

## CHAPTER 270B

## TAX DATA, CLASSIFICATION AND DISCLOSURE

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**270B.01 DEFINITIONS.**

*[For text of subs 1 to 7, see M.S.1996]*

**Subd. 8. Minnesota tax laws.** For purposes of this chapter only, "Minnesota tax laws" means the taxes, refunds, and fees administered by or paid to the commissioner under chapters 115B (except taxes imposed under sections 115B.21 to 115B.24), 289A (except taxes imposed under sections 298.01, 298.015, and 298.24), 290, 290A, 291, 297A, and 297H and sections 295.50 to 295.59, or any similar Indian tribal tax administered by the commissioner pursuant to any tax agreement between the state and the Indian tribal government, and includes any laws for the assessment, collection, and enforcement of those taxes, refunds, and fees.

*[For text of subs 9 to 12, see M.S.1996]*

**History:** 1997 c 231 art 13 s 1; 1Sp1997 c 3 s 30

**270B.02 CLASSIFICATION OF DATA.**

*[For text of subs 1 to 5, see M.S.1996]*

**Subd. 6. Client lists; third-party bulk filers.** Client lists required under section 290.92, subdivision 30, are classified as private data on individuals or nonpublic data, as defined in section 13.02, subdivisions 9 and 12.

**History:** 1997 c 231 art 5 s 1

**270B.03 DISCLOSURE TO DATA SUBJECT.**

**Subdivision 1. Who may inspect.** Returns and return information must, on written request, be made open to inspection by or disclosure to the data subject. For purposes of this chapter, the following are the data subject:

- (1) in the case of an individual return, that individual;
- (2) in the case of an income tax return filed jointly, either of the individuals with respect to whom the return is filed;
- (3) in the case of a partnership return, any person who was a member of the partnership during any part of the period covered by the return;
- (4) in the case of the return of a corporation or its subsidiary:
  - (i) any person designated by resolution of the board of directors or other similar governing body;
  - (ii) any officer or employee of the corporation upon written request signed by any officer and attested to by the secretary or another officer;
  - (iii) any bona fide shareholder of record owning one percent or more of the outstanding stock of the corporation;
  - (iv) if the corporation is a corporation that has made an election under section 1362 of the Internal Revenue Code of 1986, as amended through December 31, 1988, any person who was a shareholder during any part of the period covered by the return during which an election was in effect; or

(v) if the corporation has been dissolved, any person authorized by state law to act for the corporation or any person who would have been authorized if the corporation had not been dissolved;

(5) in the case of an estate return:

(i) the personal representative or trustee of the estate; and

(ii) any beneficiary of the estate as shown on the federal estate tax return;

(6) in the case of a trust return:

(i) the trustee or trustees, jointly or separately; and

(ii) any beneficiary of the trust as shown in the trust instrument;

(7) if liability has been assessed to a transferee under section 289A.31, subdivision 3, the transferee is the data subject with regard to the returns and return information relating to the assessed liability;

(8) in the case of an Indian tribal government or an Indian tribal government-owned entity,

(i) the chair of the tribal government, or

(ii) any person authorized by the tribal government; and

(9) in the case of a successor as defined in section 270.102, subdivision 1, paragraph (b), the successor is the data subject and information may be disclosed as provided by section 270.102, subdivision 4.

*[For text of subd 2, see M.S.1996]*

**Subd. 3. Deceased individuals.** Notwithstanding section 13.10, a return filed by or on behalf of a decedent is open to inspection by or disclosure to:

(1) the personal representative of the decedent's estate or trustee appointed under section 573.02, subdivision 3, or a similar law of another state; and

(2) a claimant under section 290A.18, subdivision 1.

**Subd. 4. Title 11 of the United States Code and receivership proceedings.** (a) A return is open to inspection by or disclosure to the trustee or receiver if:

(1) there is a trustee in a title 11 (United States Bankruptcy Code) case in which the debtor is the person with respect to whom the return is filed; or

(2) substantially all of the property of the person with respect to whom the return is filed is in the hands of a receiver.

(b) In an involuntary bankruptcy case of an individual, no disclosure may be made under paragraph (a) until the order for relief has been entered by the court having jurisdiction of the case, unless the court finds that disclosure is appropriate for purposes of determining whether an order for relief should be entered.

*[For text of subs 5 to 8, see M.S.1996]*

**History:** 1Sp1997 c 3 s 31-33

## **270B.08 SALES TAX PERMITS.**

**Subdivision 1. Permit information.** The commissioner may disclose to any person making an inquiry regarding the issuance of a sales tax permit to a specific retailer whether a permit has been issued to the retailer, the name and address of the permit holder, the business name and location, the sales and use tax account number, the date of issuance of the permit, and whether the permit has been canceled under section 297A.065.

*[For text of subd 2, see M.S.1996]*

**History:** 1Sp1997 c 3 s 34

## **270B.081 SALES TAX EXEMPTION CERTIFICATES.**

The commissioner may disclose to any person making inquiry regarding the issuance of direct pay permits or certificates of exemption issued by the commissioner to a taxpayer

whether the permit or certificate has been issued to the taxpayer, the business name and location, the permit or certificate number, the date of issuance of the permit or certificate, and whether the certificate is currently valid.

**History:** *1Sp1997 c 3 s 35*

### **270B.085 DISCLOSURES IN COLLECTION ACTIONS.**

Subdivision 1. **Seizure information.** Following the execution of a writ of entry under section 16D.08, subdivision 2, or 270.70, the commissioner may disclose information identifying the individual or business subject to the writ, the basis for the writ, and the results of the execution, including lists of property seized.

*[For text of subd 2, see M.S.1996]*

**History:** *1Sp1997 c 3 s 36*

### **270B.09 CONTRACTS WITH THE STATE OR POLITICAL SUBDIVISION; SET-OFF.**

The commissioner may disclose to the department of finance or any state agency or political or governmental subdivision of the state making payment to a vendor as described in section 270.66 or a contractor or subcontractor as described in section 290.97 whether the vendor, contractor, or subcontractor has an uncontested delinquent tax liability owed to the commissioner and the amount of any liability. The commissioner may also disclose taxpayer identity information to the department of finance, to the department of human services, to an agency requesting verification under section 270.66, subdivision 3, and to the University of Minnesota, solely for vendor setoff purposes.

**History:** *1Sp1997 c 3 s 37*

### **270B.12 DISCLOSURE TO STATE, FEDERAL, AND COUNTY AUTHORITIES.**

*[For text of subs 1 to 6, see M.S.1996]*

Subd. 7. **Lottery division.** (a) The commissioner of revenue may disclose to the lottery the amount of delinquent state taxes, or debt as defined in section 270A.03, subdivision 5, of a winner of a lottery prize of \$600 or more, to the extent necessary to administer section 349A.08, subdivision 8.

(b) The commissioner of revenue may disclose to the lottery division that a retailer owes \$500 or more in delinquent taxes as defined in section 270.72, to the extent necessary to administer section 349A.06, subdivision 2.

*[For text of subs 8 to 10, see M.S.1996]*

Subd. 11. [Repealed, 1997 c 231 art 2 s 70]

Subd. 12. **Property tax deferral.** The commissioner may disclose to a county auditor and treasurer, and to their designated agents or employees, the annual deferral amounts and the cumulative deferral and interest as determined by the commissioner under chapter 290B for each parcel of homestead property in the county that is enrolled in the senior citizen property tax deferral program under chapter 290B.

**History:** *1997 c 231 art 14 s 1; 1Sp1997 c 3 s 38*

### **270B.14 DISCLOSURE FOR PURPOSES OTHER THAN TAX ADMINISTRATION.**

Subdivision 1. **Disclosure to commissioner of human services.** (a) On the request of the commissioner of human services, the commissioner shall disclose return information regarding taxes imposed by chapter 290, and claims for refunds under chapter 290A, to the extent provided in paragraph (b) and for the purposes set forth in paragraph (c).

(b) Data that may be disclosed are limited to data relating to the identity, whereabouts, employment, income, and property of a person owing or alleged to be owing an obligation of child support.

(c) The commissioner of human services may request data only for the purposes of carrying out the child support enforcement program and to assist in the location of parents who have, or appear to have, deserted their children. Data received may be used only as set forth in section 256.978.

(d) The commissioner shall provide the records and information necessary to administer the supplemental housing allowance to the commissioner of human services.

(e) At the request of the commissioner of human services, the commissioner of revenue shall electronically match the social security numbers and names of participants in the telephone assistance plan operated under sections 237.69 to 237.711, with those of property tax refund filers, and determine whether each participant's household income is within the eligibility standards for the telephone assistance plan.

(f) The commissioner may provide records and information collected under sections 295.50 to 295.59 to the commissioner of human services for purposes of the Medicaid Voluntary Contribution and Provider-Specific Tax Amendments of 1991, Public Law Number 102-234. Upon the written agreement by the United States Department of Health and Human Services to maintain the confidentiality of the data, the commissioner may provide records and information collected under sections 295.50 to 295.59 to the Health Care Financing Administration section of the United States Department of Health and Human Services for purposes of meeting federal reporting requirements.

(g) The commissioner may provide records and information to the commissioner of human services as necessary to administer the early refund of refundable tax credits.

(h) The commissioner may disclose information to the commissioner of human services necessary to verify income for eligibility and premium payment under the MinnesotaCare program, under section 256L.05, subdivision 2.

**Subd. 2. Disclosure to department of economic security.** (a) Data relating to individuals are treated as follows:

(1) Return information may be disclosed to the department of economic security to the extent provided in clause (2) and for the purposes provided in clause (3).

(2) The data that may be disclosed is limited to the amount of gross income earned by an individual, the total amounts of earnings from each employer, and the employer's name.

(3) Data may be requested pertaining only to individuals who have claimed benefits under sections 268.03 to 268.23 and only if the individuals are the subject of investigations based on other information available to the department of economic security. Data received may be used only as set forth in section 268.19, clause (d).

(b) Data pertaining to corporations or other employing units may be disclosed to the department of economic security to the extent necessary for the proper enforcement of chapter 268.

*[For text of subs 3 to 14, see M.S.1996]*

**Subd. 15. Disclosure to commissioner of the pollution control agency.** For purposes of administering and enforcing the dry cleaning and environmental response and reimbursement law of sections 115B.47 to 115B.51, the commissioner may disclose to the commissioner of the pollution control agency the names and addresses of the facilities, owners, and operators collected by the commissioner under section 115B.49, subdivision 4.

**Subd. 16. Disclosure to law enforcement authorities.** Under circumstances involving threat of death or physical injury to any individual, the commissioner may disclose return information to the extent necessary to apprise appropriate federal, state, or local law enforcement authorities of such circumstances. Data disclosed under this subdivision are classified under section 13.82 once they are received by the law enforcement authority.

**History:** 1997 c 66 s 79; 1Sp1997 c 3 s 39-41

## **270B.16 DISCOVERY OF REVENUE DATA.**

Notwithstanding any law to the contrary, data collected by the department of revenue are not subject to discovery or subpoena in a legal action, other than an action or proceeding

in connection with tax administration, unless disclosure of the data is authorized under this chapter.

**History:** *1Sp1997 c 3 s 42*