

## CHAPTER 13

### GOVERNMENT DATA PRACTICES

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#### 13.03 ACCESS TO GOVERNMENT DATA.

*[For text of subs 1 to 5, see M.S.1994]*

**Subd. 6. Discoverability of not public data.** If a state agency, political subdivision, or statewide system opposes discovery of government data or release of data pursuant to court order on the grounds that the data are classified as not public, the party that seeks access to the data may bring before the appropriate presiding judicial officer, arbitrator, or administrative law judge an action to compel discovery or an action in the nature of an action to compel discovery.

The presiding officer shall first decide whether the data are discoverable or releasable pursuant to the rules of evidence and of criminal, civil, or administrative procedure appropriate to the action.

If the data are discoverable the presiding officer shall decide whether the benefit to the party seeking access to the data outweighs any harm to the confidentiality interests of the agency maintaining the data, or of any person who has provided the data or who is the subject of the data, or to the privacy interest of an individual identified in the data. In making the decision, the presiding officer shall consider whether notice to the subject of the data is warranted and, if warranted, what type of notice must be given. The presiding officer may fashion and issue any protective orders necessary to assure proper handling of the data by the parties. If the data are a videotape of a child victim or alleged victim alleging, explaining, denying, or describing an act of physical or sexual abuse, the presiding officer shall consider the provisions of section 611A.90, subdivision 2, paragraph (b).

*[For text of subs 7 to 11, see M.S.1994]*

**History:** 1995 c 259 art 4 s 1

#### 13.06 TEMPORARY CLASSIFICATION.

*[For text of subs 1 to 5, see M.S.1994]*

Subd. 6. [Repealed, 1995 c 259 art 1 s 62]

**Subd. 7. Legislative consideration of temporary classifications; expiration.** On or before January 15 of each year, the commissioner shall submit all temporary classifications in effect on January 1 in bill form to the legislature. The temporary classification expires June 1 of the year following its submission to the legislature.

**History:** 1995 c 259 art 1 s 1

#### 13.072 OPINIONS BY THE COMMISSIONER.

**Subdivision 1. Opinion; when required.** (a) Upon request of a state agency, statewide system, or political subdivision, the commissioner may give a written opinion on any ques-

tion relating to public access to government data, rights of subjects of data, or classification of data under this chapter or other Minnesota statutes governing government data practices. Upon request of any person who disagrees with a determination regarding data practices made by a state agency, statewide system, or political subdivision, the commissioner may give a written opinion regarding the person's rights as a subject of government data or right to have access to government data. If the commissioner determines that no opinion will be issued, the commissioner shall give the state agency, statewide system, political subdivision, or person requesting the opinion notice of the decision not to issue the opinion within five days of receipt of the request. If this notice is not given, the commissioner shall issue an opinion within 20 days of receipt of the request. For good cause and upon written notice to the person requesting the opinion, the commissioner may extend this deadline for one additional 30-day period. The notice must state the reason for extending the deadline. The state agency, statewide system, or political subdivision must be provided a reasonable opportunity to explain the reasons for its decision regarding the data. The commissioner or the state agency, statewide system, or political subdivision may choose to give notice to the subject of the data concerning the dispute regarding the data.

(b) This section does not apply to a determination made by the commissioner of health under section 13.38, subdivision 2, paragraph (c), or 144.6581.

(c) A written opinion issued by the attorney general shall take precedence over an opinion issued by the commissioner under this section.

*[For text of subs 2 and 3, see M.S.1994]*

**Subd. 4. Data submitted to commissioner.** A state agency, statewide system, or political subdivision may submit not public data to the commissioner for the purpose of requesting or responding to a person's request for an opinion. Government data submitted to the commissioner by a state agency, statewide system, or political subdivision or copies of government data submitted by other persons have the same classification as the data have when held by the state agency, statewide system, or political subdivision. If the nature of the opinion is such that the release of the opinion would reveal not public data, the commissioner may issue an opinion using pseudonyms for individuals. Data maintained by the commissioner, in the record of an opinion issued using pseudonyms that would reveal the identities of individuals protected by the use of the pseudonyms, are private data on individuals.

**History:** 1995 c 259 art 1 s 2,3

### 13.073 PUBLIC INFORMATION POLICY TRAINING PROGRAM.

**Subdivision 1. Establishment.** The commissioner may establish a program for training state and local government officials and employees on public information policy, including government data practices laws and official records and records management statutes. The program may provide for the development of broad-based expertise within state and local government entities. The program components may include basic training, specific training for specialized service sectors, and policy analysis and support.

**Subd. 2. General provisions.** The commissioner may publicize the development and implementation of the training program under this section and seek input from state and local government entities. The commissioner may prepare a training guide that includes an overview of the training program and its components.

**Subd. 3. Basic training.** The basic training component should be designed to meet the basic information policy needs of all government employees and public officials with a focus on key data practices laws and procedures that apply to all government entities. The commissioner should design the basic training component in a manner that minimizes duplication of the effort and cost for government entities to provide basic training. The commissioner may develop general programs and materials for basic training such as video presentations, data practices booklets, and training guides. The commissioner may assist state and local government agencies in developing training expertise within their own agencies and offer assistance for periodic training sessions for this purpose.

**Subd. 4. Sector-specific training.** (a) The sector-specific training component should be designed to provide for the development of specific expertise needed to deal with in-

formation policy issues within a particular service area. Service areas may include government entities such as state agencies, counties, cities, or school districts, or functional areas such as education, human services, child protection, or law enforcement. This component should focus on training individuals who implement or administer data practices and other information policy laws within their government entity.

(b) The commissioner may provide technical assistance and support and help coordinate efforts to develop sector-specific training within different sectors. Elements of sector-specific training should include:

(1) designation, training, and coordination of data practices specialists with responsibility for clarification and resolution of sector-specific information policy issues;

(2) development of telephone hot lines within different sectors for handling information policy inquiries;

(3) development of forums under which individuals with ongoing information policy administrative responsibilities may meet to discuss issues arising within their sectors;

(4) availability of expertise for coaching and consultation on specific issues; and

(5) preparation of publications, including reference guides to materials and resource persons.

**Subd. 5. Policy analysis and support.** The policy analysis and support component should be designed to address information policy issues at the policy level and to provide ongoing consultation and support regarding major areas of concern with a goal of developing a coherent and coordinated approach to information policy within the state. The commissioner may assist in the development and implementation of information policy and provide a clearinghouse for ideas, information, and resources. The commissioner may review public information policy and identify how that policy can be updated, simplified, and made consistent.

**History:** 1995 c 259 art 2 s 1

### 13.10 DATA ON DECEDENTS.

*[For text of subs 1 to 4, see M.S.1994]*

**Subd. 5. Adoption records.** Notwithstanding any provision of this chapter, adoption records shall be treated as provided in sections 259.53, 259.61, 259.79, and 259.83 to 259.89.

*[For text of subd 6, see M.S.1994]*

**History:** 1995 c 259 art 1 s 4

### 13.31 BENEFIT DATA.

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

*[For text of subs 2 and 3, see M.S.1994]*

**History:** 1995 c 259 art 1 s 5

### 13.32 EDUCATIONAL DATA.

*[For text of subd 1, see M.S.1994]*

**Subd. 2. Student health and census data.** (a) Health data concerning students, including but not limited to, data concerning immunizations, notations of special physical or mental problems and records of school nurses are educational data. Access by parents to student health data shall be pursuant to section 13.02, subdivision 8.

(b) Pupil census data, including emergency information, family information, and data concerning parents are educational data.

*[For text of subs 3 to 5, see M.S.1994]*

**Subd. 6. Admissions forms; remedial instruction.** (a) Minnesota post-secondary education institutions, for purposes of reporting and research, may collect on the 1986-1987 admissions form, and disseminate to any public educational agency or institution the following data on individuals: student sex, ethnic background, age, and disabilities. The data shall not be required of any individual and shall not be used for purposes of determining the person's admission to an institution.

(b) A school district that receives information under subdivision 3, paragraph (h) from a post-secondary institution about an identifiable student shall maintain the data as educational data and use that data to conduct studies to improve instruction. Public post-secondary systems annually shall provide summary data to the department of children, families, and learning indicating the extent and content of the remedial instruction received in each system during the prior academic year by, and the results of assessment testing and the academic performance of, students who graduated from a Minnesota school district within two years before receiving the remedial instruction. The department shall evaluate the data and annually report its findings to the education committees of the legislature.

(c) This section supersedes any inconsistent provision of law.

*[For text of subd 7, see M.S.1994]*

**History:** 1995 c 259 art 1 s 6; 1Sp1995 c 3 art 16 s 13

### 13.38 HEALTH DATA.

*[For text of subs 1 to 3, see M.S.1994]*

Subd. 4. [Repealed, 1995 c 259 art 1 s 62]

### 13.385 HUNTINGTON'S DISEASE DATA.

All data created, collected, received, or maintained by the commissioner of health on individuals relating to genetic counseling services for Huntington's Disease provided by the department of health is private data on individuals. The data may be permanently transferred from the department to the Hennepin county medical center, and once transferred, shall continue to be classified as private data on individuals.

**History:** 1995 c 259 art 1 s 58

### 13.391 VIDEOTAPES OF CHILD ABUSE VICTIMS.

(a) Notwithstanding section 13.04, subdivision 3, an individual subject of data may not obtain a copy of a videotape in which a child victim or alleged victim is alleging, explaining, denying, or describing an act of physical or sexual abuse without a court order under section 13.03, subdivision 6, or 611A.90. The definitions of physical abuse and sexual abuse in section 626.556, subdivision 2, apply to this section, except that abuse is not limited to acts by a person responsible for the child's care or in a significant relationship with the child or position of authority.

(b) This section does not limit other rights of access to data by an individual under section 13.04, subdivision 3, other than the right to obtain a copy of the videotape, nor limit rights of access pursuant to discovery in a court proceeding.

**History:** 1995 c 259 art 4 s 2

### 13.42 MEDICAL DATA.

*[For text of subs 1 and 2, see M.S.1994]*

**Subd. 3. Classification of medical data.** Unless the data is summary data or a statute specifically provides a different classification, medical data are private but are available only

to the subject of the data as provided in section 144.335, and shall not be disclosed to others except:

- (a) Pursuant to section 13.05;
- (b) Pursuant to section 253B.03, subdivision 6c;
- (c) Pursuant to a valid court order;
- (d) To administer federal funds or programs;
- (e) To the surviving spouse, parents, children, and siblings of a deceased patient or client or, if there are no surviving spouse, parents, children, or siblings, to the surviving heirs of the nearest degree of kindred;
- (f) To communicate a patient's or client's condition to a family member or other appropriate person in accordance with acceptable medical practice, unless the patient or client directs otherwise; or
- (g) As otherwise required by law.

**History:** 1995 c 189 s 1

### 13.43 PERSONNEL DATA.

*[For text of subd 1, see M.S.1994]*

**Subd. 2. Public data.** (a) Except for employees described in subdivision 5, the following personnel data on current and former employees, volunteers, and independent contractors of a state agency, statewide system, or political subdivision and members of advisory boards or commissions is public:

(1) name; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; and the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;

(2) job title; job description; education and training background; and previous work experience;

(3) date of first and last employment;

(4) the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;

(5) the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body;

(6) the terms of any agreement settling any dispute arising out of an employment relationship or of a buyout agreement, as defined in section 123.34, subdivision 9a, paragraph (a);

(7) work location; a work telephone number; badge number; and honors and awards received; and

(8) payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data; and city and county of residence.

(b) For purposes of this subdivision, a final disposition occurs when the state agency, statewide system, or political subdivision makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. In the case of arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the state agency, statewide system, political subdivision, or arbitrator.

(c) The state agency, statewide system, or political subdivision may display a photograph of a current or former employee to a prospective witness as part of the state agency's, statewide system's, or political subdivision's investigation of any complaint or charge against the employee.

(d) A complainant has access to a statement provided by the complainant to a state agency, statewide system, or political subdivision in connection with a complaint or charge against an employee.

(e) Notwithstanding paragraph (a), clause (5), upon completion of an investigation of a complaint or charge against a public official, or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources. For purposes of this paragraph, "public official" means the head of a state agency and deputy and assistant state agency heads.

*[For text of subs 2a to 4, see M.S.1994]*

**Subd. 5. Undercover law enforcement officer.** All personnel data maintained by any state agency, statewide system or political subdivision relating to an individual employed as or an applicant for employment as an undercover law enforcement officer are private data on individuals. When the individual is no longer assigned to an undercover position, the data described in subdivisions 2 and 3 become public unless the law enforcement agency determines that revealing the data would threaten the personal safety of the officer or jeopardize an active investigation.

*[For text of subs 6 to 8, see M.S.1994]*

**Subd. 9. Peer counseling debriefing data.** (a) Data acquired by a peer group member in a public safety peer counseling debriefing is private data on the person being debriefed.

(b) For purposes of this subdivision, "public safety peer counseling debriefing" means a group process oriented debriefing session held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services, that is established by any agency providing public safety emergency services and is designed to help a person who has suffered an occupation-related traumatic event begin the process of healing and effectively dealing with posttraumatic stress.

**History:** 1995 c 259 art 1 s 7-9; 1Sp1995 c 3 art 9 s 1

### 13.46 WELFARE DATA.

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

(a) "Individual" means an individual pursuant to section 13.02, subdivision 8, but does not include a vendor of services.

(b) "Program" includes all programs for which authority is vested in a component of the welfare system pursuant to statute or federal law, including, but not limited to, aid to families with dependent children, medical assistance, general assistance, work readiness, general assistance medical care, and child support collections.

(c) "Welfare system" includes the department of human services, local social services agencies, county welfare agencies, the public authority responsible for child support enforcement, human services boards, community mental health center boards, state hospitals, state nursing homes, the ombudsman for mental health and mental retardation, and persons, agencies, institutions, organizations, and other entities under contract to any of the above agencies to the extent specified in the contract.

(d) "Mental health data" means data on individual clients and patients of community mental health centers, established under section 245.62, mental health divisions of counties and other providers under contract to deliver mental health services, or the ombudsman for mental health and mental retardation.

(e) "Fugitive felon" means a person who has been convicted of a felony and who has escaped from confinement or violated the terms of probation or parole for that offense.

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

(1) pursuant to section 13.05;

(2) pursuant to court order;

- (3) pursuant to a statute specifically authorizing access to the private data;
- (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;
- (5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;
- (6) to administer federal funds or programs;
- (7) between personnel of the welfare system working in the same program;
- (8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names, social security numbers, income, addresses, and other data as required, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, early refund of refundable tax credits, and the income tax. "Refundable tax credits" means the dependent care credit under section 290.067, the Minnesota working family credit under section 290.0671, the property tax refund under section 290A.04, and, if the required federal waiver or waivers are granted, the federal earned income tax credit under section 32 of the Internal Revenue Code;
- (9) to the Minnesota department of economic security for the purpose of monitoring the eligibility of the data subject for reemployment insurance, for any employment or training program administered, supervised, or certified by that agency, or for the purpose of administering any rehabilitation program, whether alone or in conjunction with the welfare system, and to verify receipt of energy assistance for the telephone assistance plan;
- (10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;
- (11) data maintained by residential programs as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state pursuant to Part C of Public Law Number 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;
- (12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person;
- (13) data on a child support obligor who makes payments to the public agency may be disclosed to the higher education services office to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5);
- (14) participant social security numbers and names collected by the telephone assistance program may be disclosed to the department of revenue to conduct an electronic data match with the property tax refund database to determine eligibility under section 237.70, subdivision 4a;
- (15) the current address of a recipient of aid to families with dependent children may be disclosed to law enforcement officers who provide the name and social security number of the recipient and satisfactorily demonstrate that: (i) the recipient is a fugitive felon, including the grounds for this determination; (ii) the location or apprehension of the felon is within the law enforcement officer's official duties; and (iii) the request is made in writing and in the proper exercise of those duties;
- (16) the current address of a recipient of general assistance, work readiness, or general assistance medical care may be disclosed to probation officers and corrections agents who are supervising the recipient, and to law enforcement officers who are investigating the recipient in connection with a felony level offense;
- (17) information obtained from food stamp applicant or recipient households may be disclosed to local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the food stamp act, in accordance with Code of Federal Regulations, title 7, section 272.1(c);

(18) data on a child support obligor who is in arrears may be disclosed for purposes of publishing the data pursuant to section 518.575;

(19) data on child support payments made by a child support obligor may be disclosed to the obligee; or

(20) data in the work reporting system may be disclosed under section 256.998, subdivision 7.

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

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

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

*[For text of subd 3, see M.S. 1994]*

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

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

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

(3) "personal and personal financial data" means social security numbers, identity of and letters of reference, insurance information, reports from the bureau of criminal apprehension, health examination reports, and social/home studies.

(b) Except as provided in paragraph (c), the following data on current and former licensees are public: name, address, telephone number of licensees, licensed capacity, type of client preferred, variances granted, type of dwelling, name and relationship of other family members, previous license history, class of license, and the existence and status of complaints. When disciplinary action has been taken against a licensee or the complaint is resolved, the following data are public: the substance of the complaint, the findings of the investigation of the complaint, the record of informal resolution of a licensing violation, orders of hearing, findings of fact, conclusions of law, and specifications of the final disciplinary action contained in the record of disciplinary action.

The following data on persons subject to disqualification under section 245A.04 in connection with a license to provide family day care for children, child care center services, foster care for children in the provider's home, or foster care or day care services for adults in the provider's home, are public: the nature of any disqualification set aside under section 245A.04, subdivision 3b, and the reasons for setting aside the disqualification; and the reasons for granting any variance under section 245A.04, subdivision 9.

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

(d) The following are private data on individuals: the identity of persons who have made reports concerning licensees or applicants that appear in inactive investigative data, and the records of clients or employees of the licensee or applicant for licensure whose records are received by the licensing agency for purposes of review or in anticipation of a contested matter. The names of reporters under sections 626.556 and 626.557 may be disclosed only as provided in section 626.556, subdivision 11, or 626.557, subdivision 12b.

(e) Data classified as private, confidential, nonpublic, or protected nonpublic under this subdivision become public data if submitted to a court or administrative law judge as part of a disciplinary proceeding in which there is a public hearing concerning the disciplinary action.



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

(g) Data that are not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report as defined in section 626.556, subdivision 2, are subject to the destruction provisions of section 626.556, subdivision 11.

*[For text of subs 5 to 9, see M.S.1994]*

**Subd. 10. Responsible authority.** (a) Notwithstanding any other provision of this chapter to the contrary, the responsible authority for each component of the welfare system listed in subdivision 1, clause (c), shall be as follows:

(1) the responsible authority for the department of human services, state hospitals, and nursing homes is the commissioner of the department of human services;

(2) the responsible authority of a county welfare agency is the director of the county welfare agency;

(3) the responsible authority for a local social services agency, human services board, or community mental health center board is the chair of the board;

(4) the responsible authority of any person, agency, institution, organization, or other entity under contract to any of the components of the welfare system listed in subdivision 1, clause (c), is the person specified in the contract; and

(5) the responsible authority of the public authority for child support enforcement is the head of the public authority for child support enforcement.

(b) A responsible authority shall allow another responsible authority in the welfare system access to data classified as not public data when access is necessary for the administration and management of programs, or as authorized or required by statute or federal law.

*[For text of subd 11, see M.S.1994]*

**History:** 1995 c 178 art 3 s 1; 1995 c 212 art 3 s 59; 1995 c 229 art 4 s 1; 1995 c 257 art 1 s 1; 1995 c 259 art 1 s 10-12

**NOTE:** The amendments to subdivision 2 by Laws 1995, chapter 257, article 1, section 1, are effective July 1, 1996. See Laws 1995, chapter 257, article 1, section 37.

### 13.49 SOCIAL SECURITY NUMBERS.

**Subdivision 1. General.** The social security numbers of individuals collected or maintained by a state agency, statewide system, or political subdivision are private data on individuals, except to the extent that access to the social security number is specifically authorized by law.

**Subd. 2. County recorder or registrar of titles.** Subdivision 1 does not apply to social security numbers that appear in documents or records filed or recorded with the county recorder or registrar of titles, other than documents filed under section 600.23.

**History:** 1995 c 259 art 1 s 13

### 13.50 APPRAISAL DATA.

*[For text of subd 1, see M.S.1994]*

**Subd. 2. Public data.** The data made confidential or protected nonpublic by the provisions of subdivision 1 shall become public upon the occurrence of any of the following:

(a) The negotiating parties exchange appraisals;

(b) The data are submitted to a court appointed condemnation commissioner;

(c) The data are presented in court in condemnation proceedings; or

(d) The negotiating parties enter into an agreement for the purchase and sale of the property.

**History:** 1995 c 259 art 1 s 14

### 13.551 PORT AUTHORITY DATA.

**Subdivision 1. Saint Paul port authority.** The following data not on individuals collected and maintained by the Saint Paul port authority are classified as protected nonpublic,

until 30 days before the date of a hearing on a proposed sale pursuant to section 469.065: financial studies and reports that are part of appraisers' estimates of value of or concerning projects as defined in chapter 474, prepared by personnel of the port authority or independent accountants, consultants, and appraisers for the purpose of marketing by sale or lease a project which the port authority has acquired or repossessed as the result of the default under and the termination of a revenue agreement as defined in chapter 474.

Subd. 2. **Red Wing port authority.** Data maintained by the Red Wing port authority that pertain to negotiations with property owners regarding the purchase of property are non-public data not on individuals. With the exception of the authority's evaluation of properties not purchased, all other negotiation data become public at the time of the closing of the property sale.

**History:** 1995 c 259 art 1 s 15

### 13.646 LEGISLATIVE AND BUDGET PROPOSAL DATA.

Subdivision 1. **Definition.** As used in this section, "state administration" means the governor's office, the department of finance, and any state agency that is under the direct control of the governor.

Subd. 2. **Classifications.** Legislative and budget proposals, including preliminary drafts, that are created, collected, or maintained by the state administration are protected nonpublic data. After the budget is presented to the legislature by the state administration, supporting data, including agency requests, are public data. Supporting data do not include preliminary drafts. The state administration may disclose any of the data within the state administration and to the public at any time if disclosure would aid the administration in considering and preparing its proposals.

**History:** 1995 c 259 art 1 s 16

### 13.67 EMPLOYEE RELATIONS DATA.

The following data collected, created, or maintained by the department of employee relations are classified as nonpublic data pursuant to section 13.02, subdivision 9:

(a) The commissioner's plan prepared by the department, pursuant to section 3.855, which governs the compensation and terms and conditions of employment for employees not covered by collective bargaining agreements until the plan is submitted to the legislative commission on employee relations;

(b) Data pertaining to grievance or interest arbitration that has not been presented to the arbitrator or other party during the arbitration process;

(c) Notes and preliminary drafts of reports prepared during personnel investigations and personnel management reviews of state departments and agencies;

(d) The managerial plan prepared by the department pursuant to section 43A.18 that governs the compensation and terms and conditions of employment for employees in managerial positions, as specified in section 43A.18, subdivision 3, until the plan is submitted to the legislative commission on employee relations; and

(e) Claims experience and all related information received from carriers and claims administrators participating in either the state group insurance plan or the public employees insurance program as defined in chapter 43A, and survey information collected from employees and employers participating in these plans and programs, except when the department determines that release of the data will not be detrimental to the plan or program.

**History:** 1995 c 248 art 10 s 1

### 13.69 PUBLIC SAFETY DATA.

Subdivision 1. **Classifications.** (a) The following government data of the department of public safety are private data:

(1) medical data on driving instructors, licensed drivers, and applicants for parking certificates and special license plates issued to physically handicapped persons;

(2) other data on holders of a disability certificate under section 169.345, except that data that are not medical data may be released to law enforcement agencies; and

(3) social security numbers in driver's license and motor vehicle registration records, except that social security numbers must be provided to the department of revenue for purposes of tax administration and the department of labor and industry for purposes of workers' compensation administration and enforcement.

(b) The following government data of the department of public safety are confidential data: data concerning an individual's driving ability when that data is received from a member of the individual's family.

Subd. 2. [Repealed, 1995 c 259 art 1 s 62]

**History:** 1995 c 85 s 1; 1995 c 231 art 2 s 1

### 13.71 DEPARTMENT OF COMMERCE DATA.

*[For text of subs 1 to 8, see M.S.1994]*

Subd. 9. [Repealed, 1995 c 259 art 1 s 62]

Subd. 10. [Repealed, 1995 c 259 art 1 s 62]

Subd. 11. [Repealed, 1995 c 259 art 1 s 62]

Subd. 12. [Repealed, 1995 c 259 art 1 s 62]

Subd. 13. [Repealed, 1995 c 259 art 1 s 62]

Subd. 14. [Repealed, 1995 c 259 art 1 s 62]

Subd. 15. [Repealed, 1995 c 259 art 1 s 62]

Subd. 16. [Repealed, 1995 c 259 art 1 s 62]

Subd. 17. [Repealed, 1995 c 259 art 1 s 62]

Subd. 18. **Viatical settlements data.** Viatical settlements data provided to the commissioner of commerce is classified under section 60A.968, subdivision 2.

Subd. 19. **Material transaction reports.** Reports required to be filed by insurers regarding certain material transactions are classified under section 60A.135, subdivision 4.

Subd. 20. **Risk-based capital data.** Risk-based capital reports and related reports, data, and orders maintained by the commissioner of commerce are classified under section 60A.67.

**History:** 1995 c 151 s 1; 1995 c 214 s 1; 1995 c 253 s 1

### 13.79 DEPARTMENT OF LABOR AND INDUSTRY DATA.

Data that identify complaining employees and that appear on complaint forms received by the department of labor and industry concerning alleged violations of the fair labor standards act, section 181.75 or 181.9641 are classified as private data.

**History:** 1995 c 259 art 1 s 17

### 13.793 NATURAL RESOURCES MINERAL DATA.

Subdivision 1. **Nonpublic data.** Except as provided in subdivision 2, the following data received and maintained by the commissioner of natural resources are nonpublic data:

(1) a letter or other documentation from a person that is supplied to the commissioner before a public lease sale of metallic or other minerals for the purpose of making suggestions or recommendations about which state lands may be offered for public lease sale;

(2) a written report or other documentation of private analyses of a state-owned or controlled drill core that is public data and is under the custody of the commissioner; or

(3) exploration data received by the commissioner under the terms of a state mineral lease.

Subd. 2. **Data become public.** (a) Data under subdivision 1, clause (1), become public data three years after the date the lease sale was held or, if not held, within three years after the date the lease sale was scheduled to be held. Except as provided in paragraph (b), data under subdivision 1, clause (2), become public data one year after receipt by the commissioner. Except as provided in paragraph (c) or as otherwise provided for by law, data under subdivision 1, clause (3), become public data upon termination of the state mineral lease under which the data were gathered.

(b) If data under subdivision 1, clause (2), relate to private land that is under mineral lease to the person submitting the data, and the mineral lease is in force at the time the data are submitted, the data become public data only after the mineral lease is no longer in force. The person submitting the data that relate to private land that is under mineral lease shall provide to the commissioner at the time the data are submitted and annually thereafter, in a format designated by the commissioner, satisfactory evidence that the mineral lease is in effect. If, in a given year, satisfactory evidence that the mineral lease is still in effect is not provided to the commissioner before the anniversary date of receipt of the data by the commissioner, the data immediately become public data.

(c) If data under subdivision 1, clause (3), are nonpublic data under the provisions of section 1031.605, subdivision 4, clause (c), the data become public data pursuant to the provisions of section 1031.605, subdivision 4, clauses (c) and (d).

**History:** 1995 c 259 art 1 s 18

### 13.82 COMPREHENSIVE LAW ENFORCEMENT DATA.

Subdivision 1. **Application.** This section shall apply to agencies which carry on a law enforcement function, including but not limited to municipal police departments, county sheriff departments, fire departments, the bureau of criminal apprehension, the Minnesota state patrol, the board of peace officer standards and training, the department of commerce, and the department of labor and industry fraud investigation unit.

*[For text of subs 2 and 3, see M.S.1994]*

Subd. 3a. **Audio recording of 911 call.** The audio recording of a call placed to a 911 system for the purpose of requesting service from a law enforcement, fire, or medical agency is private data on individuals with respect to the individual making the call, except that a written transcript of the audio recording is public, unless it reveals the identity of an individual otherwise protected under subdivision 10. A transcript shall be prepared upon request. The person requesting the transcript shall pay the actual cost of transcribing the call, in addition to any other applicable costs provided under section 13.03, subdivision 3. The audio recording may be disseminated to law enforcement agencies for investigative purposes. The audio recording may be used for public safety and emergency medical services training purposes.

*[For text of subd 4, see M.S.1994]*

Subd. 5. **Criminal investigative data.** Except for the data defined in subdivisions 2, 3, and 4, investigative data collected or created by a law enforcement agency in order to prepare a case against a person, whether known or unknown, for the commission of a crime or other offense for which the agency has primary investigative responsibility is confidential or protected nonpublic while the investigation is active. Inactive investigative data is public unless the release of the data would jeopardize another ongoing investigation or would reveal the identity of individuals protected under subdivision 10. Photographs which are part of inactive investigative files and which are clearly offensive to common sensibilities are classified as private or nonpublic data, provided that the existence of the photographs shall be disclosed to any person requesting access to the inactive investigative file. An investigation becomes inactive upon the occurrence of any of the following events:

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

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

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

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

During the time when an investigation is active, any person may bring an action in the district court located in the county where the data is being maintained to authorize disclosure

of investigative data. The court may order that all or part of the data relating to a particular investigation be released to the public or to the person bringing the action. In making the determination as to whether investigative data shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the agency or to any person identified in the data. The data in dispute shall be examined by the court in camera.

*[For text of subs 5a and 5b, see M.S.1994]*

**Subd. 5c. Vulnerable adult identity data.** Active or inactive investigative data that identify a victim of vulnerable adult maltreatment under section 626.557 are private data on individuals. Active or inactive investigative data that identify a reporter of vulnerable adult maltreatment under section 626.557 are private data on individuals.

**Subd. 5d. Inactive vulnerable adult maltreatment data.** Investigative data that becomes inactive under subdivision 5, paragraph (a) or (b), and that relate to the alleged maltreatment of a vulnerable adult by a caregiver or facility are private data on individuals.

**Subd. 5e. Name change data.** Data on court records relating to name changes under section 259.10, subdivision 2, which is held by a law enforcement agency is confidential data on an individual while an investigation is active and is private data on an individual when the investigation becomes inactive.

**Subd. 6. Access to data for crime victims.** On receipt of a written request, the prosecuting authority shall release investigative data collected by a law enforcement agency to the victim of a criminal act or alleged criminal act or to the victim's legal representative unless the release to the individual subject of the data would be prohibited under section 13.391 or the prosecuting authority reasonably believes:

- (a) that the release of that data will interfere with the investigation; or
- (b) that the request is prompted by a desire on the part of the requester to engage in unlawful activities.

*[For text of subs 7 to 9, see M.S.1994]*

**Subd. 10. 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 sections 626.556 and 626.557.

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).

*[For text of subs 11 to 16, see M.S.1994]*

**Subd. 17. Booking photographs.** (a) For purposes of this subdivision, "booking photograph" means a photograph or electronically produced image taken by law enforcement for identification purposes in connection with the arrest of a person.

(b) Except as otherwise provided in this subdivision, a booking photograph is public data. A law enforcement agency may temporarily withhold access to a booking photograph if the agency determines that access will adversely affect an active investigation.

**History:** 1995 c 229 art 3 s 1-3; 1995 c 231 art 2 s 2; 1995 c 259 art 1 s 19-23; art 4 s 3

### 13.83 MEDICAL EXAMINER DATA.

*[For text of subd 1, see M.S.1994]*

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

*[For text of subd 3, see M.S.1994]*

**Subd. 4. Investigative data.** Data created or collected by a county coroner or medical examiner which is part of an active investigation mandated by chapter 390, or any other general or local law relating to coroners or medical examiners is confidential data or protected nonpublic data, until the completion of the coroner's or medical examiner's final summary of findings but may be disclosed to a state or federal agency charged by law with investigating the death of the deceased individual about whom the medical examiner or coroner has medical examiner data. Upon completion of the coroner's or medical examiner's final summary of findings, the data collected in the investigation and the final summary of it are private or nonpublic data. However, if the final summary and the death certificate indicate the manner of death is homicide, undetermined, or pending investigation and there is an active law enforcement investigation, within the meaning of section 13.82, subdivision 5, relating to the death of the deceased individual, the data remain confidential or protected nonpublic. Upon review by the county attorney of the jurisdiction in which the law enforcement investigation is active, the data may be released to persons described in subdivision 8 if the county attorney determines release would not impede the ongoing investigation. When the law enforcement investigation becomes inactive, the data are private or nonpublic data. Nothing in this subdivision shall be construed to make not public the data elements identified in subdivision 2 at any point in the investigation or thereafter.

Subd. 5. **Other data.** All other medical examiner data on deceased individuals are non-public and shall not be disclosed except:

- (1) pursuant to the provisions of chapter 390, or any other general or local law on county coroners or medical examiners;
- (2) to a state or federal agency charged by law with investigating the death of the deceased individual about whom the medical examiner or coroner has medical examiner data; or
- (3) pursuant to a valid court order.

*[For text of subds 6 to 10, see M.S.1994]*

**History:** 1995 c 29 s 1,2; 1995 c 259 art 1 s 24

### 13.88 COMMUNITY DISPUTE RESOLUTION CENTER DATA.

The guidelines shall provide that all files relating to a case in a community dispute resolution program are to be classified as private data on individuals, pursuant to section 13.02, subdivision 12, with the following exceptions:

- (1) When a party to the case has been formally charged with a criminal offense, the data are to be classified as public data on individuals, pursuant to section 13.02, subdivision 15.
- (2) Data relating to suspected neglect or physical or sexual abuse of children or maltreatment of vulnerable adults are to be subject to the reporting requirements of sections 626.556 and 626.557.

**History:** 1995 c 229 art 4 s 2

### 13.89 DISSEMINATION OF DATA TO PROTECTION AND ADVOCACY SYSTEMS.

Subdivision 1. **Mental retardation.** Data on clients and residents of facilities or programs licensed pursuant to sections 144.50 to 144.58, 245A.01 to 245A.16, and 252.28, subdivision 2, may be disseminated to the protection and advocacy system established in this state pursuant to Part C of Public Law Number 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities or programs for these persons if:

- (1) the protection and advocacy system receives a complaint by or on behalf of that person; and
- (2) the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person.

*[For text of subd 2, see M.S.1994]*

**History:** 1995 c 259 art 1 s 25

### 13.90 JUDICIARY EXEMPT.

Subdivision 1. **Definition.** For purposes of this section, "judiciary" means any office, officer, department, division, board, commission, committee, or agency of the courts of this state, whether or not of record, including but not limited to the board of law examiners, the lawyer's professional responsibility board, the board of judicial standards, the lawyer's trust account board, the state law library, the state court administrator's office, the district court administrator's office, and the office of the court administrator.

Subd. 2. **Exemption.** The judiciary is not governed by this chapter. Access to data of the judiciary is governed by rules adopted by the supreme court.

**History:** 1995 c 259 art 1 s 26

### 13.99 OTHER GOVERNMENT DATA PROVISIONS.

Subdivision 1. **Provisions coded in other chapters.** The laws enumerated in this section are codified outside of this chapter and classify government data as other than public or place restrictions on access to government data. Except for records of the judiciary, the defi-

nitions and general provisions in sections 13.01 to 13.07 and the remedies and penalties provided in sections 13.08 and 13.09 also apply to data and records listed in this section and to other provisions of statute that provide access to government data and records or rights regarding government data similar to those established by section 13.04.

*[For text of subs 2 to 5, see M.S.1994]*

**Subd. 5a. Ethical practices board opinions.** A request for an ethical practices board advisory opinion and the opinion itself are classified under section 10A.02, subdivision 12.

*[For text of subs 6 to 6c, see M.S.1994]*

**Subd. 6d. Agricultural commodity handlers.** Access to data filed with the commissioner of agriculture by agricultural commodity handlers is governed by section 17.694, subdivision 1.

*[For text of subs 7 to 11, see M.S.1994]*

**Subd. 11a. Certain data received by commissioner of commerce.** Certain data received because of the participation of the commissioner of commerce in various organizations are classified under section 45.012.

**Subd. 11b. Bank incorporators data.** Financial data on individuals submitted by incorporators proposing to organize a bank are classified under section 46.041, subdivision 1.

**Subd. 12. Commerce department data on financial institutions.** The disclosure by the commissioner of commerce of facts and information obtained in the course of examining financial institutions and in relation to complaints filed with the commissioner is governed by section 46.07, subdivisions 2 and 3.

**Subd. 12a. Electronic financial terminal data.** Information obtained by the commissioner of commerce in the course of verifying electronic financial terminal equipment is classified under section 47.66.

*[For text of subs 13 and 14, see M.S.1994]*

**Subd. 14a. Surplus lines insurer data.** Reports and recommendations on the financial condition of eligible surplus lines insurers submitted to the commissioner of commerce are classified under section 60A.208, subdivision 7.

*[For text of subs 15 to 17a, see M.S.1994]*

**Subd. 17b. Insurer financial condition data.** Recommendations on the financial condition of an insurer submitted to the commissioner of commerce by the insurance guaranty association are classified under section 60C.15.

*[For text of subd 18, see M.S.1994]*

**Subd. 18a. Insurer supervision data.** Data on insurers supervised by the commissioner of commerce under chapter 60G are classified under section 60G.03, subdivision 1.

**Subd. 18b. Insurance agent termination.** Access to data on insurance agent terminations held by the commissioner of commerce is governed by section 60K.10.

**Subd. 18c. Association data.** Certain data submitted to the commissioner of commerce by a life and health guaranty association are classified under section 61B.28, subdivision 2.

**Subd. 18d. Solicitor or agent data.** Data relating to suspension or revocation of a solicitor's or agent's license are classified under section 62C.17, subdivision 4.

*[For text of subs 19 to 19e, see M.S.1994]*

**Subd. 19f. Legal service plan solicitor or agent data.** Information contained in a request by a legal service plan for termination of a solicitor's or agent's license is classified under section 62G.20, subdivision 3.

**Subd. 19g. Antitrust exemption.** Trade secret data submitted in an application for exemption from antitrust laws by health care entities are classified under section 62J.2914, subdivision 5.



Subd. 19h. **Health care cost containment.** Data required to be submitted under health care cost containment provisions are classified by sections 62J.35, subdivision 3, and 62J.45, subdivision 4a.

Subd. 20. **Auto theft data.** The sharing of data on auto thefts between law enforcement and prosecutors and insurers is governed by section 65B.82.

Subd. 20a. **Insurance contract data.** Certain insurance contract data held by the commissioner of commerce are classified under section 72A.20, subdivision 15.

Subd. 20b. **Health claims appeals.** Documents that are part of an appeal from denial of health care coverage for experimental treatment are classified under section 72A.327.

*[For text of subd 21, see M.S.1994]*

Subd. 21a. **Mineral data.** Data submitted in applying for a permit for mineral deposit evaluation and as a result of exploration are classified under section 103I.605, subdivisions 2 and 4.

*[For text of subs 21b and 21c, see M.S.1994]*

Subd. 21d. **Waste management hauler data.** Data on waste management haulers inspected under section 115A.47 are classified under section 115A.47, subdivision 5.

*[For text of subs 22 to 24, see M.S.1994]*

Subd. 24a. **Voluntary buy-out data.** Data obtained by the commissioner of commerce from insurers under the voluntary buy-out law are classified under section 115B.46, subdivision 6.

Subd. 24b. **Petroleum tank release.** Certain data in connection with a petroleum tank release are classified under section 115C.03, subdivision 8.

Subd. 24c. **Toxic pollution prevention plans.** Toxic pollution prevention plans are classified under section 115D.09.

*[For text of subs 25 to 27d, see M.S.1994]*

Subd. 27e. **Developmental screening.** Data collected in early childhood developmental screening programs are classified under section 123.704.

Subd. 27f. **Teacher license reporting.** Data on certain teacher discharges and resignations reported under section 125.09 are classified under that section.

*[For text of subd 28, see M.S.1994]*

Subd. 28a. **Higher education services office.** Financial records submitted by schools registering with the higher education services office are classified under section 136A.64.

*[For text of subs 29 and 29a, see M.S.1994]*

Subd. 29b. **Public health studies.** Data held by the commissioner of health in connection with public health studies are classified under section 144.053.

Subd. 29c. **Rural hospital grants.** Financial data on individual hospitals under the rural hospital grant program are classified under section 144.147, subdivision 5.

*[For text of subs 30 to 35b, see M.S.1994]*

Subd. 35c. **Traumatic injury data.** Data on individuals with a brain or spinal injury collected by the commissioner of health are classified under section 144.665.

*[For text of subs 36 to 38a, see M.S.1994]*

Subd. 38b. **Lead exposure data.** Data on individuals exposed to lead in their residences are classified under section 144.874, subdivision 1.

*[For text of subs 39 to 42, see M.S.1994]*

Subd. 42a. **Board of medical practice.** Data held by the board of medical practice in connection with disciplinary matters are classified under sections 147.01, subdivision 4, and 147.091, subdivision 6.

*[For text of subs 43 to 52a, see M.S.1994]*

**Subd. 52b. Unlicensed mental health practitioners.** Certain data in connection with the investigation of an unlicensed mental health practitioner are classified under section 148B.66, subdivision 2.

*[For text of subs 53 and 53a, see M.S.1994]*

**Subd. 54. Motor vehicle registration.** Various data on motor vehicle registrations are classified under sections 168.345 and 168.346.

*[For text of subd 54a, see M.S.1994]*

**Subd. 54b. Drivers' license cancellations.** Access to data on individuals whose driver's licenses have been canceled is governed by section 171.043.

**Subd. 55. Drivers' license photographs and images.** Photographs or electronically produced images taken by the commissioner of public safety for drivers' licenses are classified under section 171.07, subdivision 1a.

*[For text of subd 56, see M.S.1994]*

**Subd. 56a. Drivers' license cancellation due to blindness.** Data on a visual examination performed for purposes of drivers' license cancellation are classified under section 171.32, subdivision 3.

*[For text of subd 57, see M.S.1994]*

**Subd. 57a. Special transportation service providers.** Certain data relating to alleged violations by special transportation service providers is governed under section 174.30, subdivision 9.

**Subd. 57b. Special transportation service; ambulance service.** Data relating to a person's physical condition or medical treatment gathered by the commissioner of transportation or the commissioner of health in an investigation of an alleged violation by a special transportation service provider, is governed by section 174.315.

*[For text of subs 58 and 58a, see M.S.1994]*

**Subd. 58b. Workers' compensation coverage.** Access to the identity of anyone reporting that an employer may not have workers' compensation insurance is governed by section 176.184, subdivision 5.

*[For text of subs 59 to 63, see M.S.1994]*

**Subd. 64. Health licensing boards.** Data held by health licensing boards are classified under sections 214.10, subdivision 8, and 214.25, subdivision 1.

**Subd. 64a. Combined boards data.** Data held by licensing boards participating in a health professional services program are classified under sections 214.34 and 214.35.

*[For text of subs 65 to 70, see M.S.1994]*

**Subd. 71.** [Repealed, 1995 c 186 s 7]

*[For text of subs 72 to 74b, see M.S.1994]*

**Subd. 74c. Ombudsman on aging.** Data held by the ombudsman on aging are classified under section 256.9744.

*[For text of subs 75 and 76, see M.S.1994]*

**Subd. 76a. Name changes of protected witnesses and victims.** Court records of name changes of participants in a witness and victim protection program are governed by section 259.10, subdivision 2.

*[For text of subd 77, see M.S.1994]*

Subd. 78. **Adoption records.** Various adoption records are classified under section 259.53, subdivision 1. Access to the original birth certificate of a person who has been adopted is governed by section 259.89.

Subd. 79. **Peace officers, court services, and corrections records of juveniles.** Inspection and maintenance of juvenile records held by police and the commissioner of corrections and disclosure to school officials of court services data on juveniles adjudicated delinquent are governed by section 260.161.

*[For text of subs 79a to 81a, see M.S.1994]*

Subd. 81b. **Minnesota youth program.** Data on individuals under the Minnesota youth program are classified under section 268.561, subdivision 7.

*[For text of subs 82 to 90, see M.S.1994]*

Subd. 90a. **Criminal justice information network.** Data collected by the criminal justice data communications network are classified under section 299C.46, subdivision 5.

*[For text of subs 91 to 92b, see M.S.1994]*

Subd. 92c. **Sports bookmaking tax.** Disclosure of facts contained in a sports bookmaking tax return is prohibited by section 297E.03, subdivision 8.

*[For text of subd 92d, see M.S.1994]*

Subd. 92e. **Professional corporations.** Access to records of a professional corporation held by a licensing board under section 319A.17 is governed by that section.

Subd. 92f. **Private detective license.** Certain data on applicants for licensure as private detectives are classified under section 326.3382, subdivision 3.

*[For text of subs 93 to 98, see M.S.1994]*

Subd. 98a. **Arena acquisition.** Certain data in connection with a decision whether to acquire a sports arena are classified under section 473.598, subdivision 4.

Subd. 98b. **Metropolitan airports commission.** Certain airline data submitted to the metropolitan airports commission in connection with the issuance of revenue bonds are classified under section 473.6671, subdivision 3.

*[For text of subs 99 to 101b, see M.S.1994]*

Subd. 101c. **Domestic abuse petitioner's residence.** Court records on the location or residence of a petitioner in a domestic abuse proceeding are governed by section 518B.01, subdivision 3b.

*[For text of subs 102 to 110, see M.S.1994]*

Subd. 110a. **Child abuse videotapes.** Access to child abuse videotapes prepared as part of an investigation or evaluation is governed by sections 13.391 and 611A.90.

Subd. 112. **Child abuse report records.** Data contained in child abuse report records are classified under section 626.556.

Subd. 113. **Vulnerable adult report records.** Data contained in vulnerable adult report records are classified under section 626.557, subdivision 12b.

Subd. 113a. **Child protection team.** Data acquired by a case consultation committee or subcommittee of a child protection team are classified by section 626.558, subdivision 3.

*[For text of subd 114, see M.S.1994]*

Subd. 115. **Health data institute data.** Data created, collected, received, maintained, or disseminated by the Minnesota health data institute established under section 62J.451 are classified under section 62J.452; access to and disclosure of such data are governed by section 62J.452.

**History:** 1995 c 142 s 1; 1995 c 155 s 1,2; 1995 c 186 s 8; 1995 c 212 art 3 s 59; 1995 c 229 art 4 s 3; 1995 c 234 art 5 s 1; 1995 c 259 art 1 s 27; art 4 s 4; art 5 s 1-51