applicable to the data  
4.11 in the possession of the disseminating or receiving entity.

4.12 (b) If data on individuals ~~is~~ are classified as both private and confidential by this  
4.13 chapter, or any other statute or federal law, the data ~~is~~ are private.

4.14 (c) To the extent that government data ~~is~~ are disseminated to a government entity  
4.15 by another government entity, the data disseminated shall have the same classification  
4.16 ~~in the hands of~~ at the entity receiving ~~it~~ them as ~~it~~ they had ~~in the hands of~~ at the entity  
4.17 providing ~~it~~ them.

4.18 (d) If a government entity disseminates data to another government entity, a  
4.19 classification provided for by law ~~in the hands of~~ at the entity receiving the data does not  
4.20 affect the classification of the data ~~in the hands of~~ at the entity that disseminates the data.

4.21 (e) To the extent that judicial branch data ~~is~~ are disseminated to government entities  
4.22 by the judicial branch, the data disseminated shall have the same level of accessibility  
4.23 ~~in the hands of the agency~~ at the government entity receiving ~~it~~ them as ~~it~~ they had  
4.24 ~~in the hands of~~ at the judicial branch entity providing ~~it~~ them. If the data have a specific  
4.25 classification in state statute or federal law, the government entity must maintain the  
4.26 data according to the specific classification.

4.27 Sec. 13. Minnesota Statutes 2010, section 13.072, subdivision 2, is amended to read:

4.28 Subd. 2. **Effect.** Opinions issued by the commissioner under this section are not  
4.29 binding on the government entity or members of a body subject to chapter 13D whose  
4.30 data or performance of duties is the subject of the opinion, but an opinion described in  
4.31 subdivision 1, paragraph (a), must be given deference by a court or other tribunal in a  
4.32 proceeding involving the data. The commissioner shall arrange for public dissemination  
4.33 of opinions issued under this section, and shall indicate when the principles stated in  
4.34 an opinion are not intended to provide guidance to all similarly situated persons or

5.1 government entities. This section does not preclude a person from bringing any other  
5.2 action under this chapter or other law in addition to or instead of requesting a written  
5.3 opinion. A government entity, members of a body subject to chapter 13D, or person that  
5.4 acts in conformity with a written opinion of the commissioner issued to the government  
5.5 entity, members, or person or to another party is not liable for compensatory or exemplary  
5.6 damages or awards of attorneys fees in actions for violations arising under section 13.08  
5.7 or 13.085, or for a penalty under section 13.09 or for fines, awards of attorney fees, or  
5.8 any other penalty under chapter 13D. A member of a body subject to chapter 13D is not  
5.9 subject to forfeiture of office if the member was acting in reliance on an opinion.

5.10 Sec. 14. Minnesota Statutes 2010, section 13.10, subdivision 1, is amended to read:

5.11 Subdivision 1. **Definitions.** As used in this chapter:

5.12 (a) "Confidential data on decedents" ~~means~~ are data which, prior to the death of  
5.13 the data subject, were classified by statute, federal law, or temporary classification as  
5.14 confidential data.

5.15 (b) "Private data on decedents" ~~means~~ are data which, prior to the death of the data  
5.16 subject, were classified by statute, federal law, or temporary classification as private data.

5.17 (c) "Representative of the decedent" ~~means~~ is the personal representative of the  
5.18 estate of the decedent during the period of administration, or if no personal representative  
5.19 has been appointed or after discharge of the personal representative, the surviving spouse,  
5.20 any child of the decedent, or, if there is no surviving spouse or children, the parents of  
5.21 the decedent.

5.22 Sec. 15. Minnesota Statutes 2010, section 13.10, subdivision 1, is amended to read:

5.23 Subdivision 1. **Definitions.** As used in this chapter:

5.24 (a) "Confidential data on decedents" ~~means~~ are data which, prior to the death of  
5.25 the data subject, were classified by statute, federal law, or temporary classification as  
5.26 confidential data.

5.27 (b) "Private data on decedents" ~~means~~ are data which, prior to the death of the data  
5.28 subject, were classified by statute, federal law, or temporary classification as private data.

5.29 (c) "Representative of the decedent" ~~means~~ is the personal representative of the  
5.30 estate of the decedent during the period of administration, or if no personal representative  
5.31 has been appointed or after discharge of the personal representative, the surviving spouse,  
5.32 any child of the decedent, or, if there is no surviving spouse or children, the parents of  
5.33 the decedent.

6.1 Sec. 16. Minnesota Statutes 2010, section 13.202, subdivision 3, is amended to read:

6.2 Subd. 3. **Hennepin County.** (a) Data collected by the Hennepin Healthcare System,  
6.3 Inc. are governed under section ~~383B.17~~ 383B.917, subdivision 1.

6.4 (b) Records of Hennepin County board meetings permitted to be closed under  
6.5 section 383B.217, subdivision 7, are classified under that subdivision.

6.6 Sec. 17. Minnesota Statutes 2010, section 13.37, subdivision 1, is amended to read:

6.7 Subdivision 1. **Definitions.** As used in this section, the following terms have the  
6.8 meanings given them.

6.9 (a) "Security information" means government data the disclosure of which the  
6.10 responsible authority determines would be likely to substantially jeopardize the security of  
6.11 information, possessions, individuals or property against theft, tampering, improper use,  
6.12 attempted escape, illegal disclosure, trespass, or physical injury. "Security information"  
6.13 includes crime prevention block maps and lists of volunteers who participate in community  
6.14 crime prevention programs and their home addresses and telephone numbers.

6.15 (b) "Trade secret information" means government data, including a formula, pattern,  
6.16 compilation, program, device, method, technique or process (1) that was supplied by the  
6.17 affected individual or organization, (2) that is the subject of efforts by the individual or  
6.18 organization that are reasonable under the circumstances to maintain its secrecy, and (3)  
6.19 that derives independent economic value, actual or potential, from not being generally  
6.20 known to, and not being readily ascertainable by proper means by, other persons who can  
6.21 obtain economic value from its disclosure or use.

6.22 (c) "Labor relations information" means management positions on economic and  
6.23 noneconomic items that have not been presented during the collective bargaining process  
6.24 or interest arbitration, including information specifically collected or created to prepare  
6.25 the management position.

6.26 (d) "Parking space leasing data" means the following government data on an  
6.27 applicant for, or lessee of, a parking space: residence address, home telephone number,  
6.28 beginning and ending work hours, place of employment, work telephone number, and  
6.29 location of the parking space.

6.30 (e) When denying a data request made under section 13.03, a government entity,  
6.31 upon request must provide a short description explaining the necessity for why the  
6.32 government data are classified as security information.

6.33 Sec. 18. Minnesota Statutes 2010, section 13.3805, subdivision 1, is amended to read:

6.34 Subdivision 1. **Health data generally.** (a) **Definitions.** As used in this subdivision:

7.1 (1) "Commissioner" means the commissioner of health.

7.2 (2) "Health data" ~~means~~ are data on individuals created, collected, received, or  
7.3 maintained by the Department of Health, political subdivisions, or statewide systems  
7.4 relating to the identification, description, prevention, and control of disease or as part of  
7.5 an epidemiologic investigation the commissioner designates as necessary to analyze,  
7.6 describe, or protect the public health.

7.7 (b) **Data on individuals.** (1) Health data are private data on individuals.  
7.8 Notwithstanding section 13.05, subdivision 9, health data may not be disclosed except as  
7.9 provided in this subdivision and section 13.04.

7.10 (2) The commissioner or a local board of health as defined in section 145A.02,  
7.11 subdivision 2, may disclose health data to the data subject's physician as necessary to locate  
7.12 or identify a case, carrier, or suspect case, to establish a diagnosis, to provide treatment, to  
7.13 identify persons at risk of illness, or to conduct an epidemiologic investigation.

7.14 (3) With the approval of the commissioner, health data may be disclosed to the  
7.15 extent necessary to assist the commissioner to locate or identify a case, carrier, or suspect  
7.16 case, to alert persons who may be threatened by illness as evidenced by epidemiologic  
7.17 data, to control or prevent the spread of serious disease, or to diminish an imminent threat  
7.18 to the public health.

7.19 (c) **Health summary data.** Summary data derived from data collected under section  
7.20 145.413 may be provided under section 13.05, subdivision 7.

7.21 Sec. 19. Minnesota Statutes 2010, section 13.384, subdivision 1, is amended to read:

7.22 Subdivision 1. **Definition.** As used in this section:

7.23 (a) "Directory information" means name of the patient, date admitted, and general  
7.24 condition.

7.25 (b) "Medical data" ~~means~~ are data collected because an individual was or is a patient  
7.26 or client of a hospital, nursing home, medical center, clinic, health or nursing agency  
7.27 operated by a government entity including business and financial records, data provided  
7.28 by private health care facilities, and data provided by or about relatives of the individual.

7.29 Sec. 20. Minnesota Statutes 2010, section 13.39, is amended by adding a subdivision  
7.30 to read:

7.31 Subd. 4. **Exclusion.** This section does not apply when the sole issue or dispute is a  
7.32 government entity's timeliness in responding to a data request.

7.33 Sec. 21. Minnesota Statutes 2010, section 13.43, subdivision 1, is amended to read:

8.1 Subdivision 1. **Definition.** As used in this section, "personnel data" means  
8.2 government data on individuals maintained because the individual is or was an employee  
8.3 of or an applicant for employment by, performs services on a voluntary basis for, or acts  
8.4 as an independent contractor with a government entity. ~~Personnel data includes data~~  
8.5 ~~submitted by an employee to a government entity as part of an organized self-evaluation~~  
8.6 ~~effort by the government entity to request suggestions from all employees on ways to cut~~  
8.7 ~~costs, make government more efficient, or improve the operation of government. An~~  
8.8 ~~employee who is identified in a suggestion shall have access to all data in the suggestion~~  
8.9 ~~except the identity of the employee making the suggestion.~~

8.10 Sec. 22. Minnesota Statutes 2010, section 13.43, is amended by adding a subdivision  
8.11 to read:

8.12 Subd. 7a. **Employee suggestion data.** Personnel data includes data submitted by  
8.13 an employee to a government entity as part of an organized self-evaluation effort by the  
8.14 government entity to request suggestions from all employees on ways to cut costs, make  
8.15 government more efficient, or improve the operation of government. An employee who is  
8.16 identified in a suggestion shall have access to all data in the suggestion except the identity  
8.17 of the employee making the suggestion.

8.18 Sec. 23. Minnesota Statutes 2010, section 13.43, is amended by adding a subdivision  
8.19 to read:

8.20 Subd. 19. **Employee of contractor or subcontractor.** The personal telephone  
8.21 number, home address, and email address of an employee of a contractor or subcontractor  
8.22 doing business with a government entity are private data.

8.23 Sec. 24. Minnesota Statutes 2010, section 13.44, subdivision 3, is amended to read:

8.24 **Subd. 3. Real property; appraisal data. (a) Confidential or protected nonpublic**  
8.25 **data.** Estimated or appraised values of individual parcels of real property that are made by  
8.26 personnel of a government entity or by independent appraisers acting for a government  
8.27 entity for the purpose of selling or acquiring land through purchase or condemnation are  
8.28 classified as confidential data on individuals or protected nonpublic data.

8.29 **(b) Private or nonpublic data.** Appraised values of individual parcels of real  
8.30 property that are made by appraisers working for fee owners or contract purchasers who  
8.31 have received an offer to purchase their property from a government entity are classified  
8.32 as private data on individuals or nonpublic data.

9.1 (c) **Public data.** The data made confidential or protected nonpublic under paragraph  
 9.2 (a) or made private or nonpublic under paragraph (b) become public upon the occurrence  
 9.3 of any of the following:

- 9.4 (1) the data are submitted to a court-appointed condemnation commissioner;  
 9.5 (2) the data are presented in court in condemnation proceedings; or  
 9.6 (3) the negotiating parties enter into an agreement for the purchase and sale of the  
 9.7 property.

9.8 The data made confidential or protected nonpublic under paragraph (a) also  
 9.9 become public at the discretion of the government entity, determined by majority vote  
 9.10 of the entity's governing body, or, in the case of a state agency, as determined by the  
 9.11 commissioner of the agency.

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

9.13 Sec. 25. Minnesota Statutes 2010, section 13.46, subdivision 2, is amended to read:

9.14 Subd. 2. **General.** (a) ~~Unless the data is summary data or a statute specifically~~  
 9.15 ~~provides a different classification,~~ Data on individuals collected, maintained, used, or  
 9.16 disseminated by the welfare system ~~is~~ are private data on individuals, and shall not be  
 9.17 disclosed except:

- 9.18 (1) according to section 13.05;  
 9.19 (2) according to court order;  
 9.20 (3) according to a statute specifically authorizing access to the private data;  
 9.21 (4) to an agent of the welfare system, including a law enforcement person, attorney,  
 9.22 or investigator acting for it in the investigation or prosecution of a criminal or civil  
 9.23 proceeding relating to the administration of a program;

9.24 (5) to personnel of the welfare system who require the data to verify an individual's  
 9.25 identity; determine eligibility, amount of assistance, and the need to provide services to  
 9.26 an individual or family across programs; evaluate the effectiveness of programs; assess  
 9.27 parental contribution amounts; and investigate suspected fraud;

9.28 (6) to administer federal funds or programs;

9.29 (7) between personnel of the welfare system working in the same program;

9.30 (8) to the Department of Revenue to assess parental contribution amounts for  
 9.31 purposes of section 252.27, subdivision 2a, administer and evaluate tax refund or tax credit  
 9.32 programs and to identify individuals who may benefit from these programs. The following  
 9.33 information may be disclosed under this paragraph: an individual's and their dependent's  
 9.34 names, dates of birth, Social Security numbers, income, addresses, and other data as  
 9.35 required, upon request by the Department of Revenue. Disclosures by the commissioner

10.1 of revenue to the commissioner of human services for the purposes described in this clause  
10.2 are governed by section 270B.14, subdivision 1. Tax refund or tax credit programs include,  
10.3 but are not limited to, the dependent care credit under section 290.067, the Minnesota  
10.4 working family credit under section 290.0671, the property tax refund and rental credit  
10.5 under section 290A.04, and the Minnesota education credit under section 290.0674;

10.6 (9) between the Department of Human Services, the Department of Employment  
10.7 and Economic Development, and when applicable, the Department of Education, for  
10.8 the following purposes:

10.9 (i) to monitor the eligibility of the data subject for unemployment benefits, for any  
10.10 employment or training program administered, supervised, or certified by that agency;

10.11 (ii) to administer any rehabilitation program or child care assistance program,  
10.12 whether alone or in conjunction with the welfare system;

10.13 (iii) to monitor and evaluate the Minnesota family investment program or the child  
10.14 care assistance program by exchanging data on recipients and former recipients of food  
10.15 support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance  
10.16 under chapter 119B, or medical programs under chapter 256B, 256D, or 256L; and

10.17 (iv) to analyze public assistance employment services and program utilization,  
10.18 cost, effectiveness, and outcomes as implemented under the authority established in Title  
10.19 II, Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of  
10.20 1999. Health records governed by sections 144.291 to 144.298 and "protected health  
10.21 information" as defined in Code of Federal Regulations, title 45, section 160.103, and  
10.22 governed by Code of Federal Regulations, title 45, parts 160-164, including health care  
10.23 claims utilization information, must not be exchanged under this clause;

10.24 (10) to appropriate parties in connection with an emergency if knowledge of  
10.25 the information is necessary to protect the health or safety of the individual or other  
10.26 individuals or persons;

10.27 (11) data maintained by residential programs as defined in section 245A.02 may  
10.28 be disclosed to the protection and advocacy system established in this state according  
10.29 to Part C of Public Law 98-527 to protect the legal and human rights of persons with  
10.30 developmental disabilities or other related conditions who live in residential facilities for  
10.31 these persons if the protection and advocacy system receives a complaint by or on behalf  
10.32 of that person and the person does not have a legal guardian or the state or a designee of  
10.33 the state is the legal guardian of the person;

10.34 (12) to the county medical examiner or the county coroner for identifying or locating  
10.35 relatives or friends of a deceased person;

11.1 (13) data on a child support obligor who makes payments to the public agency  
11.2 may be disclosed to the Minnesota Office of Higher Education to the extent necessary to  
11.3 determine eligibility under section 136A.121, subdivision 2, clause (5);

11.4 (14) participant Social Security numbers and names collected by the telephone  
11.5 assistance program may be disclosed to the Department of Revenue to conduct an  
11.6 electronic data match with the property tax refund database to determine eligibility under  
11.7 section 237.70, subdivision 4a;

11.8 (15) the current address of a Minnesota family investment program participant  
11.9 may be disclosed to law enforcement officers who provide the name of the participant  
11.10 and notify the agency that:

11.11 (i) the participant:

11.12 (A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after  
11.13 conviction, for a crime or attempt to commit a crime that is a felony under the laws of the  
11.14 jurisdiction from which the individual is fleeing; or

11.15 (B) is violating a condition of probation or parole imposed under state or federal law;

11.16 (ii) the location or apprehension of the felon is within the law enforcement officer's  
11.17 official duties; and

11.18 (iii) the request is made in writing and in the proper exercise of those duties;

11.19 (16) the current address of a recipient of general assistance or general assistance  
11.20 medical care may be disclosed to probation officers and corrections agents who are  
11.21 supervising the recipient and to law enforcement officers who are investigating the  
11.22 recipient in connection with a felony level offense;

11.23 (17) information obtained from food support applicant or recipient households may  
11.24 be disclosed to local, state, or federal law enforcement officials, upon their written request,  
11.25 for the purpose of investigating an alleged violation of the Food Stamp Act, according  
11.26 to Code of Federal Regulations, title 7, section 272.1 (c);

11.27 (18) the address, Social Security number, and, if available, photograph of any  
11.28 member of a household receiving food support shall be made available, on request, to a  
11.29 local, state, or federal law enforcement officer if the officer furnishes the agency with the  
11.30 name of the member and notifies the agency that:

11.31 (i) the member:

11.32 (A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a  
11.33 crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

11.34 (B) is violating a condition of probation or parole imposed under state or federal  
11.35 law; or

12.1 (C) has information that is necessary for the officer to conduct an official duty related  
12.2 to conduct described in subitem (A) or (B);

12.3 (ii) locating or apprehending the member is within the officer's official duties; and

12.4 (iii) the request is made in writing and in the proper exercise of the officer's official  
12.5 duty;

12.6 (19) the current address of a recipient of Minnesota family investment program,  
12.7 general assistance, general assistance medical care, or food support may be disclosed to  
12.8 law enforcement officers who, in writing, provide the name of the recipient and notify the  
12.9 agency that the recipient is a person required to register under section 243.166, but is not  
12.10 residing at the address at which the recipient is registered under section 243.166;

12.11 (20) certain information regarding child support obligors who are in arrears may be  
12.12 made public according to section 518A.74;

12.13 (21) data on child support payments made by a child support obligor and data on  
12.14 the distribution of those payments excluding identifying information on obligees may be  
12.15 disclosed to all obligees to whom the obligor owes support, and data on the enforcement  
12.16 actions undertaken by the public authority, the status of those actions, and data on the  
12.17 income of the obligor or obligee may be disclosed to the other party;

12.18 (22) data in the work reporting system may be disclosed under section 256.998,  
12.19 subdivision 7;

12.20 (23) to the Department of Education for the purpose of matching Department of  
12.21 Education student data with public assistance data to determine students eligible for free  
12.22 and reduced-price meals, meal supplements, and free milk according to United States  
12.23 Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and  
12.24 state funds that are distributed based on income of the student's family; and to verify  
12.25 receipt of energy assistance for the telephone assistance plan;

12.26 (24) the current address and telephone number of program recipients and emergency  
12.27 contacts may be released to the commissioner of health or a local board of health as  
12.28 defined in section 145A.02, subdivision 2, when the commissioner or local board of health  
12.29 has reason to believe that a program recipient is a disease case, carrier, suspect case, or at  
12.30 risk of illness, and the data are necessary to locate the person;

12.31 (25) to other state agencies, statewide systems, and political subdivisions of this  
12.32 state, including the attorney general, and agencies of other states, interstate information  
12.33 networks, federal agencies, and other entities as required by federal regulation or law for  
12.34 the administration of the child support enforcement program;

13.1 (26) to personnel of public assistance programs as defined in section 256.741, for  
13.2 access to the child support system database for the purpose of administration, including  
13.3 monitoring and evaluation of those public assistance programs;

13.4 (27) to monitor and evaluate the Minnesota family investment program by  
13.5 exchanging data between the Departments of Human Services and Education, on  
13.6 recipients and former recipients of food support, cash assistance under chapter 256, 256D,  
13.7 256J, or 256K, child care assistance under chapter 119B, or medical programs under  
13.8 chapter 256B, 256D, or 256L;

13.9 (28) to evaluate child support program performance and to identify and prevent  
13.10 fraud in the child support program by exchanging data between the Department of Human  
13.11 Services, Department of Revenue under section 270B.14, subdivision 1, paragraphs (a)  
13.12 and (b), without regard to the limitation of use in paragraph (c), Department of Health,  
13.13 Department of Employment and Economic Development, and other state agencies as is  
13.14 reasonably necessary to perform these functions;

13.15 (29) counties operating child care assistance programs under chapter 119B may  
13.16 disseminate data on program participants, applicants, and providers to the commissioner  
13.17 of education; or

13.18 (30) child support data on the parents and the child may be disclosed to agencies  
13.19 administering programs under titles IV-B and IV-E of the Social Security Act, as provided  
13.20 by federal law. Data may be disclosed only to the extent necessary for the purpose of  
13.21 establishing parentage or for determining who has or may have parental rights with respect  
13.22 to a child, which could be related to permanency planning.

13.23 (b) Information on persons who have been treated for drug or alcohol abuse may  
13.24 only be disclosed according to the requirements of Code of Federal Regulations, title  
13.25 42, sections 2.1 to 2.67.

13.26 (c) Data provided to law enforcement agencies under paragraph (a), clause (15),  
13.27 (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected  
13.28 nonpublic while the investigation is active. The data are private after the investigation  
13.29 becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

13.30 (d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but  
13.31 ~~is~~ are not subject to the access provisions of subdivision 10, paragraph (b).

13.32 For the purposes of this subdivision, a request will be deemed to be made in writing  
13.33 if made through a computer interface system.

13.34 Sec. 26. Minnesota Statutes 2010, section 13.46, subdivision 3, is amended to read:

14.1 Subd. 3. **Investigative data.** (a) data on persons, including data on vendors of  
14.2 services, licensees, and applicants that is collected, maintained, used, or disseminated  
14.3 by the welfare system in an investigation, authorized by statute, and relating to the  
14.4 enforcement of rules or law ~~is~~ are confidential data on individuals pursuant to section  
14.5 13.02, subdivision 3, or protected nonpublic data not on individuals pursuant to section  
14.6 13.02, subdivision 13, and shall not be disclosed except:

14.7 (1) pursuant to section 13.05;

14.8 (2) pursuant to statute or valid court order;

14.9 (3) to a party named in a civil or criminal proceeding, administrative or judicial, for  
14.10 preparation of defense; or

14.11 (4) to provide notices required or permitted by statute.

14.12 The data referred to in this subdivision shall be classified as public data upon  
14.13 ~~its~~ submission to an administrative law judge or court in an administrative or judicial  
14.14 proceeding. Inactive welfare investigative data shall be treated as provided in section  
14.15 13.39, subdivision 3.

14.16 (b) Notwithstanding any other provision in law, the commissioner of human services  
14.17 shall provide all active and inactive investigative data, including the name of the reporter  
14.18 of alleged maltreatment under section 626.556 or 626.557, to the ombudsman for mental  
14.19 health and developmental disabilities upon the request of the ombudsman.

14.20 Sec. 27. Minnesota Statutes 2010, section 13.46, subdivision 4, is amended to read:

14.21 Subd. 4. **Licensing data.** (a) As used in this subdivision:

14.22 (1) "licensing data" ~~means~~ are all data collected, maintained, used, or disseminated  
14.23 by the welfare system pertaining to persons licensed or registered or who apply for  
14.24 licensure or registration or who formerly were licensed or registered under the authority  
14.25 of the commissioner of human services;

14.26 (2) "client" means a person who is receiving services from a licensee or from an  
14.27 applicant for licensure; and

14.28 (3) "personal and personal financial data" ~~means~~ are Social Security numbers,  
14.29 identity of and letters of reference, insurance information, reports from the Bureau of  
14.30 Criminal Apprehension, health examination reports, and social/home studies.

14.31 (b)(1) Except as provided in paragraph (c), the following data on applicants, license  
14.32 holders, and former licensees are public: name, address, telephone number of licensees,  
14.33 date of receipt of a completed application, dates of licensure, licensed capacity, type of  
14.34 client preferred, variances granted, record of training and education in child care and child  
14.35 development, type of dwelling, name and relationship of other family members, previous

15.1 license history, class of license, the existence and status of complaints, and the number  
15.2 of serious injuries to or deaths of individuals in the licensed program as reported to the  
15.3 commissioner of human services, the local social services agency, or any other county  
15.4 welfare agency. For purposes of this clause, a serious injury is one that is treated by a  
15.5 physician.

15.6 When a correction order, an order to forfeit a fine, an order of license suspension,  
15.7 an order of temporary immediate suspension, an order of license revocation, an order  
15.8 of license denial, or an order of conditional license has been issued, or a complaint is  
15.9 resolved, the following data on current and former licensees and applicants are public: the  
15.10 substance and investigative findings of the licensing or maltreatment complaint, licensing  
15.11 violation, or substantiated maltreatment; the record of informal resolution of a licensing  
15.12 violation; orders of hearing; findings of fact; conclusions of law; specifications of the final  
15.13 correction order, fine, suspension, temporary immediate suspension, revocation, denial, or  
15.14 conditional license contained in the record of licensing action; whether a fine has been  
15.15 paid; and the status of any appeal of these actions. If a licensing sanction under section  
15.16 245A.07, or a license denial under section 245A.05, is based on a determination that the  
15.17 license holder or applicant is responsible for maltreatment or is disqualified under chapter  
15.18 245C, the identity of the license holder or applicant as the individual responsible for  
15.19 maltreatment or as the disqualified individual is public data at the time of the issuance of  
15.20 the licensing sanction or denial.

15.21 (2) Notwithstanding sections 626.556, subdivision 11, and 626.557, subdivision 12b,  
15.22 when any person subject to disqualification under section 245C.14 in connection with a  
15.23 license to provide family day care for children, child care center services, foster care  
15.24 for children in the provider's home, or foster care or day care services for adults in the  
15.25 provider's home is a substantiated perpetrator of maltreatment, and the substantiated  
15.26 maltreatment is a reason for a licensing action, the identity of the substantiated perpetrator  
15.27 of maltreatment is public data. For purposes of this clause, a person is a substantiated  
15.28 perpetrator if the maltreatment determination has been upheld under section 256.045;  
15.29 626.556, subdivision 10i; 626.557, subdivision 9d; or chapter 14, or if an individual or  
15.30 facility has not timely exercised appeal rights under these sections, except as provided  
15.31 under clause (1).

15.32 (3) For applicants who withdraw their application prior to licensure or denial of a  
15.33 license, the following data are public: the name of the applicant, the city and county in  
15.34 which the applicant was seeking licensure, the dates of the commissioner's receipt of the  
15.35 initial application and completed application, the type of license sought, and the date  
15.36 of withdrawal of the application.

16.1 (4) For applicants who are denied a license, the following data are public: the name  
16.2 and address of the applicant, the city and county in which the applicant was seeking  
16.3 licensure, the dates of the commissioner's receipt of the initial application and completed  
16.4 application, the type of license sought, the date of denial of the application, the nature of  
16.5 the basis for the denial, the record of informal resolution of a denial, orders of hearings,  
16.6 findings of fact, conclusions of law, specifications of the final order of denial, and the  
16.7 status of any appeal of the denial.

16.8 (5) The following data on persons subject to disqualification under section 245C.14  
16.9 in connection with a license to provide family day care for children, child care center  
16.10 services, foster care for children in the provider's home, or foster care or day care services  
16.11 for adults in the provider's home, are public: the nature of any disqualification set  
16.12 aside under section 245C.22, subdivisions 2 and 4, and the reasons for setting aside the  
16.13 disqualification; the nature of any disqualification for which a variance was granted under  
16.14 sections 245A.04, subdivision 9; and 245C.30, and the reasons for granting any variance  
16.15 under section 245A.04, subdivision 9; and, if applicable, the disclosure that any person  
16.16 subject to a background study under section 245C.03, subdivision 1, has successfully  
16.17 passed a background study. If a licensing sanction under section 245A.07, or a license  
16.18 denial under section 245A.05, is based on a determination that an individual subject to  
16.19 disqualification under chapter 245C is disqualified, the disqualification as a basis for the  
16.20 licensing sanction or denial is public data. As specified in clause (1), if the disqualified  
16.21 individual is the license holder or applicant, the identity of the license holder or applicant  
16.22 is public data. If the disqualified individual is an individual other than the license holder  
16.23 or applicant, the identity of the disqualified individual shall remain private data.

16.24 (6) When maltreatment is substantiated under section 626.556 or 626.557 and the  
16.25 victim and the substantiated perpetrator are affiliated with a program licensed under  
16.26 chapter 245A, the commissioner of human services, local social services agency, or  
16.27 county welfare agency may inform the license holder where the maltreatment occurred of  
16.28 the identity of the substantiated perpetrator and the victim.

16.29 (7) Notwithstanding clause (1), for child foster care, only the name of the license  
16.30 holder and the status of the license are public if the county attorney has requested that data  
16.31 otherwise classified as public data under clause (1) be considered private data based on the  
16.32 best interests of a child in placement in a licensed program.

16.33 (c) The following are private data on individuals under section 13.02, subdivision  
16.34 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial  
16.35 data on family day care program and family foster care program applicants and licensees  
16.36 and their family members who provide services under the license.

17.1 (d) The following are private data on individuals: the identity of persons who have  
17.2 made reports concerning licensees or applicants that appear in inactive investigative data,  
17.3 and the records of clients or employees of the licensee or applicant for licensure whose  
17.4 records are received by the licensing agency for purposes of review or in anticipation of a  
17.5 contested matter. The names of reporters of complaints or alleged violations of licensing  
17.6 standards under chapters 245A, 245B, 245C, and applicable rules and alleged maltreatment  
17.7 under sections 626.556 and 626.557, are confidential data and may be disclosed only as  
17.8 provided in section 626.556, subdivision 11, or 626.557, subdivision 12b.

17.9 (e) Data classified as private, confidential, nonpublic, or protected nonpublic under  
17.10 this subdivision become public data if submitted to a court or administrative law judge as  
17.11 part of a disciplinary proceeding in which there is a public hearing concerning a license  
17.12 which has been suspended, immediately suspended, revoked, or denied.

17.13 (f) Data generated in the course of licensing investigations that relate to an alleged  
17.14 violation of law are investigative data under subdivision 3.

17.15 (g) Data that are not public data collected, maintained, used, or disseminated under  
17.16 this subdivision that relate to or are derived from a report as defined in section 626.556,  
17.17 subdivision 2, or 626.5572, subdivision 18, are subject to the destruction provisions of  
17.18 sections 626.556, subdivision 11c, and 626.557, subdivision 12b.

17.19 (h) Upon request, not public data collected, maintained, used, or disseminated under  
17.20 this subdivision that relate to or are derived from a report of substantiated maltreatment as  
17.21 defined in section 626.556 or 626.557 may be exchanged with the Department of Health  
17.22 for purposes of completing background studies pursuant to section 144.057 and with  
17.23 the Department of Corrections for purposes of completing background studies pursuant  
17.24 to section 241.021.

17.25 (i) Data on individuals collected according to licensing activities under chapters  
17.26 245A and 245C, and data on individuals collected by the commissioner of human services  
17.27 according to maltreatment investigations under sections 626.556 and 626.557, may be  
17.28 shared with the Department of Human Rights, the Department of Health, the Department  
17.29 of Corrections, the ombudsman for mental health and developmental disabilities, and  
17.30 the individual's professional regulatory board when there is reason to believe that laws  
17.31 or standards under the jurisdiction of those agencies may have been violated. Unless  
17.32 otherwise specified in this chapter, the identity of a reporter of alleged maltreatment or  
17.33 licensing violations may not be disclosed.

17.34 (j) In addition to the notice of determinations required under section 626.556,  
17.35 subdivision 10f, if the commissioner or the local social services agency has determined  
17.36 that an individual is a substantiated perpetrator of maltreatment of a child based on sexual

18.1 abuse, as defined in section 626.556, subdivision 2, and the commissioner or local social  
18.2 services agency knows that the individual is a person responsible for a child's care in  
18.3 another facility, the commissioner or local social services agency shall notify the head  
18.4 of that facility of this determination. The notification must include an explanation of the  
18.5 individual's available appeal rights and the status of any appeal. If a notice is given under  
18.6 this paragraph, the government entity making the notification shall provide a copy of the  
18.7 notice to the individual who is the subject of the notice.

18.8 (k) All not public data collected, maintained, used, or disseminated under this  
18.9 subdivision and subdivision 3 may be exchanged between the Department of Human  
18.10 Services, Licensing Division, and the Department of Corrections for purposes of  
18.11 regulating services for which the Department of Human Services and the Department  
18.12 of Corrections have regulatory authority.

18.13 Sec. 28. Minnesota Statutes 2010, section 13.46, subdivision 5, is amended to read:

18.14 Subd. 5. **Medical data; contracts.** data relating to the medical, psychiatric, or  
18.15 mental health of any individual, including diagnosis, progress charts, treatment received,  
18.16 case histories, and opinions of health care providers, that ~~is collected~~, are maintained,  
18.17 used, or disseminated by any agency to the welfare system is private data on individuals  
18.18 and will be available to the data subject, unless the private health care provider has clearly  
18.19 requested in writing that the data be withheld pursuant to sections 144.291 to 144.298.  
18.20 Data on individuals that is collected, maintained, used, or disseminated by a private health  
18.21 care provider under contract to any agency of the welfare system ~~is~~ are private data on  
18.22 individuals, and ~~is~~ are subject to the provisions of sections 13.02 to 13.07 and this section,  
18.23 except that the provisions of section 13.04, subdivision 3, shall not apply. Access to  
18.24 medical data referred to in this subdivision by the individual who is the subject of the data  
18.25 is subject to the provisions of sections 144.291 to 144.298. Access to information that is  
18.26 maintained by the public authority responsible for support enforcement and that is needed  
18.27 to enforce medical support is subject to the provisions of section 518A.41.

18.28 Sec. 29. Minnesota Statutes 2010, section 13.46, subdivision 6, is amended to read:

18.29 Subd. 6. **Other data.** Data collected, used, maintained, or disseminated by the  
18.30 welfare system that ~~is~~ are not data on individuals ~~is~~ are public pursuant to section 13.03,  
18.31 except the following data:

- 18.32 (a) investigative data classified by section 13.39;
- 18.33 (b) welfare investigative data classified by section 13.46, subdivision 3; and
- 18.34 (c) security information classified by section 13.37, subdivision 2.

19.1 Sec. 30. Minnesota Statutes 2010, section 13.462, subdivision 1, is amended to read:

19.2 Subdivision 1. **Definition.** As used in this section, "benefit data" ~~means~~ are data on  
19.3 individuals collected or created because an individual seeks information about becoming,  
19.4 is, or was an applicant for or a recipient of benefits or services provided under various  
19.5 housing, home ownership, rehabilitation and community action agency, Head Start, and  
19.6 food assistance programs administered by government entities. Benefit data does not  
19.7 include welfare data which shall be administered in accordance with section 13.46.

19.8 Sec. 31. Minnesota Statutes 2010, section 13.47, subdivision 1, is amended to read:

19.9 Subdivision 1. **Definitions.** (a) "Employment and training data" ~~means~~ are data on  
19.10 individuals collected, maintained, used, or disseminated because an individual applies for,  
19.11 is currently enrolled in, or has been enrolled in employment and training programs funded  
19.12 with federal, state, or local resources, including those provided under the Workforce  
19.13 Investment Act of 1998, United States Code, title 29, section 2801.

19.14 (b) "Employment and training service provider" means an entity certified, or seeking  
19.15 to be certified, by the commissioner of employment and economic development to  
19.16 deliver employment and training services under section 116J.401, subdivision 2, or an  
19.17 organization that contracts with a certified entity or the Department of Employment and  
19.18 Economic Development to deliver employment and training services.

19.19 (c) "Provider of training services" means an organization or entity that provides  
19.20 training under the Workforce Investment Act of 1998, United States Code, title 29,  
19.21 section 2801.

19.22 Sec. 32. Minnesota Statutes 2010, section 13.485, is amended by adding a subdivision  
19.23 to read:

19.24 Subd. 5. Corporations created before May 31, 1997. Government data maintained  
19.25 by a corporation created by a political subdivision before May 31, 1997, are governed by  
19.26 section 465.719, subdivision 14.

19.27 Sec. 33. Minnesota Statutes 2010, section 13.485, is amended by adding a subdivision  
19.28 to read:

19.29 Subd. 6. Northern Technology Initiative, Inc. Government data maintained by  
19.30 Northern Technology Initiative, Inc. are classified under section 116T.02, subdivisions  
19.31 7 and 8.

19.32 Sec. 34. Minnesota Statutes 2010, section 13.548, is amended to read:

20.1           **13.548 SOCIAL RECREATIONAL DATA.**

20.2           The following data collected and maintained by political subdivisions for the purpose  
20.3 of enrolling individuals in recreational and other social programs are classified as private,  
20.4 pursuant to section 13.02, subdivision 12: the name, address, telephone number, any other  
20.5 data that ~~identifies~~ identify the individual, and any data which describes the health or  
20.6 medical condition of the individual, family relationships and living arrangements of an  
20.7 individual or which are opinions as to the emotional makeup or behavior of an individual.

20.8           Sec. 35. Minnesota Statutes 2010, section 13.585, subdivision 2, is amended to read:

20.9           Subd. 2. **Confidential data.** The following data on individuals maintained by the  
20.10 housing agency are ~~classified as~~ confidential data, pursuant to section 13.02, subdivision  
20.11 3: correspondence between the agency and the agency's attorney containing data collected  
20.12 as part of an active investigation undertaken for the purpose of the commencement or  
20.13 defense of potential or actual litigation, including but not limited to: referrals to the Office  
20.14 of the Inspector General or other prosecuting agencies for possible prosecution for fraud;  
20.15 initiation of lease terminations and eviction actions; admission denial hearings concerning  
20.16 prospective tenants; commencement of actions against independent contractors of the  
20.17 agency; and tenant grievance hearings.

20.18           Sec. 36. Minnesota Statutes 2010, section 13.585, subdivision 3, is amended to read:

20.19           Subd. 3. **Protected nonpublic data.** The following data not on individuals  
20.20 maintained by the housing agency are ~~classified as~~ protected nonpublic data, pursuant  
20.21 to section 13.02, subdivision 13: correspondence between the agency and the agency's  
20.22 attorney containing data collected as part of an active investigation undertaken for the  
20.23 purpose of the commencement or defense of potential or actual litigation, including but  
20.24 not limited to, referrals to the Office of the Inspector General or other prosecuting bodies  
20.25 or agencies for possible prosecution for fraud and commencement of actions against  
20.26 independent contractors of the agency.

20.27           Sec. 37. Minnesota Statutes 2010, section 13.601, subdivision 3, is amended to read:

20.28           Subd. 3. **Applicants for appointment.** (a) Data about applicants for appointment to  
20.29 a public body collected by a government entity as a result of the applicant's application for  
20.30 appointment to the public body are private data on individuals except that the following  
20.31 are public:

20.32           (1) name;

21.1 (2) city of residence, except when the appointment has a residency requirement that  
21.2 requires the entire address to be public;

21.3 (3) education and training;

21.4 (4) employment history;

21.5 (5) volunteer work;

21.6 (6) awards and honors;

21.7 (7) prior government service; ~~and~~

21.8 (8) any data required to be provided or that ~~is~~ are voluntarily provided in an  
21.9 application for appointment to a multimember agency pursuant to section 15.0597; and

21.10 (9) veteran status.

21.11 (b) Once an individual is appointed to a public body, the following additional items  
21.12 of data are public:

21.13 (1) residential address; ~~and~~

21.14 (2) either a telephone number or electronic mail address where the appointee can be  
21.15 reached, or both at the request of the appointee;

21.16 (3) first and last dates of service on the public body;

21.17 (4) the existence and status of any complaints or charges against an appointee; and

21.18 (5) upon completion of an investigation of a complaint or charge against an  
21.19 appointee, the final investigative report is public, unless access to the data would  
21.20 jeopardize an active investigation.

21.21 (c) Notwithstanding paragraph (b), any electronic mail address or telephone number  
21.22 provided by a public body for use by an appointee shall be public. An appointee may  
21.23 use an electronic mail address or telephone number provided by the public body as the  
21.24 designated electronic mail address or telephone number at which the appointee can be  
21.25 reached.

21.26 Sec. 38. Minnesota Statutes 2010, section 13.64, is amended by adding a subdivision  
21.27 to read:

21.28 Subd. 3. **Unofficial fiscal notes.** (a) For purposes of this subdivision, "unofficial  
21.29 fiscal note" means a fiscal note requested by or on behalf of a member of the legislature  
21.30 on draft language for a bill that has not been introduced.

21.31 (b) This paragraph applies if a request for an unofficial fiscal note is accompanied  
21.32 by a directive from the requester that the data be classified under this paragraph.  
21.33 Government data on the request, the bill draft, and the unofficial fiscal note are private  
21.34 data on individuals or nonpublic data, provided that the data are accessible to, and  
21.35 may be disclosed by, the requester. If the unofficial fiscal note or an updated version

22.1 is subsequently used for an introduced bill, or for any portion of any other bill which  
22.2 legislative action is taken, the fiscal note becomes public data.

22.3 Sec. 39. Minnesota Statutes 2010, section 13.643, subdivision 5, is amended to read:

22.4 Subd. 5. **Data received from federal government.** All data received by the  
22.5 Department of Agriculture from the United States Department of Health and Human  
22.6 Services, the Food and Drug Administration, and the Agriculture, Food Safety, and  
22.7 Inspection Service that ~~is~~ are necessary for the purpose of carrying out the Department  
22.8 of Agriculture's statutory food safety regulatory and enforcement duties are classified  
22.9 as nonpublic data under section 13.02, subdivision 9, and private data on individuals  
22.10 under section 13.02, subdivision 12. This section does not preclude the obligation of the  
22.11 Department of Agriculture to appropriately inform consumers of issues that could affect  
22.12 public health.

22.13 Sec. 40. Minnesota Statutes 2010, section 13.643, subdivision 7, is amended to read:

22.14 Subd. 7. **Research, monitoring, or assessment data.** (a) Except as provided in  
22.15 paragraph (b), the following data created, collected, and maintained by the Department of  
22.16 Agriculture during research, monitoring, or the assessment of farm practices and related  
22.17 to natural resources, the environment, agricultural facilities, or agricultural practices are  
22.18 classified as private or nonpublic:

22.19 (1) names, addresses, telephone numbers, and e-mail addresses of study participants  
22.20 or cooperators; and

22.21 (2) location of research, study site, and global positioning system data.

22.22 (b) The following data ~~is~~ are public:

22.23 (1) location data and unique well numbers for wells and springs unless protected  
22.24 under section 18B.10 or another statute or rule; and

22.25 (2) data from samples collected from a public water supply as defined in section  
22.26 144.382, subdivision 4.

22.27 (c) The Department of Agriculture may disclose data collected under paragraph (a) if  
22.28 the Department of Agriculture determines that there is a substantive threat to human health  
22.29 and safety or to the environment, or to aid in the law enforcement process. The Department  
22.30 of Agriculture may also disclose data with written consent of the subject of the data.

22.31 Sec. 41. Minnesota Statutes 2010, section 13.6435, is amended by adding a subdivision  
22.32 to read:

23.1 Subd. 13. **Ethanol producer payments.** Audited financial statements and notes  
 23.2 and disclosure statements submitted to the commissioner of agriculture regarding  
 23.3 ethanol producer payments pursuant to section 41A.09 are governed by section 41A.09,  
 23.4 subdivision 3a.

23.5 Sec. 42. Minnesota Statutes 2010, section 13.65, subdivision 1, is amended to read:

23.6 Subdivision 1. **Private data.** The following data created, collected and maintained  
 23.7 by the Office of the Attorney General are ~~classified as~~ private data on individuals:

23.8 (a) the record, including but not limited to, the transcript and exhibits of all  
 23.9 disciplinary proceedings held by a state agency, board or commission, except in those  
 23.10 instances where there is a public hearing;

23.11 (b) communications and noninvestigative files regarding administrative or policy  
 23.12 matters which do not evidence final public actions;

23.13 (c) consumer complaint data, other than ~~that~~ those data classified as confidential,  
 23.14 including consumers' complaints against businesses and follow-up investigative materials;

23.15 (d) investigative data, obtained in anticipation of, or in connection with litigation or  
 23.16 an administrative proceeding where the investigation is not currently active; and

23.17 (e) data collected by the Consumer Division of the Attorney General's Office in its  
 23.18 administration of the home protection hot line including: the name, address, and phone  
 23.19 number of the consumer; the name and address of the mortgage company; the total amount  
 23.20 of the mortgage; the amount of money needed to bring the delinquent mortgage current;  
 23.21 the consumer's place of employment; the consumer's total family income; and the history  
 23.22 of attempts made by the consumer to renegotiate a delinquent mortgage.

23.23 Sec. 43. Minnesota Statutes 2010, section 13.65, subdivision 2, is amended to read:

23.24 Subd. 2. **Confidential data.** The following data created, collected and maintained  
 23.25 by the Office of the Attorney General are ~~classified as~~ confidential, pursuant to section  
 23.26 13.02, subdivision 3: data acquired through communications made in official confidence  
 23.27 to members of the attorney general's staff where the public interest would suffer by  
 23.28 disclosure of the data.

23.29 Sec. 44. Minnesota Statutes 2010, section 13.65, subdivision 3, is amended to read:

23.30 Subd. 3. **Public data.** Data describing the final disposition of disciplinary  
 23.31 proceedings held by any state agency, board, or commission are ~~classified as~~ public,  
 23.32 pursuant to section 13.02, subdivision 15.

24.1 Sec. 45. Minnesota Statutes 2010, section 13.679, subdivision 2, is amended to read:

24.2 Subd. 2. **Utility or telephone company employee or customer.** (a) The following  
24.3 are private data on individuals: data collected by the commissioner of commerce or the  
24.4 Public Utilities Commission, including the names or any other data that would reveal the  
24.5 identity of either an employee or customer of a telephone company or public utility who  
24.6 files a complaint or provides information regarding a violation or suspected violation by  
24.7 the telephone company or public utility of any federal or state law or rule; except ~~this~~ these  
24.8 data may be released as needed to law enforcement authorities.

24.9 (b) The following are private data on individuals: data collected by the commission  
24.10 or the commissioner of commerce on individual public utility or telephone company  
24.11 customers or prospective customers, including copies of tax forms, needed to administer  
24.12 federal or state programs that provide relief from telephone company bills, public utility  
24.13 bills, or cold weather disconnection. The determination of eligibility of the customers  
24.14 or prospective customers may be released to public utilities or telephone companies to  
24.15 administer the programs.

24.16 Sec. 46. Minnesota Statutes 2010, section 13.719, subdivision 1, is amended to read:

24.17 Subdivision 1. **Comprehensive health insurance data.** (a) The following data  
24.18 on eligible persons and enrollees of the state comprehensive health insurance plan are  
24.19 classified as private: all data collected or maintained by the Minnesota Comprehensive  
24.20 Health Association, the writing carrier, and the Department of Commerce.

24.21 (b) The Minnesota Comprehensive Health Association is considered a state agency  
24.22 for purposes of this chapter.

24.23 (c) The Minnesota Comprehensive Health Association may disclose data on eligible  
24.24 persons and enrollees of the state comprehensive health insurance plan to conduct actuarial  
24.25 and research studies, notwithstanding the classification of ~~this~~ these data, if:

24.26 (1) the board authorizes the disclosure;

24.27 (2) no individual may be identified in the actuarial or research report;

24.28 (3) materials allowing an individual to be identified are returned or destroyed as soon  
24.29 as they are no longer needed; and

24.30 (4) the actuarial or research organization agrees not to disclose the information  
24.31 unless the disclosure would be permitted under this chapter is made by the association.

24.32 Sec. 47. Minnesota Statutes 2010, section 13.719, subdivision 5, is amended to read:

25.1 Subd. 5. **Data on insurance companies and township mutual companies.** The  
25.2 following data collected and maintained by the Department of Commerce are ~~classified~~  
25.3 ~~as~~ nonpublic data:

25.4 (a) that portion of any of the following data which would identify the affected  
25.5 insurance company or township mutual company: (1) any order issued pursuant to  
25.6 section 60A.031, subdivision 5, or 67A.241, subdivision 4, and based in whole or in  
25.7 part upon a determination or allegation by the Commerce Department or commissioner  
25.8 that an insurance company or township mutual company is in an unsound, impaired, or  
25.9 potentially unsound or impaired condition; or (2) any stipulation, consent agreement, letter  
25.10 agreement, or similar document evidencing the settlement of any proceeding commenced  
25.11 pursuant to an order of a type described in clause (1), or an agreement between the  
25.12 department and an insurance company or township mutual company entered in lieu of the  
25.13 issuance of an order of the type described in clause (1); and

25.14 (b) any correspondence or attachments relating to the data listed in this subdivision.

25.15 Sec. 48. Minnesota Statutes 2010, section 13.7191, subdivision 14, is amended to read:

25.16 Subd. 14. **Requirements for health plan companies.** (a) **Minnesota Risk**  
25.17 **Adjustment Association.** Data privacy issues concerning the Minnesota Risk Adjustment  
25.18 Association are governed by section 62Q.03, subdivision 9.

25.19 (b) **Essential community provider.** Data on applications for designation as an  
25.20 essential community provider are classified under section 62Q.19, subdivision 2.

25.21 (c) **Disclosure of executive compensation.** Disclosure of certain data to consumer  
25.22 advisory boards is governed by section 62Q.64.

25.23 (d) **Audits conducted by independent organizations.** Data provided by an  
25.24 independent organization related to an audit report are governed by section 62Q.37,  
25.25 subdivision 8.

25.26 Sec. 49. Minnesota Statutes 2010, section 13.7191, subdivision 18, is amended to read:

25.27 Subd. 18. **Workers' compensation self-insurance.** (a) **Self-Insurers' Advisory**  
25.28 **Committee.** Data received by the Self-Insurers' Advisory Committee from the  
25.29 commissioner are classified under section 79A.02, subdivision 2.

25.30 (b) **Self-insurers' security fund.** Disclosure of certain data received by the  
25.31 self-insurers' security is governed by section 79A.09, subdivision 4.

25.32 (c) **Commercial self-insurers' security fund.** Disclosure of certain data received by  
25.33 the commercial self-insurers' security fund is governed by section 79A.26, subdivision 4.

26.1 (d) Self-insurers' security fund and the board of trustees. The security fund and  
 26.2 its board of trustees are governed by section 79A.16.

26.3 (e) Commercial self-insurance group security fund. The commercial  
 26.4 self-insurance group security fund and its board of trustees are governed by section  
 26.5 79A.28.

26.6 Sec. 50. Minnesota Statutes 2010, section 13.72, is amended by adding a subdivision  
 26.7 to read:

26.8 Subd. 17. Adopt-a-highway data. The following data on participants collected  
 26.9 by the Department of Transportation to administer the adopt-a-highway program are  
 26.10 classified as private data on individuals: home addresses, except for zip codes; home  
 26.11 e-mail addresses; and home telephone numbers.

26.12 Sec. 51. Minnesota Statutes 2010, section 13.7932, is amended to read:

26.13 **13.7932 LOGGER SAFETY AND EDUCATION PROGRAM DATA.**

26.14 The following data collected from persons who attend safety and education programs  
 26.15 or seminars for loggers established or approved by the commissioner under section  
 26.16 176.130, subdivision 11, ~~is~~ are public data:

- 26.17 (1) the names of the individuals attending the program or seminar;  
 26.18 (2) the names of each attendee's employer;  
 26.19 (3) the city where the employer is located;  
 26.20 (4) the date the program or seminar was held; and  
 26.21 (5) a description of the seminar or program.

26.22 Sec. 52. Minnesota Statutes 2010, section 13.82, subdivision 2, is amended to read:

26.23 Subd. 2. **Arrest data.** The following data created or collected by law enforcement  
 26.24 agencies which ~~documents~~ document any actions taken by them to cite, arrest, incarcerate  
 26.25 or otherwise substantially deprive an adult individual of liberty shall be public at all  
 26.26 times in the originating agency:

- 26.27 (a) time, date and place of the action;  
 26.28 (b) any resistance encountered by the agency;  
 26.29 (c) any pursuit engaged in by the agency;  
 26.30 (d) whether any weapons were used by the agency or other individual;  
 26.31 (e) the charge, arrest or search warrants, or other legal basis for the action;  
 26.32 (f) the identities of the agencies, units within the agencies and individual persons  
 26.33 taking the action;

27.1 (g) whether and where the individual is being held in custody or is being incarcerated  
27.2 by the agency;

27.3 (h) the date, time and legal basis for any transfer of custody and the identity of the  
27.4 agency or person who received custody;

27.5 (i) the date, time and legal basis for any release from custody or incarceration;

27.6 (j) the name, age, sex and last known address of an adult person or the age and sex  
27.7 of any juvenile person cited, arrested, incarcerated or otherwise substantially deprived  
27.8 of liberty;

27.9 (k) whether the agency employed wiretaps or other eavesdropping techniques, unless  
27.10 the release of this specific data would jeopardize an ongoing investigation;

27.11 (l) the manner in which the agencies received the information that led to the arrest  
27.12 and the names of individuals who supplied the information unless the identities of those  
27.13 individuals qualify for protection under subdivision 17; and

27.14 (m) response or incident report number.

27.15 Sec. 53. Minnesota Statutes 2010, section 13.82, subdivision 3, is amended to read:

27.16 Subd. 3. **Request for service data.** The following data created or collected by  
27.17 law enforcement agencies which ~~documents~~ document requests by the public for law  
27.18 enforcement services shall be public government data:

27.19 (a) the nature of the request or the activity complained of;

27.20 (b) the name and address of the individual making the request unless the identity of  
27.21 the individual qualifies for protection under subdivision 17;

27.22 (c) the time and date of the request or complaint; and

27.23 (d) the response initiated and the response or incident report number.

27.24 Sec. 54. Minnesota Statutes 2010, section 13.82, subdivision 6, is amended to read:

27.25 Subd. 6. **Response or incident data.** The following data created or collected by  
27.26 law enforcement agencies which ~~documents~~ document the agency's response to a request  
27.27 for service including, but not limited to, responses to traffic accidents, or which ~~describes~~  
27.28 describe actions taken by the agency on its own initiative shall be public government data:

27.29 (a) date, time and place of the action;

27.30 (b) agencies, units of agencies and individual agency personnel participating in the  
27.31 action unless the identities of agency personnel qualify for protection under subdivision 17;

27.32 (c) any resistance encountered by the agency;

27.33 (d) any pursuit engaged in by the agency;

27.34 (e) whether any weapons were used by the agency or other individuals;

- 28.1 (f) a brief factual reconstruction of events associated with the action;
- 28.2 (g) names and addresses of witnesses to the agency action or the incident unless the  
28.3 identity of any witness qualifies for protection under subdivision 17;
- 28.4 (h) names and addresses of any victims or casualties unless the identities of those  
28.5 individuals qualify for protection under subdivision 17;
- 28.6 (i) the name and location of the health care facility to which victims or casualties  
28.7 were taken;
- 28.8 (j) response or incident report number;
- 28.9 (k) dates of birth of the parties involved in a traffic accident;
- 28.10 (l) whether the parties involved were wearing seat belts; and
- 28.11 (m) the alcohol concentration of each driver.

28.12 Sec. 55. Minnesota Statutes 2010, section 13.82, subdivision 7, is amended to read:

28.13 Subd. 7. **Criminal investigative data.** Except for the data defined in subdivisions  
28.14 2, 3, and 6, investigative data collected or created by a law enforcement agency in order  
28.15 to prepare a case against a person, whether known or unknown, for the commission of a  
28.16 crime or other offense for which the agency has primary investigative responsibility ~~is~~ are  
28.17 confidential or protected nonpublic while the investigation is active. Inactive investigative  
28.18 data ~~is~~ are public unless the release of the data would jeopardize another ongoing  
28.19 investigation or would reveal the identity of individuals protected under subdivision 17.  
28.20 Photographs which are part of inactive investigative files and which are clearly offensive  
28.21 to common sensibilities are classified as private or nonpublic data, provided that the  
28.22 existence of the photographs shall be disclosed to any person requesting access to the  
28.23 inactive investigative file. An investigation becomes inactive upon the occurrence of any  
28.24 of the following events:

28.25 (a) a decision by the agency or appropriate prosecutorial authority not to pursue  
28.26 the case;

28.27 (b) expiration of the time to bring a charge or file a complaint under the applicable  
28.28 statute of limitations, or 30 years after the commission of the offense, whichever comes  
28.29 earliest; or

28.30 (c) exhaustion of or expiration of all rights of appeal by a person convicted on  
28.31 the basis of the investigative data.

28.32 Any investigative data presented as evidence in court shall be public. Data  
28.33 determined to be inactive under clause (a) may become active if the agency or appropriate  
28.34 prosecutorial authority decides to renew the investigation.

29.1 During the time when an investigation is active, any person may bring an action in  
29.2 the district court located in the county where the data ~~is~~ are being maintained to authorize  
29.3 disclosure of investigative data. The court may order that all or part of the data relating to  
29.4 a particular investigation be released to the public or to the person bringing the action. In  
29.5 making the determination as to whether investigative data shall be disclosed, the court  
29.6 shall consider whether the benefit to the person bringing the action or to the public  
29.7 outweighs any harm to the public, to the agency or to any person identified in the data.  
29.8 The data in dispute shall be examined by the court in camera.

29.9 Sec. 56. Minnesota Statutes 2010, section 13.82, is amended by adding a subdivision  
29.10 to read:

29.11 Subd. 30. **Inactive financial transaction investigative data.** Investigative data  
29.12 that become inactive under subdivision 7 that relate to a person's financial accounts or  
29.13 transaction numbers are private or nonpublic data.

29.14 Sec. 57. Minnesota Statutes 2010, section 13.83, subdivision 2, is amended to read:

29.15 Subd. 2. **Public data.** Unless specifically classified otherwise by state statute or  
29.16 federal law, the following data created or collected by a medical examiner or coroner on  
29.17 a deceased individual ~~is~~ are public: name of the deceased; date of birth; date of death;  
29.18 address; sex; race; citizenship; height; weight; hair color; eye color; build; complexion;  
29.19 age, if known, or approximate age; identifying marks, scars and amputations; a description  
29.20 of the decedent's clothing; marital status; location of death including name of hospital  
29.21 where applicable; name of spouse; whether or not the decedent ever served in the armed  
29.22 forces of the United States; occupation; business; father's name (also birth name, if  
29.23 different); mother's name (also birth name, if different); birthplace; birthplace of parents;  
29.24 cause of death; causes of cause of death; whether an autopsy was performed and if so,  
29.25 whether it was conclusive; date and place of injury, if applicable, including work place;  
29.26 how injury occurred; whether death was caused by accident, suicide, homicide, or was  
29.27 of undetermined cause; certification of attendance by physician; physician's name and  
29.28 address; certification by coroner or medical examiner; name and signature of coroner  
29.29 or medical examiner; type of disposition of body; burial place name and location, if  
29.30 applicable; date of burial, cremation or removal; funeral home name and address; and  
29.31 name of local register or funeral director.

29.32 Sec. 58. Minnesota Statutes 2010, section 13.83, subdivision 4, is amended to read:

30.1           Subd. 4. **Investigative data.** Data created or collected by a county coroner or  
30.2 medical examiner which ~~is~~ are part of an active investigation mandated by chapter 390, or  
30.3 any other general or local law relating to coroners or medical examiners ~~is~~ are confidential  
30.4 data or protected nonpublic data, until the completion of the coroner's or medical  
30.5 examiner's final summary of findings but may be disclosed to a state or federal agency  
30.6 charged by law with investigating the death of the deceased individual about whom the  
30.7 medical examiner or coroner has medical examiner data. Upon completion of the coroner's  
30.8 or medical examiner's final summary of findings, the data collected in the investigation  
30.9 and the final summary of it are private or nonpublic data. However, if the final summary  
30.10 and the record of death indicate the manner of death is homicide, undetermined, or  
30.11 pending investigation and there is an active law enforcement investigation, within the  
30.12 meaning of section 13.82, subdivision 7, relating to the death of the deceased individual,  
30.13 the data remain confidential or protected nonpublic. Upon review by the county attorney  
30.14 of the jurisdiction in which the law enforcement investigation is active, the data may be  
30.15 released to persons described in subdivision 8 if the county attorney determines release  
30.16 would not impede the ongoing investigation. When the law enforcement investigation  
30.17 becomes inactive, the data are private or nonpublic data. Nothing in this subdivision shall  
30.18 be construed to make not public the data elements identified in subdivision 2 at any point  
30.19 in the investigation or thereafter.

30.20           Sec. 59. Minnesota Statutes 2010, section 13.83, subdivision 6, is amended to read:

30.21           Subd. 6. **Classification of other data.** Unless a statute specifically provides a  
30.22 different classification, all other data created or collected by a county coroner or medical  
30.23 examiner that ~~is~~ are not data on deceased individuals or the manner and circumstances of  
30.24 their death ~~is~~ are public pursuant to section 13.03.

30.25           Sec. 60. Minnesota Statutes 2010, section 13.87, subdivision 2, is amended to read:

30.26           Subd. 2. **Firearms data.** All data pertaining to the purchase or transfer of firearms  
30.27 and applications for permits to carry firearms which are collected by government entities  
30.28 pursuant to sections 624.712 to 624.719 are ~~classified as~~ private, pursuant to section  
30.29 13.02, subdivision 12.

30.30           Sec. 61. Minnesota Statutes 2010, section 13D.015, subdivision 5, is amended to read:

30.31           Subd. 5. **Notice.** If telephone or another electronic means is used to conduct a  
30.32 regular, special, or emergency meeting, the entity shall provide notice of the regular  
30.33 meeting location, of the fact that some members may participate by electronic means, and

31.1 of the provisions of subdivision 4. The timing and method of providing notice is governed  
31.2 by section 13D.04. In addition, the entity must post the notice on its Web site at least ten  
31.3 days before ~~the~~ any regular meeting as defined in section 13D.04, subdivision 1.

31.4 Sec. 62. **[13D.08] OPEN MEETING LAW CODED ELSEWHERE.**

31.5 Subdivision 1. **Board of Animal Health.** Certain meetings of the Board of Animal  
31.6 Health are governed by section 35.0661, subdivision 1.

31.7 Subd. 2. **Minnesota Life and Health Guaranty Association.** Meetings of the  
31.8 Minnesota Life and Health Guaranty Association Board of Directors are governed by  
31.9 section 61B.22.

31.10 Subd. 3. **Comprehensive Health Association.** Certain meetings of the  
31.11 Comprehensive Health Association are governed by section 62E.10, subdivision 4.

31.12 Subd. 4. **Health Technology Advisory Committee.** Certain meetings of the Health  
31.13 Technology Advisory Committee are governed by section 62J.156.

31.14 Subd. 5. **Health Coverage Reinsurance Association.** Meetings of the Health  
31.15 Coverage Reinsurance Association are governed by section 62L.13, subdivision 3.

31.16 Subd. 6. **Self-insurers' security fund.** Meetings of the self-insurers' security fund  
31.17 and its board of trustees are governed by section 79A.16.

31.18 Subd. 7. **Commercial self-insurance group security fund.** Meetings of the  
31.19 commercial self-insurance group security fund are governed by section 79A.28.

31.20 Subd. 8. **Lessard-Sams Outdoor Heritage Council.** Certain meetings of the  
31.21 Lessard-Sams Outdoor Heritage Council are governed by section 97A.056, subdivision 5.

31.22 Subd. 9. **Enterprise Minnesota, Inc.** Certain meetings of the board of directors of  
31.23 Enterprise Minnesota, Inc. are governed by section 116O.03.

31.24 Subd. 10. **Minnesota Business Finance, Inc.** Certain meetings of Minnesota  
31.25 Business Finance, Inc. are governed by section 116S.02.

31.26 Subd. 11. **Northern Technology Initiative, Inc.** Certain meetings of Northern  
31.27 Technology Initiative, Inc. are governed by section 116T.02.

31.28 Subd. 12. **Agricultural Utilization Research Institute.** Certain meetings of the  
31.29 Agricultural Utilization Research Institute are governed by section 116V.01, subdivision  
31.30 10.

31.31 Subd. 13. **Hospital authorities.** Certain meetings of hospitals established under  
31.32 section 144.581 are governed by section 144.581, subdivisions 4 and 5.

31.33 Subd. 14. **Advisory Council on Workers' Compensation.** Certain meetings of  
31.34 the Advisory Council on Workers' Compensation are governed by section 175.007,  
31.35 subdivision 3.

32.1 Subd. 15. **Electric cooperatives.** Meetings of a board of directors of an electric  
32.2 cooperative that has more than 50,000 members are governed by section 308A.327.

32.3 Subd. 16. **Town boards.** Certain meetings of town boards are governed by section  
32.4 366.01, subdivision 11.

32.5 Subd. 17. **Hennepin County Medical Center and HMO.** Certain meetings of the  
32.6 Hennepin County Board on behalf of the HMO or Hennepin Healthcare System, Inc. are  
32.7 governed by section 383B.217.

32.8 Subd. 18. **Hennepin Healthcare System, Inc.** Certain meetings of the Hennepin  
32.9 Healthcare System, Inc. are governed by section 383B.917.

32.10 Sec. 63. Minnesota Statutes 2010, section 16C.05, subdivision 2, is amended to read:

32.11 Subd. 2. **Creation and validity of contracts.** (a) A contract is not valid and the state  
32.12 is not bound by it and no agency, without the prior written approval of the commissioner  
32.13 granted pursuant to subdivision 2a, may authorize work to begin on it unless:

32.14 (1) it has first been executed by the head of the agency or a delegate who is a party  
32.15 to the contract;

32.16 (2) it has been approved by the commissioner; and

32.17 (3) the accounting system shows an encumbrance for the amount of the contract  
32.18 liability, except as allowed by policy approved by the commissioner and commissioner of  
32.19 management and budget for routine, low-dollar procurements.

32.20 (b) The combined contract and amendments must not exceed five years without  
32.21 specific, written approval by the commissioner according to established policy, procedures,  
32.22 and standards, or unless otherwise provided for by law. The term of the original contract  
32.23 must not exceed two years unless the commissioner determines that a longer duration is  
32.24 in the best interest of the state.

32.25 (c) Grants, interagency agreements, purchase orders, work orders, and annual plans  
32.26 need not, in the discretion of the commissioner and attorney general, require the signature  
32.27 of the commissioner and/or the attorney general. A signature is not required for work  
32.28 orders and amendments to work orders related to Department of Transportation contracts.  
32.29 Bond purchase agreements by the Minnesota Public Facilities Authority do not require  
32.30 the approval of the commissioner.

32.31 (d) Amendments to contracts must entail tasks that are substantially similar to  
32.32 those in the original contract or involve tasks that are so closely related to the original  
32.33 contract that it would be impracticable for a different contractor to perform the work. The  
32.34 commissioner or an agency official to whom the commissioner has delegated contracting

33.1 authority under section 16C.03, subdivision 16, must determine that an amendment would  
33.2 serve the interest of the state better than a new contract and would cost no more.

33.3 (e) A fully executed copy of every contract, subcontract, amendments to the  
33.4 contract, and performance evaluations relating to the contract must be kept on file at  
33.5 the contracting agency for a time equal to that specified for contract vendors and other  
33.6 parties in subdivision 5.

33.7 (f) The attorney general must periodically review and evaluate a sample of state  
33.8 agency contracts to ensure compliance with laws.

33.9 (g) An agency contract must require the contractor, upon request of the agency or  
33.10 request of an individual to the agency, to submit to the agency a copy of any subcontract  
33.11 entered into under the prime contract. The Minnesota State Colleges and Universities is  
33.12 an agency for purposes of this paragraph.

33.13 Sec. 64. Minnesota Statutes 2010, section 79A.16, is amended to read:

33.14 **79A.16 OPEN MEETING; ADMINISTRATIVE PROCEDURE ACT.**

33.15 The security fund and its board of trustees shall not be subject to (1) the Open  
33.16 Meeting Law, chapter 13D, (2) the Open Appointments Law, (3) the ~~Data Privacy Law~~  
33.17 Minnesota Government Data Practices Act, chapter 13, and (4) except where specifically  
33.18 set forth, the Administrative Procedure Act.

33.19 The Self-Insurers' Advisory Committee shall not be subject to clauses (2) and (4).

33.20 Sec. 65. Minnesota Statutes 2010, section 79A.28, is amended to read:

33.21 **79A.28 OPEN MEETING; ADMINISTRATIVE PROCEDURE ACT.**

33.22 The commercial self-insurance group security fund and its board of trustees shall not  
33.23 be subject to:

33.24 (1) the Open Meeting Law, chapter 13D;

33.25 (2) the Open Appointments Law;

33.26 (3) the ~~Data Privacy Law~~ Minnesota Government Data Practices Act, chapter 13; and

33.27 (4) except where specifically set forth, the Administrative Procedure Act.

33.28 Sec. 66. Minnesota Statutes 2010, section 216C.266, is amended to read:

33.29 **216C.266 DATA PRIVACY; ENERGY PROGRAMS.**

33.30 Subdivision 1. Classification of application data. Data on individuals collected,  
33.31 maintained, or created because an individual applies on behalf of a household for benefits  
33.32 or services provided by the energy assistance and weatherization programs ~~is~~ are private

34.1 data on individuals and must not be disseminated except pursuant to section 13.05,  
34.2 subdivisions 3 and 4, or as provided in this section.

34.3 Subd. 2. **Sharing energy assistance program data.** The commissioner may  
34.4 disseminate to the commissioner of human services the name, telephone number, and  
34.5 Social Security number of any individual who applies on behalf of a household for benefits  
34.6 or services provided by the energy assistance program if the household is determined to be  
34.7 eligible for the energy assistance program.

34.8 Subd. 3. **Use of shared data.** Data disseminated to the commissioner of human  
34.9 services under subdivision 2 may be disclosed to a person other than the subject of the data  
34.10 only for the purpose of determining a household's eligibility for the telephone assistance  
34.11 program pursuant to section 13.46, subdivision 2, clause (23).

34.12 Subd. 4. **Additional use of energy assistance program data.** The commissioner  
34.13 may use the name, telephone number, and Social Security number of any individual  
34.14 who applies on behalf of a household for benefits or services provided by the energy  
34.15 assistance program for the purpose of determining whether the household is eligible  
34.16 for the telephone assistance program if the household is determined to be eligible for  
34.17 the energy assistance program.

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

34.19 Sec. 67. Minnesota Statutes 2010, section 237.701, subdivision 1, is amended to read:

34.20 Subdivision 1. **Fund created; authorized expenditures.** The telephone assistance  
34.21 fund is created as a separate account in the state treasury to consist of amounts received  
34.22 by the commissioner of public safety representing the surcharge authorized by section  
34.23 237.70, subdivision 6, and amounts earned on the fund assets. Money in the fund may be  
34.24 used only for:

34.25 (1) reimbursement to local service providers for expenses and credits allowed in  
34.26 section 237.70, subdivision 7, paragraph (d), clause (5);

34.27 (2) reimbursement of the reasonable administrative expenses of the commission,  
34.28 a portion of which may be used for periodic promotional activities, including, but not  
34.29 limited to, radio or newspaper advertisements, to inform eligible households of the  
34.30 availability of the telephone assistance program; ~~and~~

34.31 (3) reimbursement of the statewide indirect cost of the commission; and

34.32 (4) reimbursement of the reasonable expenses of the commissioner of commerce and  
34.33 the commissioner of human services for administering section 216C.266, subdivisions  
34.34 2 and 4.

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

35.2 Sec. 68. Minnesota Statutes 2010, section 471.345, is amended by adding a subdivision  
35.3 to read:

35.4 Subd. 20. **Subcontractor contracts.** (a) A municipal contract must require the  
35.5 contractor, upon request of the municipality, or request of an individual to the municipality,  
35.6 to submit to the municipality a copy of any subcontract entered into under the prime  
35.7 contract. A fully executed copy of every contract, subcontract, amendment to a contract  
35.8 or subcontract, and performance evaluations relating to the contract must be kept by the  
35.9 municipality as required by section 15.17 and chapter 138.

35.10 (b) For purposes of this subdivision, a contract includes the definition provided in  
35.11 subdivision 2, and also includes a contract for professional services.

35.12 Sec. 69. **REPEALER.**

35.13 (a) Minnesota Statutes 2010, section 13.05, subdivisions 1, 2, and 8, are repealed.

35.14 (b) Minnesota Statutes 2010, sections 13.7931, subdivision 6; and 84.0874, are  
35.15 repealed effective the day following final enactment.

35.16 (c) Minnesota Statutes 2010, sections 13.4967, subdivision 6a; and 298.22,  
35.17 subdivision 12, are repealed, retroactively from the date of their final enactment."

35.18 Amend the title accordingly