

## CHAPTER 13B

### MATCHING PROGRAMS; COMPUTERIZED COMPARISON OF DATA

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#### 13B.01 DEFINITIONS.

Subdivision 1. **General.** For purposes of this chapter, the following terms have the meanings given them.

Subd. 2. **Benefit program.** "Benefit program" means a program administered by a public entity or agent of a public entity that provides cash or in-kind assistance in the form of payments, grants, subsidies, loans, loan guarantees, or any other form of financial assistance to individuals.

Subd. 3. **Front end verification.** "Front end verification" means a computerized procedure operated by a public entity that checks the accuracy and truthfulness of data provided by an individual as part of an application with the public entity.

Subd. 4. **Government data.** "Government data" has the meaning given the term in section 13.02, subdivision 7.

Subd. 5. **Individual.** "Individual" has the meaning given the term in section 13.02, subdivision 8.

Subd. 6. **Law enforcement agency.** "Law enforcement agency" means an agency of the state, a political subdivision, or the University of Minnesota with the power to conduct criminal investigations or make arrests or an attorney authorized by law to prosecute or participate in the prosecution of criminal offenses.

Subd. 7. **Matching program.** "Matching program" means a computerized comparison of government data to government or nongovernment data for use by a public entity for purposes of determining the eligibility of individuals for a license, privilege, benefit program, or employment. Matching program does not include a comparison performed:

(1) by a public entity if all data used in the comparison are government data of one responsible authority within the public entity, other than personnel or payroll data;

(2) by a law enforcement agency after initiation of a law enforcement investigation for gathering evidence for a law enforcement proceeding against an identified individual;

(3) to produce aggregate statistical data without data that identify individuals in the final product; or

(4) to support a research or statistical project, the specific data of which may not be used to make decisions concerning the rights, benefits, or privileges of specific individuals.

Subd. 8. **Public entity.** "Public entity" means a state agency or statewide system as those terms are defined in section 13.02.

Subd. 9. **Responsible authority.** "Responsible authority" has the meaning given in section 13.02, subdivision 16.

**History:** 1990 c 566 s 1

#### 13B.02 MATCHING AGREEMENTS.

Before participating in a matching program, the responsible authority in each public entity that participates in the matching program shall enter into a written agreement with the other person specifying:

(1) the rationale, purpose, and legal authority for conducting the program;

(2) a description of the data that will be matched, including each data element that will be used, the approximate number of records that will be matched, and the projected starting and completion dates of the matching program;

(3) procedures for retention and destruction of data created by the matching program consistent with section 138.17;

- (4) procedures for ensuring the security of the data;
- (5) prohibitions on duplication and redisclosure of data by the person who receives the data, unless authorized by the public entity that releases the data;
- (6) procedures governing the use of the data provided by the public entity for the matching program, including procedures governing return to the public entity or destruction of the data consistent with section 138.17; and
- (7) information on assessments that have been made on the accuracy of the data that will be used in the matching program.

**History:** 1990 c 566 s 2,9; 1992 c 569 s 36; 1994 c 618 art 1 s 47; 1995 c 259 art 1 s 62

### **13B.03 FRONT END VERIFICATION AND MATCHING PROGRAMS; RIGHTS OF SUBJECTS.**

A public entity may not suspend, terminate, reduce, or make a final denial of employment or a license or other privilege or of assistance under a benefit program, or take other adverse action against an individual as a result of data produced by a matching program or front end verification, until the entity has independently verified the data. If independent verification shows that the data are correct, the entity shall give the individual written notice of its findings and an opportunity to contest the findings. The requirements of this section may be satisfied by verification, notice, hearing, and appeal rights governing the particular benefit program or employment or licensing procedure from which data were obtained to be used in the matching program.

**History:** 1990 c 566 s 3

**13B.04** [Repealed, 1995 c 259 art 1 s 62]

### **13B.05 REMEDIES.**

The remedies and penalties in sections 13.08 and 13.09 apply to this chapter.

**History:** 1995 c 259 art 1 s 28