Overview

The bill (1) addresses fee issues for on-line data access, (2) classifies some data, (3) requires sharing of some not public data by various government entities, (4) requires the revisor to recodify the data practices act, and (5) makes technical changes.

1 Request for access to data. Amends the section of the government data practices act dealing with requests for access to public data. Defines "inspection" for this section to include visual inspection of data on paper. For data stored electronically, the term includes on-line access and the ability to print or download the data being accessed. It does not include printing copies of the data, unless printing it is the only way to allow inspection. Lets a government entity charge a reasonable cost for remote access to data under a specific statutory grant of authority.

2 Access to data by individual. Changes the deadline for government entities to respond to a request by an individual for access to data on that individual. Allows ten days to respond if immediate compliance is not possible. Current law states a five-day deadline but lets the entity extend that period to ten days if unable to comply within five days.

3 Student health and census data; data on parents. Amends current law on student health and census data. Provides that data on parents is private but may be treated as directory information if the district follows the usual procedures for designating it as directory information.

4 Dissemination of data to economic security. Requires disclosure of private personnel data to the department of economic security to process claims for unemployment benefits.

5 Building code violations. Makes public records of building code violations kept by government agencies, except as otherwise provided by current law (1) on names of complaints and (2) on civil and criminal investigative data.

6 Rideshare data. Classifies rideshare program participant data collected by the state department of transportation (MNDOT) and the metropolitan council. Makes private: residential address and telephone, beginning and ending work hours, mode of commuting and type of rideshare service.
information requested. Treats metropolitan council data the same as MNDOT rideshare data is treated in current law.

7 **Utility customer data.** Classifies as private (regarding individuals) and nonpublic (regarding entities): data that identifies customers of municipal utilities.

8 **Pollution control agency.** Classifies as nonpublic: data identifying locations in the state where studies of deformed frogs are being done or may be done. The classification lasts until the pollution control agency completes its investigation at a site or determines it will not investigate a site.

9 **Must be kept.** Amends the current statute that requires state and local government to keep records of their official activities. Provides these records may be kept on computer.

10 **Responsibility for records.** Conforms to the change in section 9.

11 **Inspection.** Amends a statute on state inspections of private business, trade, and correspondence schools seeking licensure. Maintains current substantive law but restates it using data practices act terminology: data from the inspection of a schools' financial records is nonpublic but may be disclosed (1) within the office doing the inspection, (2) to law enforcement authorities, or (3) in connection with a legal or administrative proceeding to enforce a law.

12 **Disclosure of identity.** Amends the whistle blower law. Classifies as private data (available to the subject but not to anyone else) the identity of an employee who reports (1) the suspected violation of a state or federal law to an employer, a governmental body, or a law enforcement official, or (2) a situation where the quality of health care provided violates a state or federal law or national clinical or ethical standard and potentially harms the public.

Makes an employee's identity private if the employee is asked by a public body or office to participate in an investigation, hearing, or inquiry and:

(1) the employee would not have provided the information unless assured of privacy, because of fear of employer reprisal; or

(2) the government entity reasonably believes the employee would not have provided the data because of that concern.

Allows disclosure of the employee's identity if necessary for prosecution.

Under current law in all situations covered by the whistle blower act a government entity must not disclose an employee's identity without his or her consent unless necessary for a prosecution.

13 **Disclosure to commissioner of human services.** Allows the commissioner of revenue to give DHS information to verify whether applicants or recipients of specified human services programs (1) have claimed refundable tax credits under chapter 290 or a property tax refund, and (2) the amounts of the credits.

14 **Homestead application.** Amends the statute on applying for homestead classification for property taxes. Permits the county auditor or treasurer to use social security numbers and federal identification numbers to help the commissioner of revenue prepare microdata samples. The commissioner uses these samples to do revenue forecasts, tax proposal simulations, and analyses of the incidence of current or proposed taxes.

15 **Code violations; disclosure.** Amends landlord tenant law to the same effect as section 6. Currently records of building code violations are accessible only to specified parties.

16 **Revisor instruction; data practices law recodification.** Requires the revisor to reorganize chapter 13 to (1) give users quick access to data practices laws in chapter 13, and (2) locate references to data law coded outside chapter 13 next to their service area in chapter 13.

Defines laws coded outside chapter 13 to include both access restrictions and data sharing provisions.
Gives examples of service areas; such as government entities, and function areas, such as education, law enforcement, human services, or child protection. Requires inclusion in the 2000 edition of Minnesota Statutes.

17 **Report of data practices statutes.** Requires government entities, by September 1, 1999, to give the revisor a list of data practices laws coded outside chapter 13 that are not already included in the cross reference section. The revisor will use this in recodifying chapter 13.

18 **Repealer.** Repeals the current rideshare data classification provision, which covers only MNDOT data, and is now replaced by section 6.

19 **Effective date.** Sections 16 and 17 are effective immediately.