

House Research Act Summary

CHAPTER: 202

SESSION: 2001 Regular Session

TOPIC: Omnibus Data Practices Act

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- 1 **Political subdivision.** Amends the government data practices act definition of "political subdivision." Adds "metropolitan area town" to the list of local government units covered by the act. Previously, no towns were covered by the act.
- 2 **Advisory opinions.** Amends the statute dealing with the effect of opinions of the commissioner of administration. Clarifies the circumstances under which a government entity or person that acts in conformity with a written opinion would be protected from liability. Applies in cases where a government entity or person acts in conformity with a written opinion issued to the government entity or person or to another party.
- 3 **Penalty factors.** Amends the factors to be considered by a court in determining whether to assess a civil penalty in an action to compel compliance with the data practices act. With respect to acting in conformity with an opinion sought by another person, it would have to be a formal commissioner's opinion under section 13.072.
- 4 **Military recruitment.** Requires secondary schools to give military recruiters the names, addresses, and phone numbers of 11th and 12th grade students within 60 days after receiving a request except as follows.

The school must give parents and students the right to refuse this release. Data released may only be used for military recruiting purposes and may not be further disseminated except to other armed forces recruiters.
- 5 Provides a data practices act cross reference to the higher education services statute, which is where the college savings plan data classification is coded.
- 6 **Housing and redevelopment data.** Amends the statute that classifies data collected in surveys by housing and redevelopment authorities (HRAs). Adds to that statute a subdivision classifying as private or nonpublic financial data received from persons seeking assistance from an HRA

The new subdivision also specifies that some of the data on applicants become public and some remain private/protected if the applicants receives financial assistance from the HRA.

The data classifications are identical to classification in prior law that apply only to the St. Paul HRA.

7 **Business data.**

Subd. 1. Not public data when benefit requested. Classifies as private or nonpublic: specified business data submitted by a business requesting financial assistance or a benefit financed by public funds.

Subd. 2. Public data when benefit received. Specifies that data under subdivision 1 become public if a benefit is received, except that business plans, income and expense projections not related to the financial assistance provided, customer lists, income tax returns and design, market, and feasibility studies not paid with public funds remain private or nonpublic data.

Subd. 3. Business as vendor. Makes private or nonpublic until bids are opened: business data submitted to a government entity in response to a request for bids. When bids are opened, the bidder's name and the amount in the response are public. All other data remain private or nonpublic until completion of the selection process (defined as. ranking of the responses). At that time all data, including copyrighted material, but excepting trade secrets, become public. Provides parallel treatment for responses to requests for proposals (RFP), except that the concluding stage is called "completion of the evaluation process," and it occurs when the government entity finishes negotiating the contract with the selected vendor. Provides that if all responses to an RFP are rejected prior to completion of the selection process, data that are private or nonpublic at that time remain so until a resolicitation or a decision to abandon the purchase. If responses are rejected after the process is completed, data public at that time remains so.

8 **Automobile insurance.** Classifies as nonpublic: financial data relating to nonpublic companies that are submitted to the commissioner of commerce for approval to self-insure liability for automobile coverage as a group.

Classifies as nonpublic: specified financial documents submitted by nonpublic companies seeking to self-insure their automobile liability or to be licensed as self-insurance plan administrators.

9 **Data.** Classifies as private data on individuals: account owner data, account data, and data on beneficiaries of Minnesota college savings accounts (a program to give tax breaks for higher education savings), except it makes public the names and addresses of beneficiaries of accounts that receive state matching grants (available to families with incomes up to \$80,000).

10 **Records management program.** Amends law that requires government entities to keep official records and have a timetable for their destruction. Requires an entity to keep a record of what records it has destroyed. Under prior law the entity forwarded this record to the commissioner of administration and the archivist at the state historical society.

11 **Treatment of data collected.** Provides that data that the department of labor and industry collects or creates as part of an investigation is private if it would identify individuals who have provided data to the department during the investigation.

12 **Gang data.** Makes permanent a temporary law that gave law enforcement access to juvenile records for purposes of investigating gang activity.

13 **Juvenile data.** Amends the statute authorizing access to data in the bureau of criminal apprehension juvenile adjudication history records to authorize the release of certain data in connection with child protection worker background checks performed under section 299C.62.

Only data on offenses that would constitute a background check crime may be released.

- 14 **Juvenile suspense data.** Amends the statute under which the bureau of criminal apprehension provides information to peace officers when a person is arrested to include references to any juvenile court disposition data not in the criminal history system ("suspense" data).
- 15 **Technical.** Amends the child protection worker background check statute to add a definition of "conviction," which would include delinquency adjudications. Goes with section 13.
- 16 **HIV data.** Allows keeping sex offender HIV test results in an inmate's medical record held by the department of corrections.
- 17 **Classification of data.** Amends the crime victim programs law. Classifies as private: personal history and other information kept by the Minnesota Center for Crime Victim Services or one of its grantees, from which the identity and location of a crime victim can be determined.
- 18 **Taxpayer's personal information; disclosure.** Amends a local law passed in 1997 which requires Washington and Ramsey counties to inform property taxpayers of the right to opt out of having their names included on lists of property owners that are sold to businesses for survey, marketing, or solicitation purposes. Strikes Ramsey County from the application of the law. Extends the law's August 1, 2001, expiration date to 2003.
- 19 **Noncustodial parent program.** Authorizes disclosure of private welfare data for purposes of evaluating noncustodial parent employment and support service programs by exchanging data on current and past participants between the child support authority and the agencies administering the noncustodial parent programs. Expires August 1, 2002.
- 20 **Report of data laws.** Requires the responsible authority of each state agency to prepare a list of all data classifications affecting business that are in the agency's jurisdiction. Requires the agency to submit this list to the commissioner of administration by November 1, 2001.
- 21 **Repealer.** Repeals (1) an unfunded administrative remedy for denials of data access, and (2) current business data provisions that would be replaced by the business data section.
- 22 **Effective date.** The classifications for Minnesota college savings account data are effective upon enactment.