

- 1.1 ..... moves to amend H.F. No. 2309 as follows:
- 1.2 Page 1, line 20, delete "that other" and insert "another"
- 1.3 Page 2, line 5, after "by" insert "or rightfully on behalf of"
- 1.4 Page 2, line 9, delete "face,"
- 1.5 Page 2, line 19, delete "for a narrowly defined particular purpose"
- 1.6 Page 2, delete lines 23 and 24 and insert "A consent is not valid when the consumer's  
1.7 indication has been obtained by a dark pattern."
- 1.8 Page 2, delete lines 31 to 33 and insert:
- 1.9 "(i) "Decisions that produce legal or similarly significant effects concerning the consumer"  
1.10 means decisions made by the controller that result in the provision or denial by the controller  
1.11 of financial or lending services, housing, insurance, education enrollment or opportunity,  
1.12 criminal justice, employment opportunities, health care services, or access to essential goods  
1.13 or services."
- 1.14 Page 3, delete lines 1 and 2
- 1.15 Page 3, before line 3, insert:
- 1.16 "(j) "Dark pattern" means a user interface designed or manipulated with the substantial  
1.17 effect of subverting or impairing user autonomy, decision making, or choice."
- 1.18 Page 3, line 8, delete "maintain and use" and insert "process"
- 1.19 Page 3, line 13, before "course" insert "ordinary"
- 1.20 Page 3, line 19, delete "18" and insert "13"
- 1.21 Page 3, line 24, delete "and" and insert "or"
- 1.22 Page 3, line 32, delete "concerning" and insert "related to"

- 2.1 Page 4, line 12, delete "with whom the consumer has a direct"
- 2.2 Page 4, line 13, delete "relationship"
- 2.3 Page 4, line 23, after "information" insert "for the purpose of uniquely identifying an
- 2.4 individual"
- 2.5 Page 4, delete lines 26 to 32 and insert:
- 2.6 "(w) "Specific geolocation data" means information derived from technology, including,
- 2.7 but not limited to, global positioning system level latitude and longitude coordinates or
- 2.8 other mechanisms, that directly identifies the specific location of a consumer or a device
- 2.9 linked to a consumer with sufficient accuracy to determine the consumer's street address.
- 2.10 Specific geolocation data does not include the content of communications, the contents of
- 2.11 databases containing street address information which are accessible to the public as
- 2.12 authorized by law, or any data generated by or connected to advanced utility metering
- 2.13 infrastructure systems or other equipment for use by a public utility."
- 2.14 Page 5, line 2, after "obtained" insert "or inferred" and delete "a" and insert "the"
- 2.15 Page 5, line 3, delete "such" and insert "the"
- 2.16 Page 5, line 4, delete "advertising"
- 2.17 Page 5, line 5, after "(1)" insert "advertising"
- 2.18 Page 5, line 6, after "(2)" insert "advertising"
- 2.19 Page 5, line 7, delete "or"
- 2.20 Page 5, line 8, after "(3)" insert "advertising" and delete the period and insert "; or"
- 2.21 Page 5, after line 8 insert:
- 2.22 "(4) processing personal data solely for measuring or reporting advertising performance,
- 2.23 reach, or frequency."
- 2.24 Page 5, line 17, after "more" insert ", excluding personal data controlled or processed
- 2.25 solely for the purpose of completing a payment transaction"
- 2.26 Page 5, line 23, after "entities" insert ", activities,"
- 2.27 Page 7, line 29, delete "or"
- 2.28 Page 7, line 32, delete the period and insert a semicolon
- 2.29 Page 7, after line 32, insert:

3.1 "(15) a state or federally chartered bank or credit union, or an affiliate or subsidiary that  
3.2 is only and directly engaged in financial activities, as described in United States Code, title  
3.3 12, section 1843(k);

3.4 (16) information that originates from, or is intermingled so as to be indistinguishable  
3.5 from, information described in clause (8) of this paragraph and that a person licensed under  
3.6 chapter 56 collects, processes, uses, or maintains in the same manner as is required under  
3.7 the laws and regulations specified in clause (8) of this paragraph;

3.8 (17) an insurance company, as defined in section 60A.02, subdivision 4, an insurance  
3.9 producer, as defined in section 60K.31, subdivision 6, a third-party administrator of  
3.10 self-insurance, or an affiliate or subsidiary of any of the foregoing that is only and directly  
3.11 engaged in financial activities, as described in United States Code, title 12, section 1843(k),  
3.12 except that this clause does not apply to a person that, alone or in combination with another  
3.13 person, establishes and maintains a self-insurance program that does not otherwise engage  
3.14 in the business of entering into policies of insurance;

3.15 (18) a small business as defined by the United States Small Business Administration  
3.16 under Code of Federal Regulations, title 13, part 121, except that such a small business is  
3.17 subject to section 325O.075; and

3.18 (19) a nonprofit organization that is established to detect and prevent fraudulent acts in  
3.19 connection with insurance."

3.20 Page 8, delete line 20 and insert:

3.21 "(c) A contract between a controller and a processor shall govern the processor's data  
3.22 processing procedures with respect to processing performed on behalf of the controller. The  
3.23 contract shall be binding and clearly set forth instructions for processing data, the nature  
3.24 and purpose of processing, the type of data subject to processing, the duration of processing,  
3.25 and the rights and obligations of both parties. The contract shall also require that the  
3.26 processor:"

3.27 Page 9, line 7, after "(2)" insert "upon a reasonable request from the controller,"

3.28 Page 9, lines 9 and 15, delete "audits" and insert "assessments"

3.29 Page 9, line 10, delete ", with"

3.30 Page 9, line 11, delete "the controller's consent,"

3.31 Page 9, lines 10, 11, and 13, delete "auditor" and insert "assessor"

3.32 Page 9, lines 12, 14, and 15, delete "audit" and insert "assessment"

- 4.1 Page 10, line 14, before "decisions" insert "solely automated"
- 4.2 Page 11, after line 25, insert:
- 4.3 "(d) A controller that recognizes opt-out preference signals that have been approved by
- 4.4 other state laws or regulations is in compliance with this subdivision."
- 4.5 Page 12, line 5, delete "15" and insert "45"
- 4.6 Page 12, line 23, after the comma, insert "paragraphs (b) to (e),"
- 4.7 Page 13, after line 8 insert:
- 4.8 "(k) A controller that has obtained personal data about a consumer from a source other
- 4.9 than the consumer may comply with a consumer's request to delete such data pursuant to
- 4.10 subdivision 1, paragraph (d), by either:
- 4.11 (1) retaining a record of the deletion request, retaining the minimum data necessary for
- 4.12 the purpose of ensuring the consumer's personal data remains deleted from the business's
- 4.13 records, and not using the retained data for any other purpose pursuant to the provisions of
- 4.14 this chapter; or
- 4.15 (2) opting the consumer out of the processing of such personal data for any purpose
- 4.16 except for those exempted pursuant to the provisions of this chapter."
- 4.17 Page 13, lines 15 and 20, delete "30" and insert "45"
- 4.18 Page 13, line 20, after the period insert "If the appeal is denied, the"
- 4.19 Page 13, line 29, after "upon" insert "written" and delete "by a consumer or" and after
- 4.20 "attorney general" insert "as part of an investigation"
- 4.21 Page 14, line 20, after the second comma, insert "paragraphs (b) to (e),"
- 4.22 Page 15, delete lines 15 to 24 and insert:
- 4.23 "(7) a description of the controller's retention policies for personal data;"
- 4.24 Page 15, line 25, delete "(9)" and insert "(8)"
- 4.25 Page 15, line 31, after "profiling" insert "in furtherance of decisions that produce legal
- 4.26 effects concerning a consumer or similarly significant effects concerning a consumer"
- 4.27 Page 16, line 8, delete "Before" and insert "Whenever"
- 4.28 Page 16, lines 9 and 10, delete "each consumer" and insert "consumers"
- 4.29 Page 16, line 13, delete "direct"

5.1 Page 16, line 14, delete "each" and delete "consumer" and insert "consumers"

5.2 Page 16, line 26, delete everything after "(a)" and insert "A controller must limit the  
5.3 collection of personal data to what is adequate, relevant, and reasonably necessary in relation  
5.4 to the purposes for which such data are processed, as disclosed to the consumer."

5.5 Page 16, delete lines 27 to 30

5.6 Page 17, line 12, after "regulations" insert ", rules, and exemptions"

5.7 Page 17, line 21, delete "a known child"

5.8 Page 18, after line 15, insert:

5.9 "Sec. 9. [3250.075] REQUIREMENTS FOR SMALL BUSINESSES.

5.10 (a) A small business, as defined by the United States Small Business Administration  
5.11 under Code of Federal Regulations, title 13, part 121, that conducts business in Minnesota  
5.12 or produces products or services that are targeted to residents of Minnesota, must not sell  
5.13 a consumer's sensitive data without the consumer's prior consent.

5.14 (b) Penalties and attorney general enforcement procedures under section 3250.10 apply  
5.15 to a small business that violates this section."

5.16 Page 20, line 1, delete "The" and insert "As part of a civil investigative demand, the"

5.17 Page 20, line 5, delete "the responsibilities contained in" and insert "this chapter"

5.18 Page 20, line 6, delete everything before the period

5.19 Page 20, after line 13, insert:

5.20 "(f) A single data protection assessment may address multiple sets of comparable  
5.21 processing operations that include similar activities."

5.22 Page 20, line 25, after the comma, insert "including fulfilling the terms of a written  
5.23 warranty,"

5.24 Page 20, line 27, after "life" insert "or physical safety"

5.25 Page 21, line 4, delete "or"

5.26 Page 21, line 13, delete the period and insert "; or"

5.27 Page 21, after line 13, insert:

5.28 "(10) process personal data for the benefit of the public in the areas of public health,  
5.29 community health, or population health, but only to the extent that such processing is:

6.1 (i) subject to suitable and specific measures to safeguard the rights of the consumer  
6.2 whose personal data is being processed; and

6.3 (ii) under the responsibility of a professional individual who is subject to confidentiality  
6.4 obligations under federal, state, or local law."

6.5 Page 21, line 15, after "data" insert "for internal use only"

6.6 Page 21, line 16, after "(1)" insert "effectuate a product recall or" and delete the third  
6.7 "or"

6.8 Page 21, line 22, delete the period and insert "; or"

6.9 Page 21, after line 22, insert:

6.10 "(3) conduct internal research to develop, improve, or repair products, services, or  
6.11 technology."

6.12 Page 23, after line 7, insert:

6.13 "(d) Nothing in this chapter establishes a private right of action, including under section  
6.14 8.31, subdivision 3a, for a violation of this chapter or any other law."

6.15 Page 23, line 16, delete "2024" and insert "2025"

6.16 Page 23, line 18, delete "2028" and insert "2029"

6.17 Reletter the paragraphs in sequence

6.18 Reletter the paragraphs in sequence

6.19 Renumber the sections in sequence and correct the internal references

6.20 Amend the title accordingly