SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 1594

(SENATE AUTHORS: GOODWIN)

DATE	D-PG	OFFICIAL STATUS
04/11/2013	1779	Introduction and first reading Referred to Judiciary

A bill for an act

relating to data practices; regulating the handling of certain data on participants in the Safe at Home address confidentiality program; amending Minnesota Statutes 2012, sections 5B.07, subdivision 1; 13.82, subdivisions 17, 24; proposing coding for new law in Minnesota Statutes, chapter 13.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2012, section 5B.07, subdivision 1, is amended to read:

Subdivision 1. **Classification of data.** (a) Data collected, created, or maintained by the secretary of state related to applicants, eligible persons, and program participants are private data on individuals as defined by section 13.02, subdivision 12. A consent for release of the address from an applicant, eligible person, or program participant is not effective.

(b) A program participant's name and address maintained by a local government entity in connection with an active investigation or inspection of an alleged health code, building code, fire code, or city ordinance violation allegedly committed by the program participant are private data on individuals as defined in section 13.02.

EFFECTIVE DATE. This section is effective January 1, 2014.

Sec. 2. **[13.045] SAFE AT HOME PROGRAM PARTICIPANT DATA.**

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

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

(2) "identity and location data" means any data that may be used to identify or physically locate a program participant, including but not limited to the program participant's name, residential address, work address, and school address.

Subd. 2. **Notification of certification; duration of applicability.** (a) A program participant may submit a notice, in writing, to the responsible authority of any government entity that the participant is certified in the Safe at Home address confidentiality program pursuant to chapter 5B. The notice must include the date the program participant's certification in the program expires. A program participant may submit a subsequent notice of certification, if the participant's certification is renewed. The contents of the notification of certification, and the fact that a notice has been submitted, is private data on individuals.

(b) Subdivisions 3 to 5 govern data on a program participant maintained or collected by a government entity from the date a notification of certification is received by the entity, through the date the certification expires, or upon written notice from the program participant that the participant has withdrawn from the program, whichever is earlier.

Subd. 3. **Reclassification of data.** (a) Public identity and location data on a program participant who submits a notice of certification under subdivision 2, including data maintained by the government entity, and any future identity and location data received or collected by the government entity that would otherwise be public, are reclassified as private data on individuals.

(b) Upon expiration of the program participant's certification or notice of withdrawal as provided in subdivision 2, paragraph (b), data reclassified pursuant to this section are public, unless the data have been classified by other law since the time the notice of certification was received.

Subd. 4. **Sharing and dissemination without consent prohibited.** Notwithstanding any provision of law to the contrary, private or confidential identity and location data on a program participant who submits a notice of certification under subdivision 2, including data reclassified under subdivision 3, may not be shared with any other government entity, or disseminated to any person, unless the program participant has expressly consented in writing to sharing or dissemination of the data for the purpose for which the sharing or dissemination will occur.

Subd. 5. **Acceptance of alternate address required.** A government entity must accept the address designated by the secretary of state pursuant to section 5B.03, subdivision 5, as a program participant's valid address, if the designated address is the address presented by the program participant and the participant has submitted a notice of certification under subdivision 2. A government entity may not require the program participant to submit the participant's residential address, work address, school address, or other address that may be used to physically locate the participant as either a substitute or in addition to the address designated by the secretary of state, or as a condition of

receiving a service or benefit offered by the government entity, unless the service or benefit could not be provided without knowledge of the participant's physical location.

Subd. 6. **Duties of the secretary of state and other government entities limited.** Nothing in this section establishes a duty for:

(1) the office of the secretary of state to identify other government entities that may hold data on a program participant; or

(2) the responsible authority of any government entity to independently determine whether it maintains data on a program participant, unless a request is received pursuant to section 13.04 or a notice of certification is submitted pursuant to this section.

EFFECTIVE DATE. This section is effective July 1, 2013.

Sec. 3. Minnesota Statutes 2012, section 13.82, subdivision 17, is amended to read:

Subd. 17. **Protection of identities.** A law enforcement agency or a law enforcement dispatching agency working under direction of a law enforcement agency shall withhold public access to data on individuals to protect the identity of individuals in the following circumstances:

(a) when access to the data would reveal the identity of an undercover law enforcement officer, as provided in section 13.43, subdivision 5;

(b) when access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or of a violation of section 617.246, subdivision 2;

(c) when access to the data would reveal the identity of a paid or unpaid informant being used by the agency if the agency reasonably determines that revealing the identity of the informant would threaten the personal safety of the informant;

(d) when access to the data would reveal the identity of a victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the agency reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual;

(e) when access to the data would reveal the identity of a deceased person whose body was unlawfully removed from a cemetery in which it was interred;

(f) when access to the data would reveal the identity of a person who placed a call to a 911 system or the identity or telephone number of a service subscriber whose phone is used to place a call to the 911 system and: (1) the agency determines that revealing the identity may threaten the personal safety or property of any person; or (2) the object of the call is to receive help in a mental health emergency. For the purposes of this paragraph, a voice recording of a call placed to the 911 system is deemed to reveal the identity of the caller;

(g) when access to the data would reveal the identity of a juvenile witness and the agency reasonably determines that the subject matter of the investigation justifies protecting the identity of the witness; ~~or~~

(h) when access to the data would reveal the identity of a mandated reporter under section 609.456, 626.556, or 626.557~~.~~; or

(i) when access to the data would reveal the identity or physical location of a certified participant in the Safe at Home address confidentiality program pursuant to chapter 5B.

Data concerning individuals whose identities are protected by this subdivision are private data about those individuals. Law enforcement agencies shall establish procedures to acquire the data and make the decisions necessary to protect the identity of individuals described in clauses (c), (d), (f), and (g).

EFFECTIVE DATE. This section is effective July 1, 2013.

Sec. 4. Minnesota Statutes 2012, section 13.82, subdivision 24, is amended to read:

Subd. 24. **Exchanges of information.** Nothing in this chapter prohibits the exchange of information by law enforcement agencies provided the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing an investigation, except not public personnel data and data governed by section 13.045.

EFFECTIVE DATE. This section is effective July 1, 2013.