

(d) Minimum standards of physical, mental, ~~and~~ and educational ; ~~and moral~~ fitness which shall govern the recruitment of nonelective peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota highway patrol ;

(e) Minimum standards of conduct which would affect the performance of the individual in his duties as a peace officer;

~~(e)-(f)~~ Minimum basic training which peace officers appointed to temporary or probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following any such appointment to a temporary ~~Or~~ probationary term;

~~(f)-(g)~~ Minimum basic training which peace officers not appointed for temporary or probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent employment, and the time within which such basic training must be completed following such appointment on a nonpermanent basis;

~~(g)-(h)~~ Categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to such categories and classifications;

~~(h)-(i)~~ Grading, reporting, attendance and other records, and certificates of attendance or accomplishment; and

~~(i)-(j)~~ Such other matters as may be necessary.

Approved April 11, 1974.

CHAPTER 479—H.F.No.1316
[Coded]

An act relating to the collection, security and dissemination of records and information by the state and its political subdivisions; providing a civil cause of action; providing penalties.

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

Section 1. [15.162] **OFFICIAL RECORDS; COLLECTION, SECURITY AND DISSEMINATION OF RECORDS; DEFINITIONS.**
Subdivision 1. As used in sections 1 to 7 the terms defined in this section have the meanings given them.

Subd. 2. "Commissioner" means the commissioner of the department.
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ment of administration.

Subd. 3. "Data on individuals" includes all records, files and processes which contain any data on any individual and which is kept or intended to be kept on a permanent or semipermanent basis. It includes that collected, stored, and disseminated by manual, mechanical, electronic or any other means.

Subd. 4. "Individual" means a natural person.

Subd. 5. "Political subdivision" includes counties, municipalities, towns and school districts. It includes any nonprofit corporation which is a community action agency initially organized to qualify for public funds.

Subd. 6. "Responsible authority" at the state level means any office established by law as the body responsible for the collection and use of any set of data on individuals or summary data. "Responsible authority" in any political subdivision means the person designated by the governing board of that political subdivision, unless otherwise provided by state law. With respect to statewide systems, "responsible authority" means the state official involved, or if more than one state official, the official designated by the commissioner.

Subd. 7. "State" means the state, the university of Minnesota, and any office, officer, department, division, bureau, board, commission or agency of the state.

Subd. 8. "Statewide system" includes any record-keeping system in which data on individuals is collected, stored, disseminated and used by means of a system common to the state or common to the state and one or more of its political subdivisions.

Subd. 9. "Summary data" means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable.

Sec. 2. [15.163] REPORTS TO THE LEGISLATURE. On or before December 1 of each year the commissioner shall prepare a report to the legislature. Summaries of the report shall be available to the public at a nominal cost. The report shall contain to the extent feasible at least the following information:

(a) A complete listing of all systems of data on individuals which is kept by the state and its political subdivisions, a description of the information contained therein, and the reason that the data is kept;

(b) A statement of which types of data on individuals, in the commissioner's opinion, are public records as defined by Minnesota Statutes, Section 15.17, which types of data are confidential and which

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types of data are neither;

(c) The title, name, and address of the responsible authority for the system and for each data bank and associated procedures:

(1) The categories and number of individuals in each category on whom data is or is expected to be maintained,

(2) The categories of data maintained, or to be maintained, indicating which categories are or will be stored in computer-accessible files,

(3) The categories of data sources,

(4) A description of all types of use made of data, indicating those involving computer-accessible files, and including all classes of users,

(5) The responsible authority's and the commissioner's policies and practices regarding data storage, duration of retention of data, and disposal thereof,

(6) A description of the provisions for maintaining the integrity of the data pursuant to section 3 (d), and

(7) The procedures pursuant to section 4 whereby an individual can (i) be informed if he is the subject of data in the system, (ii) gain access to the data, and (iii) contest its accuracy, completeness, pertinence, and the necessity for retaining it; and

(d) Any recommendations concerning appropriate legislation.

Sec. 3. [15.164] COMMISSIONER SHALL PROMULGATE RULES. The commissioner shall with the advice of the intergovernmental information services advisory council promulgate rules and regulations, in accordance with Minnesota Statutes, Chapter 15, which shall apply to the state and political subdivisions and shall implement the enforcement and administration of the following:

(a) Collection of data on individuals and establishment of related files of the data shall be limited to that necessary for the administration and management of programs enacted by the legislature or local governing body.

(b) Data on individuals shall be under the jurisdiction of the responsible authority. An individual shall be appointed to be in charge of each system containing data on individuals. The responsible authority shall document and file with the commissioner the nature of all data on individuals collected and stored and the need for and intended use of the data and any other information required by section 2. Use of data on individuals by other than the responsible authority or for other than intended uses, and the interrelation by manual, mechanical, or

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electronic means of data on individuals under the jurisdiction of two or more responsible authorities, may be permitted by the responsible authorities only when required by law or where clearly necessary to the health, safety or welfare of the public, or clearly in the interest of the individual involved.

(c) The use of summary data from data on individuals under the jurisdiction of one or more responsible authorities shall be permitted, subject to the requirements that the data be summarized by and under the direction of the responsible authority. Requests for use of the data must be in writing, stating the intended use and approved by the responsible authority. The responsible authority may, however, delegate such authority to the administrative officer responsible for any central repository of summary data. A reasonable fee may be charged for the summarization of data, and any additional cost caused by such summarization shall be borne by the requestor. Refusal of any request for use of summary data by the responsible authority or his delegate is appealable in accordance with Minnesota Statutes, Chapter 15. The responsible authority may delegate to a person outside of its agency its responsibility for summarizing data if it obtains a written agreement from the delegate providing for nondisclosure of data on individuals.

(d) Regarding the collection, storage, dissemination and use of data on individuals, the responsible authority shall establish reasonable and appropriate safeguards to assure that the data is accurate, complete and current. Emphasis shall be placed on the data security requirements of computerized files which are accessible directly via telecommunications technology, including security during transmission.

(e) Data on individuals shall be stored only so long as necessary to the administration of authorized programs or as authorized by statute.

Sec. 4. [15.165] RIGHTS OF SUBJECTS OF DATA. The rights of individuals on whom the data is stored or to be stored and the responsibilities of the responsible authority shall be as follows:

(a) The purposes for which data on individuals is collected and used or to be collected and used shall be filed in writing by the responsible authority with the commissioner and shall be a matter of public record pursuant to section 2.

(b) An individual asked to supply personal data shall be informed of the purpose of intended uses of the requested data.

(c) An individual asked to supply personal data shall be informed whether he may refuse or is legally required to supply the requested data. He shall be informed of any known consequence arising from his supplying or refusing to supply the personal data.

(d) Data shall not be used for any purpose other than as stated in

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clause (a) of this section unless (1) the responsible authority first makes an additional filing in accordance with clause (a); (2) the legislature gives its approval by law; or (3) the individuals to whom the data pertain give their informed consent.

(e) Upon request to a responsible authority, an individual shall be informed whether he is the subject of stored data and if so, and upon his additional request, shall be informed of the content and meaning of the data recorded about him or shown the data without any charge to him. After an individual has been so informed, data need not be disclosed to him for six months thereafter unless a dispute or action pursuant to this section is pending. This clause does not apply to data on individuals which is defined by statute as confidential or to records relating to the medical or psychiatric treatment of the individual.

(f) An individual shall have the right to contest the accuracy or completeness of data about him. If contested, the individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within 30 days correct the data if the data is found to be inaccurate or incomplete and attempt to notify past recipients of the inaccurate or incomplete data, or notify the individual of disagreement. The determination of the responsible authority is appealable in accordance with Minnesota Statutes, Chapter 15. Data in dispute shall not be disclosed except under conditions of demonstrated need and then only if the individual's statement of disagreement is included with the disclosed data.

Sec. 5. **[15.166] CIVIL PENALTIES.** Subdivision 1. Notwithstanding Minnesota Statutes, Section 466.03, a political subdivision, responsible authority or state which violates any provision of sections 1 to 5 is liable to a person who suffers any damage as a result of the violation, and the person damaged may bring an action against the political subdivision, responsible authority or state to cover any damages sustained, plus costs and reasonable attorney fees. In the case of a willful violation, the violator shall, in addition, be liable to exemplary damages of not less than \$100, nor more than \$1,000 for each violation. The state is deemed to have waived any immunity to a cause of action brought under sections 1 to 5.

Subd. 2. A political subdivision, responsible authority or state which violates or proposes to violate sections 1 to 5 may be enjoined by the district court. The court may make an order or judgment as may be necessary to prevent the use or employment by any person of any practices which violate sections 1 to 5.

Subd. 3. An action filed pursuant to sections 1 to 5 may be commenced in the county in which the individual alleging damage or seeking relief resides, or in the county wherein the political subdivision exists, or, in the case of the state, any county.

Sec. 6. **[15.167] PENALTIES.** Any person who willfully violates
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the provisions of sections 1 to 5 or any lawful rules and regulations promulgated thereunder is guilty of a misdemeanor. Any public employee who willfully violates sections 1 to 5 may be suspended without pay or discharged after a hearing as prescribed by law.

Sec. 7. [15.168] APPLICATION. Sections 1 to 5 shall not apply to data on individuals relating to criminal investigations. Nothing in sections 1 to 5 shall be construed to restrict or modify right of access to public records guaranteed by Minnesota Statutes, Section 15.17, or by any other statute.

Approved April 11, 1974.

CHAPTER 480—H.F.No.1415

An act relating to health; providing for grants to daytime activity centers for mentally retarded and cerebral palsied persons; amending Minnesota Statutes 1971, Sections 252.21; 252.23; 252.24, Subdivision 1; 252.25; 252.26; and Minnesota Statutes, 1973 Supplement, Sections 252.22 and 252.24, Subdivision 4.

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

Section 1. Minnesota Statutes 1971, Section 252.24, Subdivision 1, is amended to read:

252.24 PUBLIC WELFARE; MENTALLY RETARDED; DAYTIME ACTIVITY CENTERS. Subdivision 1. **SELECTION OF DAYTIME ACTIVITY CENTERS.** The commissioner of public welfare shall select those applicants for assistance and grant them assistance, as provided in subdivision 3, whose center location and program is licensed under the provisions of Minnesota Statutes 1965, Sections 257.081, 257.101, 257.111, 257.123, 257.175, 257.13, and in his opinion, best provides daytime activities for mentally retarded and cerebral palsied persons within the state appropriation made available for this purpose.

Sec. 2. Minnesota Statutes, 1973 Supplement, Section 252.24, Subdivision 4, is amended to read:

Subd. 4. **LIMITATION ON GRANTS; FEES.** No grants of assistance to any center shall exceed 60 percent of all its expenditures for (a) salaries, (b) contract facilities and services, (c) operation, maintenance and service costs, (d) rent of an appropriate facility, (e) mortgage or other financial costs specifically approved and authorized by the commissioner of public welfare, (f) other expenditures specifically approved and authorized by the commissioner of public welfare.

Where any county served by a program hereunder has an assessed valuation of real and personal property of less than \$13,000,000

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