

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-SEVENTH LEGISLATURE**      **S.F. No. 1143**

(SENATE AUTHORS: LIMMER and Ortman)

DATE	D-PG	OFFICIAL STATUS
04/11/2011	1262	Introduction and first reading Referred to Judiciary and Public Safety
05/09/2011	1805a 1846	Comm report: To pass as amended Second reading
05/16/2011	2073a 2076	Special Order: Amended Third reading Passed
03/22/2012	4680	Chief author stricken, shown as co-author Ortman Chief author added Limmer
04/18/2012	5913 5913	Returned from House with amendment Senate not concur, conference committee of 3 requested
04/24/2012	6468	Senate conferees Limmer; Newman; Hall
04/25/2012	6470	House conferees Scott; Holberg; Simon
05/07/2012	7083c 7114 7149	Conference committee report, delete everything Senate adopted CC report and repassed bill Third reading House adopted SCC report and repassed bill

A bill for an act

1.1 relating to state government; classifying and authorizing sharing of data; making  
1.2 technical changes to data practices; amending Minnesota Statutes 2010, sections  
1.3 13.02, subdivisions 3, 4, 8a, 9, 12, 13, 14, 15; 13.10, subdivision 1; 13.201;  
1.4 13.202, subdivision 3; 13.35; 13.3805, subdivisions 1, 2; 13.384, subdivision 1;  
1.5 13.39, subdivision 2; 13.392, subdivision 1; 13.393; 13.40, subdivision 1; 13.41,  
1.6 subdivision 2; 13.44, subdivision 3; 13.46, subdivisions 2, 3, 4, 5, 6; 13.462,  
1.7 subdivision 1; 13.467, subdivision 1; 13.47, subdivision 1; 13.485, by adding  
1.8 subdivisions; 13.495; 13.51, subdivisions 1, 2; 13.52; 13.548; 13.55, subdivision  
1.9 1; 13.585, subdivisions 2, 3, 4; 13.59, subdivisions 1, 2, 3; 13.591, subdivision 4;  
1.10 13.601, subdivision 3; 13.643, subdivisions 1, 2, 3, 5, 6, 7; 13.6435, by adding a  
1.11 subdivision; 13.65, subdivisions 1, 2, 3; 13.67; 13.679, subdivisions 1, 2; 13.714;  
1.12 13.719, subdivisions 1, 5; 13.7191, subdivisions 14, 18; 13.72, subdivisions  
1.13 7, 11, by adding subdivisions; 13.792; 13.7932; 13.82, subdivisions 2, 3, 6,  
1.14 7; 13.83, subdivisions 2, 4, 6; 13.861, subdivision 1; 13.87, subdivisions 1, 2;  
1.15 79A.16; 79A.28; 216C.266; 237.701, subdivision 1; proposing coding for new  
1.16 law in Minnesota Statutes, chapter 13D.  
1.17

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

ARTICLE 1

DATA PRACTICES

1.21 Section 1. Minnesota Statutes 2010, section 13.02, subdivision 3, is amended to read:

1.22 Subd. 3. **Confidential data on individuals.** "Confidential data on individuals"  
1.23 ~~means~~ are data ~~which is~~ made not public by statute or federal law applicable to the data  
1.24 and ~~is~~ are inaccessible to the individual subject of ~~that~~ those data.

1.25 Sec. 2. Minnesota Statutes 2010, section 13.02, subdivision 4, is amended to read:

1.26 Subd. 4. **Data not on individuals.** "Data not on individuals" ~~means~~ are all  
1.27 government data ~~which is~~ that are not data on individuals.

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2.1 Sec. 3. Minnesota Statutes 2010, section 13.02, subdivision 8a, is amended to read:

2.2 Subd. 8a. **Not public data.** "Not public data" ~~means~~ are any government data ~~which~~  
2.3 ~~is~~ classified by statute, federal law, or temporary classification as confidential, private,  
2.4 nonpublic, or protected nonpublic.

2.5 Sec. 4. Minnesota Statutes 2010, section 13.02, subdivision 9, is amended to read:

2.6 Subd. 9. **Nonpublic data.** "Nonpublic data" ~~means~~ are data not on individuals ~~that~~  
2.7 ~~is~~ made by statute or federal law applicable to the data: (a) not accessible to the public;  
2.8 and (b) accessible to the subject, if any, of the data.

2.9 Sec. 5. Minnesota Statutes 2010, section 13.02, subdivision 12, is amended to read:

2.10 Subd. 12. **Private data on individuals.** "Private data on individuals" ~~means~~ are  
2.11 data ~~which is~~ made by statute or federal law applicable to the data: (a) not public; and  
2.12 (b) accessible to the individual subject of ~~that~~ those data.

2.13 Sec. 6. Minnesota Statutes 2010, section 13.02, subdivision 13, is amended to read:

2.14 Subd. 13. **Protected nonpublic data.** "Protected nonpublic data" ~~means~~ are data  
2.15 not on individuals ~~which is~~ made by statute or federal law applicable to the data (a) not  
2.16 public and (b) not accessible to the subject of the data.

2.17 Sec. 7. Minnesota Statutes 2010, section 13.02, subdivision 14, is amended to read:

2.18 Subd. 14. **Public data not on individuals.** "Public data not on individuals" ~~means~~  
2.19 are data ~~which is~~ accessible to the public pursuant to section 13.03.

2.20 Sec. 8. Minnesota Statutes 2010, section 13.02, subdivision 15, is amended to read:

2.21 Subd. 15. **Public data on individuals.** "Public data on individuals" ~~means~~ are data  
2.22 ~~which is~~ accessible to the public in accordance with the provisions of section 13.03.

2.23 Sec. 9. Minnesota Statutes 2010, section 13.10, subdivision 1, is amended to read:

2.24 Subdivision 1. **Definitions.** As used in this chapter:

2.25 (a) "Confidential data on decedents" ~~means~~ are data which, prior to the death of  
2.26 the data subject, were classified by statute, federal law, or temporary classification as  
2.27 confidential data.

2.28 (b) "Private data on decedents" ~~means~~ are data which, prior to the death of the data  
2.29 subject, were classified by statute, federal law, or temporary classification as private data.

3.1 (c) "Representative of the decedent" ~~means~~ is the personal representative of the  
3.2 estate of the decedent during the period of administration, or if no personal representative  
3.3 has been appointed or after discharge of the personal representative, the surviving spouse,  
3.4 any child of the decedent, or, if there is no surviving spouse or children, the parents of  
3.5 the decedent.

3.6 Sec. 10. Minnesota Statutes 2010, section 13.201, is amended to read:

3.7 **13.201 RIDESHARE DATA.**

3.8 The following government data on participants, collected, created, received,  
3.9 maintained, or disseminated by the Minnesota Department of Transportation and the  
3.10 Metropolitan Council to administer rideshare programs, are ~~classified as private under~~  
3.11 ~~section 13.02, subdivision 12~~ data on individuals: residential address and telephone  
3.12 number; beginning and ending work hours; current mode of commuting to and from work;  
3.13 and type of rideshare service information requested.

3.14 Sec. 11. Minnesota Statutes 2010, section 13.202, subdivision 3, is amended to read:

3.15 Subd. 3. **Hennepin County.** (a) Data collected by the Hennepin Healthcare System,  
3.16 Inc. are governed under section ~~383B.17~~ 383B.917, subdivision 1.

3.17 (b) Records of Hennepin County board meetings permitted to be closed under  
3.18 section 383B.217, subdivision 7, are classified under that subdivision.

3.19 Sec. 12. Minnesota Statutes 2010, section 13.35, is amended to read:

3.20 **13.35 FEDERAL CONTRACTS DATA.**

3.21 To the extent that a federal agency requires it as a condition for contracting with  
3.22 a government entity, all government data collected ~~and~~ created, received, maintained,  
3.23 or disseminated by the government entity because that agency contracts with the federal  
3.24 agency are classified as either private or nonpublic depending on whether the data are data  
3.25 on individuals or data not on individuals.

3.26 Sec. 13. Minnesota Statutes 2010, section 13.3805, subdivision 1, is amended to read:

3.27 Subdivision 1. **Health data generally.** (a) **Definitions.** As used in this subdivision:

3.28 (1) "Commissioner" means the commissioner of health.

3.29 (2) "Health data" ~~means~~ are government data on individuals created, collected,  
3.30 received, ~~or~~ maintained, or disseminated by the Department of Health, political  
3.31 subdivisions, or statewide systems relating to the identification, description, prevention,

4.1 and control of disease or as part of an epidemiologic investigation the commissioner  
4.2 designates as necessary to analyze, describe, or protect the public health.

4.3 (b) **Data on individuals.** (1) Health data are private data on individuals.  
4.4 Notwithstanding section 13.05, subdivision 9, health data may not be disclosed except as  
4.5 provided in this subdivision and section 13.04.

4.6 (2) The commissioner or a local board of health as defined in section 145A.02,  
4.7 subdivision 2, may disclose health data to the data subject's physician as necessary to locate  
4.8 or identify a case, carrier, or suspect case, to establish a diagnosis, to provide treatment, to  
4.9 identify persons at risk of illness, or to conduct an epidemiologic investigation.

4.10 (3) With the approval of the commissioner, health data may be disclosed to the  
4.11 extent necessary to assist the commissioner to locate or identify a case, carrier, or suspect  
4.12 case, to alert persons who may be threatened by illness as evidenced by epidemiologic  
4.13 data, to control or prevent the spread of serious disease, or to diminish an imminent threat  
4.14 to the public health.

4.15 (c) **Health summary data.** Summary data derived from data collected under section  
4.16 145.413 may be provided under section 13.05, subdivision 7.

4.17 Sec. 14. Minnesota Statutes 2010, section 13.3805, subdivision 2, is amended to read:

4.18 Subd. 2. **Huntington's Disease data.** All government data ~~created, collected,~~  
4.19 ~~received, or maintained by~~ of the commissioner of health on individuals relating to  
4.20 genetic counseling services for Huntington's Disease provided by the Department of  
4.21 Health are private data on individuals. The data may be permanently transferred from the  
4.22 department to the Hennepin County Medical Center, and once transferred, shall continue  
4.23 to be classified as private data on individuals.

4.24 Sec. 15. Minnesota Statutes 2010, section 13.384, subdivision 1, is amended to read:

4.25 Subdivision 1. **Definition.** As used in this section:

4.26 (a) "Directory information" means name of the patient, date admitted, and general  
4.27 condition.

4.28 (b) "Medical data" ~~means~~ are government data collected, created, received,  
4.29 maintained, or disseminated because an individual was or is a patient or client of a  
4.30 hospital, nursing home, medical center, clinic, health or nursing agency operated by a  
4.31 government entity including business and financial records, data provided by private  
4.32 health care facilities, and data provided by or about relatives of the individual.

4.33 Sec. 16. Minnesota Statutes 2010, section 13.39, subdivision 2, is amended to read:

5.1 Subd. 2. **Civil actions.** (a) Except as provided in paragraph (b), government data  
5.2 collected, created, received, maintained, or disseminated by a government entity as part of  
5.3 an active investigation undertaken for the purpose of the commencement or defense of a  
5.4 pending civil legal action, or which are retained in anticipation of a pending civil legal  
5.5 action, are classified as protected nonpublic data pursuant to section 13.02, subdivision  
5.6 13, in the case of data not on individuals and confidential pursuant to section 13.02,  
5.7 subdivision 3, in the case of data on individuals. Any government entity may make  
5.8 any data classified as confidential or protected nonpublic pursuant to this subdivision  
5.9 accessible to any person, agency or the public if the government entity determines that  
5.10 the access will aid the law enforcement process, promote public health or safety or dispel  
5.11 widespread rumor or unrest.

5.12 (b) A complainant has access to a statement provided by the complainant to a  
5.13 government entity under paragraph (a).

5.14 Sec. 17. Minnesota Statutes 2010, section 13.392, subdivision 1, is amended to read:

5.15 Subdivision 1. **Confidential data or protected nonpublic data.** Government  
5.16 data, including notes, and preliminary drafts of reports created, collected, and received,  
5.17 maintained, or disseminated by the internal audit offices of government entities, or persons  
5.18 performing audits for government entities, and relating to an audit or investigation are  
5.19 confidential data on individuals or protected nonpublic data until the final report has  
5.20 been published or the audit or investigation is no longer being pursued actively, except  
5.21 that the data shall be disclosed as required to comply with section 6.67 or 609.456. This  
5.22 section does not limit in any way:

5.23 (1) the state auditor's access to government data of political subdivisions or  
5.24 data, notes, or preliminary drafts of reports of persons performing audits for political  
5.25 subdivisions; or

5.26 (2) the public or a data subject's access to data classified by section 13.43.

5.27 Sec. 18. Minnesota Statutes 2010, section 13.393, is amended to read:

5.28 **13.393 ATTORNEYS.**

5.29 Notwithstanding the provisions of this chapter and section 15.17, ~~the use, collection,~~  
5.30 ~~storage, and dissemination of~~ government data collected, created, received, or maintained  
5.31 by an attorney acting in a professional capacity for a government entity shall be governed  
5.32 by statutes, rules, and professional standards concerning discovery, production of  
5.33 documents, introduction of evidence, and professional responsibility; provided that this  
5.34 section shall not be construed to affect the applicability of any statute, other than this

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6.1 chapter and section 15.17, which specifically requires or prohibits disclosure of specific  
6.2 information by the attorney, nor shall this section be construed to relieve any responsible  
6.3 authority, other than the attorney, from duties and responsibilities pursuant to this chapter  
6.4 and section 15.17.

6.5 Sec. 19. Minnesota Statutes 2010, section 13.40, subdivision 1, is amended to read:

6.6 Subdivision 1. **Records subject to this chapter.** (a) For purposes of this section,  
6.7 "historical records repository" means an archives or manuscript repository operated by a  
6.8 government entity whose purpose is to collect and maintain data to further the history of  
6.9 a geographic or subject area. The term does not include the state archives as defined in  
6.10 section 138.17, subdivision 1, clause (5).

6.11 (b) Government data collected, created, received, maintained, used, or disseminated  
6.12 by a library or historical records repository operated by a government entity shall be  
6.13 administered in accordance with the provisions of this chapter.

6.14 Sec. 20. Minnesota Statutes 2010, section 13.41, subdivision 2, is amended to read:

6.15 Subd. 2. **Private data; designated addresses and telephone numbers.** (a) The  
6.16 following government data collected, created or, received, maintained, or disseminated by  
6.17 any licensing agency are ~~classified as private, pursuant to section 13.02, subdivision 12~~  
6.18 data on individuals: data, other than their names and designated addresses, submitted by  
6.19 applicants for licenses; the identity of complainants who have made reports concerning  
6.20 licensees or applicants which appear in inactive complaint data unless the complainant  
6.21 consents to the disclosure; the nature or content of unsubstantiated complaints when the  
6.22 information is not maintained in anticipation of legal action; the identity of patients whose  
6.23 medical records are received by any health licensing agency for purposes of review or  
6.24 in anticipation of a contested matter; inactive investigative data relating to violations  
6.25 of statutes or rules; and the record of any disciplinary proceeding except as limited by  
6.26 subdivision 5.

6.27 (b) An applicant for a license shall designate on the application a residence or  
6.28 business address and telephone number at which the applicant can be contacted in  
6.29 connection with the license application. A licensee shall designate a residence or business  
6.30 address and telephone number at which the licensee can be contacted in connection with  
6.31 the license. By designating an address under this paragraph other than a residence address,  
6.32 the applicant or licensee consents to accept personal service of process by service on the  
6.33 licensing agency for legal or administrative proceedings. The licensing agency shall mail  
6.34 a copy of the documents to the applicant or licensee at the last known residence address.

7.1 Sec. 21. Minnesota Statutes 2010, section 13.44, subdivision 3, is amended to read:

7.2 Subd. 3. **Real property; appraisal data.** (a) **Confidential or protected nonpublic**  
7.3 **data.** Estimated or appraised values of individual parcels of real property that are made by  
7.4 personnel of a government entity or by independent appraisers acting for a government  
7.5 entity for the purpose of selling or acquiring land through purchase or condemnation are  
7.6 classified as confidential data on individuals or protected nonpublic data.

7.7 (b) **Private or nonpublic data.** Appraised values of individual parcels of real  
7.8 property that are made by appraisers working for fee owners or contract purchasers who  
7.9 have received an offer to purchase their property from a government entity are classified  
7.10 as private data on individuals or nonpublic data.

7.11 (c) **Public data.** The data made confidential or protected nonpublic under paragraph  
7.12 (a) or made private or nonpublic under paragraph (b) become public upon the occurrence  
7.13 of any of the following:

7.14 (1) the data are submitted to a court-appointed condemnation commissioner;

7.15 (2) the data are presented in court in condemnation proceedings; or

7.16 (3) the negotiating parties enter into an agreement for the purchase and sale of the  
7.17 property.

7.18 The data made confidential or protected nonpublic under paragraph (a) also  
7.19 become public at the discretion of the government entity, determined by majority vote  
7.20 of the entity's governing body, or, in the case of a state agency, as determined by the  
7.21 commissioner of the agency.

7.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.23 Sec. 22. Minnesota Statutes 2010, section 13.46, subdivision 2, is amended to read:

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

7.28 (1) according to section 13.05;

7.29 (2) according to court order;

7.30 (3) according to a statute specifically authorizing access to the private data;

7.31 (4) to an agent of the welfare system, including a law enforcement person, attorney,  
7.32 or investigator acting for it in the investigation or prosecution of a criminal or civil  
7.33 proceeding relating to the administration of a program;

7.34 (5) to personnel of the welfare system who require the data to verify an individual's  
7.35 identity; determine eligibility, amount of assistance, and the need to provide services to

8.1 an individual or family across programs; evaluate the effectiveness of programs; assess  
8.2 parental contribution amounts; and investigate suspected fraud;

8.3 (6) to administer federal funds or programs;

8.4 (7) between personnel of the welfare system working in the same program;

8.5 (8) to the Department of Revenue to assess parental contribution amounts for  
8.6 purposes of section 252.27, subdivision 2a, administer and evaluate tax refund or tax credit  
8.7 programs and to identify individuals who may benefit from these programs. The following  
8.8 information may be disclosed under this paragraph: an individual's and their dependent's  
8.9 names, dates of birth, Social Security numbers, income, addresses, and other data as  
8.10 required, upon request by the Department of Revenue. Disclosures by the commissioner  
8.11 of revenue to the commissioner of human services for the purposes described in this clause  
8.12 are governed by section 270B.14, subdivision 1. Tax refund or tax credit programs include,  
8.13 but are not limited to, the dependent care credit under section 290.067, the Minnesota  
8.14 working family credit under section 290.0671, the property tax refund and rental credit  
8.15 under section 290A.04, and the Minnesota education credit under section 290.0674;

8.16 (9) between the Department of Human Services, the Department of Employment  
8.17 and Economic Development, and when applicable, the Department of Education, for  
8.18 the following purposes:

8.19 (i) to monitor the eligibility of the data subject for unemployment benefits, for any  
8.20 employment or training program administered, supervised, or certified by that agency;

8.21 (ii) to administer any rehabilitation program or child care assistance program,  
8.22 whether alone or in conjunction with the welfare system;

8.23 (iii) to monitor and evaluate the Minnesota family investment program or the child  
8.24 care assistance program by exchanging data on recipients and former recipients of food  
8.25 support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance  
8.26 under chapter 119B, or medical programs under chapter 256B, 256D, or 256L; and

8.27 (iv) to analyze public assistance employment services and program utilization,  
8.28 cost, effectiveness, and outcomes as implemented under the authority established in Title  
8.29 II, Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of  
8.30 1999. Health records governed by sections 144.291 to 144.298 and "protected health  
8.31 information" as defined in Code of Federal Regulations, title 45, section 160.103, and  
8.32 governed by Code of Federal Regulations, title 45, parts 160-164, including health care  
8.33 claims utilization information, must not be exchanged under this clause;

8.34 (10) to appropriate parties in connection with an emergency if knowledge of  
8.35 the information is necessary to protect the health or safety of the individual or other  
8.36 individuals or persons;

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9.1 (11) data maintained by residential programs as defined in section 245A.02 may  
9.2 be disclosed to the protection and advocacy system established in this state according  
9.3 to Part C of Public Law 98-527 to protect the legal and human rights of persons with  
9.4 developmental disabilities or other related conditions who live in residential facilities for  
9.5 these persons if the protection and advocacy system receives a complaint by or on behalf  
9.6 of that person and the person does not have a legal guardian or the state or a designee of  
9.7 the state is the legal guardian of the person;

9.8 (12) to the county medical examiner or the county coroner for identifying or locating  
9.9 relatives or friends of a deceased person;

9.10 (13) data on a child support obligor who makes payments to the public agency  
9.11 may be disclosed to the Minnesota Office of Higher Education to the extent necessary to  
9.12 determine eligibility under section 136A.121, subdivision 2, clause (5);

9.13 (14) participant Social Security numbers and names collected by the telephone  
9.14 assistance program may be disclosed to the Department of Revenue to conduct an  
9.15 electronic data match with the property tax refund database to determine eligibility under  
9.16 section 237.70, subdivision 4a;

9.17 (15) the current address of a Minnesota family investment program participant  
9.18 may be disclosed to law enforcement officers who provide the name of the participant  
9.19 and notify the agency that:

9.20 (i) the participant:

9.21 (A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after  
9.22 conviction, for a crime or attempt to commit a crime that is a felony under the laws of the  
9.23 jurisdiction from which the individual is fleeing; or

9.24 (B) is violating a condition of probation or parole imposed under state or federal law;

9.25 (ii) the location or apprehension of the felon is within the law enforcement officer's  
9.26 official duties; and

9.27 (iii) the request is made in writing and in the proper exercise of those duties;

9.28 (16) the current address of a recipient of general assistance or general assistance  
9.29 medical care may be disclosed to probation officers and corrections agents who are  
9.30 supervising the recipient and to law enforcement officers who are investigating the  
9.31 recipient in connection with a felony level offense;

9.32 (17) information obtained from food support applicant or recipient households may  
9.33 be disclosed to local, state, or federal law enforcement officials, upon their written request,  
9.34 for the purpose of investigating an alleged violation of the Food Stamp Act, according  
9.35 to Code of Federal Regulations, title 7, section 272.1 (c);

10.1 (18) the address, Social Security number, and, if available, photograph of any  
10.2 member of a household receiving food support shall be made available, on request, to a  
10.3 local, state, or federal law enforcement officer if the officer furnishes the agency with the  
10.4 name of the member and notifies the agency that:

10.5 (i) the member:

10.6 (A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a  
10.7 crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

10.8 (B) is violating a condition of probation or parole imposed under state or federal  
10.9 law; or

10.10 (C) has information that is necessary for the officer to conduct an official duty related  
10.11 to conduct described in subitem (A) or (B);

10.12 (ii) locating or apprehending the member is within the officer's official duties; and

10.13 (iii) the request is made in writing and in the proper exercise of the officer's official  
10.14 duty;

10.15 (19) the current address of a recipient of Minnesota family investment program,  
10.16 general assistance, general assistance medical care, or food support may be disclosed to  
10.17 law enforcement officers who, in writing, provide the name of the recipient and notify the  
10.18 agency that the recipient is a person required to register under section 243.166, but is not  
10.19 residing at the address at which the recipient is registered under section 243.166;

10.20 (20) certain information regarding child support obligors who are in arrears may be  
10.21 made public according to section 518A.74;

10.22 (21) data on child support payments made by a child support obligor and data on  
10.23 the distribution of those payments excluding identifying information on obligees may be  
10.24 disclosed to all obligees to whom the obligor owes support, and data on the enforcement  
10.25 actions undertaken by the public authority, the status of those actions, and data on the  
10.26 income of the obligor or obligee may be disclosed to the other party;

10.27 (22) data in the work reporting system may be disclosed under section 256.998,  
10.28 subdivision 7;

10.29 (23) to the Department of Education for the purpose of matching Department of  
10.30 Education student data with public assistance data to determine students eligible for free  
10.31 and reduced-price meals, meal supplements, and free milk according to United States  
10.32 Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and  
10.33 state funds that are distributed based on income of the student's family; and to verify  
10.34 receipt of energy assistance for the telephone assistance plan;

10.35 (24) the current address and telephone number of program recipients and emergency  
10.36 contacts may be released to the commissioner of health or a local board of health as

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11.1 defined in section 145A.02, subdivision 2, when the commissioner or local board of health  
11.2 has reason to believe that a program recipient is a disease case, carrier, suspect case, or at  
11.3 risk of illness, and the data are necessary to locate the person;

11.4 (25) to other state agencies, statewide systems, and political subdivisions of this  
11.5 state, including the attorney general, and agencies of other states, interstate information  
11.6 networks, federal agencies, and other entities as required by federal regulation or law for  
11.7 the administration of the child support enforcement program;

11.8 (26) to personnel of public assistance programs as defined in section 256.741, for  
11.9 access to the child support system database for the purpose of administration, including  
11.10 monitoring and evaluation of those public assistance programs;

11.11 (27) to monitor and evaluate the Minnesota family investment program by  
11.12 exchanging data between the Departments of Human Services and Education, on  
11.13 recipients and former recipients of food support, cash assistance under chapter 256, 256D,  
11.14 256J, or 256K, child care assistance under chapter 119B, or medical programs under  
11.15 chapter 256B, 256D, or 256L;

11.16 (28) to evaluate child support program performance and to identify and prevent  
11.17 fraud in the child support program by exchanging data between the Department of Human  
11.18 Services, Department of Revenue under section 270B.14, subdivision 1, paragraphs (a)  
11.19 and (b), without regard to the limitation of use in paragraph (c), Department of Health,  
11.20 Department of Employment and Economic Development, and other state agencies as is  
11.21 reasonably necessary to perform these functions;

11.22 (29) counties operating child care assistance programs under chapter 119B may  
11.23 disseminate data on program participants, applicants, and providers to the commissioner  
11.24 of education; or

11.25 (30) child support data on the parents and the child may be disclosed to agencies  
11.26 administering programs under titles IV-B and IV-E of the Social Security Act, as provided  
11.27 by federal law. Data may be disclosed only to the extent necessary for the purpose of  
11.28 establishing parentage or for determining who has or may have parental rights with respect  
11.29 to a child, which could be related to permanency planning.

11.30 (b) Information on persons who have been treated for drug or alcohol abuse may  
11.31 only be disclosed according to the requirements of Code of Federal Regulations, title  
11.32 42, sections 2.1 to 2.67.

11.33 (c) Data provided to law enforcement agencies under paragraph (a), clause (15),  
11.34 (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected  
11.35 nonpublic while the investigation is active. The data are private after the investigation  
11.36 becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

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

12.3 For the purposes of this subdivision, a request will be deemed to be made in writing  
12.4 if made through a computer interface system.

12.5 Sec. 23. Minnesota Statutes 2010, section 13.46, subdivision 3, is amended to read:

12.6 Subd. 3. **Investigative data.** (a) Government data on persons, including data on  
12.7 vendors of services, licensees, and applicants that ~~is~~ are collected, created, received,  
12.8 maintained, ~~used,~~ or disseminated by the welfare system in an investigation, authorized  
12.9 by statute, and relating to the enforcement of rules or law ~~is~~ are confidential data on  
12.10 individuals pursuant to section 13.02, subdivision 3, or protected nonpublic data not on  
12.11 individuals pursuant to section 13.02, subdivision 13, and shall not be disclosed except:

12.12 (1) pursuant to section 13.05;

12.13 (2) pursuant to statute or valid court order;

12.14 (3) to a party named in a civil or criminal proceeding, administrative or judicial, for  
12.15 preparation of defense; or

12.16 (4) to provide notices required or permitted by statute.

12.17 The data referred to in this subdivision shall be classified as public data upon  
12.18 ~~its~~ submission to an administrative law judge or court in an administrative or judicial  
12.19 proceeding. Inactive welfare investigative data shall be treated as provided in section  
12.20 13.39, subdivision 3.

12.21 (b) Notwithstanding any other provision in law, the commissioner of human services  
12.22 shall provide all active and inactive investigative data, including the name of the reporter  
12.23 of alleged maltreatment under section 626.556 or 626.557, to the ombudsman for mental  
12.24 health and developmental disabilities upon the request of the ombudsman.

12.25 Sec. 24. Minnesota Statutes 2010, section 13.46, subdivision 4, is amended to read:

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

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

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

13.1 (3) "personal and personal financial data" ~~means~~ are Social Security numbers,  
13.2 identity of and letters of reference, insurance information, reports from the Bureau of  
13.3 Criminal Apprehension, health examination reports, and social/home studies.

13.4 (b)(1) Except as provided in paragraph (c), the following data on applicants, license  
13.5 holders, and former licensees are public: name, address, telephone number of licensees,  
13.6 date of receipt of a completed application, dates of licensure, licensed capacity, type of  
13.7 client preferred, variances granted, record of training and education in child care and  
13.8 child development, type of dwelling, name and relationship of other family members,  
13.9 previous license history, class of license, the existence and status of complaints, and  
13.10 the number of serious injuries to or deaths of individuals in the licensed program as  
13.11 reported to the commissioner of human services, the local social services agency, or  
13.12 any other county welfare agency. For purposes of this clause, a serious injury is one  
13.13 that is treated by a physician. When a correction order, an order to forfeit a fine, an  
13.14 order of license suspension, an order of temporary immediate suspension, an order of  
13.15 license revocation, an order of license denial, or an order of conditional license has been  
13.16 issued, or a complaint is resolved, the following data on current and former licensees  
13.17 and applicants are public: the substance and investigative findings of the licensing or  
13.18 maltreatment complaint, licensing violation, or substantiated maltreatment; the record  
13.19 of informal resolution of a licensing violation; orders of hearing; findings of fact;  
13.20 conclusions of law; specifications of the final correction order, fine, suspension, temporary  
13.21 immediate suspension, revocation, denial, or conditional license contained in the record  
13.22 of licensing action; whether a fine has been paid; and the status of any appeal of these  
13.23 actions. If a licensing sanction under section 245A.07, or a license denial under section  
13.24 245A.05, is based on a determination that the license holder or applicant is responsible for  
13.25 maltreatment or is disqualified under chapter 245C, the identity of the license holder or  
13.26 applicant as the individual responsible for maltreatment or as the disqualified individual  
13.27 ~~is~~ are public data at the time of the issuance of the licensing sanction or denial.

13.28 (2) Notwithstanding sections 626.556, subdivision 11, and 626.557, subdivision 12b,  
13.29 when any person subject to disqualification under section 245C.14 in connection with a  
13.30 license to provide family day care for children, child care center services, foster care  
13.31 for children in the provider's home, or foster care or day care services for adults in the  
13.32 provider's home is a substantiated perpetrator of maltreatment, and the substantiated  
13.33 maltreatment is a reason for a licensing action, the identity of the substantiated perpetrator  
13.34 of maltreatment is public data. For purposes of this clause, a person is a substantiated  
13.35 perpetrator if the maltreatment determination has been upheld under section 256.045;  
13.36 626.556, subdivision 10i; 626.557, subdivision 9d; or chapter 14, or if an individual or

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14.1 facility has not timely exercised appeal rights under these sections, except as provided  
14.2 under clause (1).

14.3 (3) For applicants who withdraw their application prior to licensure or denial of a  
14.4 license, the following data are public: the name of the applicant, the city and county in  
14.5 which the applicant was seeking licensure, the dates of the commissioner's receipt of the  
14.6 initial application and completed application, the type of license sought, and the date  
14.7 of withdrawal of the application.

14.8 (4) For applicants who are denied a license, the following data are public: the name  
14.9 and address of the applicant, the city and county in which the applicant was seeking  
14.10 licensure, the dates of the commissioner's receipt of the initial application and completed  
14.11 application, the type of license sought, the date of denial of the application, the nature of  
14.12 the basis for the denial, the record of informal resolution of a denial, orders of hearings,  
14.13 findings of fact, conclusions of law, specifications of the final order of denial, and the  
14.14 status of any appeal of the denial.

14.15 (5) The following data on persons subject to disqualification under section 245C.14  
14.16 in connection with a license to provide family day care for children, child care center  
14.17 services, foster care for children in the provider's home, or foster care or day care services  
14.18 for adults in the provider's home, are public: the nature of any disqualification set  
14.19 aside under section 245C.22, subdivisions 2 and 4, and the reasons for setting aside the  
14.20 disqualification; the nature of any disqualification for which a variance was granted under  
14.21 sections 245A.04, subdivision 9; and 245C.30, and the reasons for granting any variance  
14.22 under section 245A.04, subdivision 9; and, if applicable, the disclosure that any person  
14.23 subject to a background study under section 245C.03, subdivision 1, has successfully  
14.24 passed a background study. If a licensing sanction under section 245A.07, or a license  
14.25 denial under section 245A.05, is based on a determination that an individual subject to  
14.26 disqualification under chapter 245C is disqualified, the disqualification as a basis for the  
14.27 licensing sanction or denial is public data. As specified in clause (1), if the disqualified  
14.28 individual is the license holder or applicant, the identity of the license holder or applicant  
14.29 is public data. If the disqualified individual is an individual other than the license holder  
14.30 or applicant, the identity of the disqualified individual shall remain private data.

14.31 (6) When maltreatment is substantiated under section 626.556 or 626.557 and the  
14.32 victim and the substantiated perpetrator are affiliated with a program licensed under  
14.33 chapter 245A, the commissioner of human services, local social services agency, or  
14.34 county welfare agency may inform the license holder where the maltreatment occurred of  
14.35 the identity of the substantiated perpetrator and the victim.

15.1 (7) Notwithstanding clause (1), for child foster care, only the name of the license  
15.2 holder and the status of the license are public if the county attorney has requested that data  
15.3 otherwise classified as public data under clause (1) be considered private data based on the  
15.4 best interests of a child in placement in a licensed program.

15.5 (c) The following are private data on individuals under section 13.02, subdivision  
15.6 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial  
15.7 data on family day care program and family foster care program applicants and licensees  
15.8 and their family members who provide services under the license.

15.9 (d) The following are private data on individuals: the identity of persons who have  
15.10 made reports concerning licensees or applicants that appear in inactive investigative data,  
15.11 and the records of clients or employees of the licensee or applicant for licensure whose  
15.12 records are received by the licensing agency for purposes of review or in anticipation of a  
15.13 contested matter. The names of reporters of complaints or alleged violations of licensing  
15.14 standards under chapters 245A, 245B, 245C, and applicable rules and alleged maltreatment  
15.15 under sections 626.556 and 626.557, are confidential data and may be disclosed only as  
15.16 provided in section 626.556, subdivision 11, or 626.557, subdivision 12b.

15.17 (e) Data classified as private, confidential, nonpublic, or protected nonpublic under  
15.18 this subdivision become public data if submitted to a court or administrative law judge as  
15.19 part of a disciplinary proceeding in which there is a public hearing concerning a license  
15.20 which has been suspended, immediately suspended, revoked, or denied.

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

15.23 (g) Government data that are not public data collected, created, received, maintained,  
15.24 ~~used,~~ or disseminated under this subdivision that relate to or are derived from a report as  
15.25 defined in section 626.556, subdivision 2, or 626.5572, subdivision 18, are subject to the  
15.26 destruction provisions of sections 626.556, subdivision 11c, and 626.557, subdivision 12b.

15.27 (h) Upon request, not public government data collected, created, received,  
15.28 ~~used,~~ or disseminated under this subdivision that relate to or are derived from  
15.29 a report of substantiated maltreatment as defined in section 626.556 or 626.557 may be  
15.30 exchanged with the Department of Health for purposes of completing background studies  
15.31 pursuant to section 144.057 and with the Department of Corrections for purposes of  
15.32 completing background studies pursuant to section 241.021.

15.33 (i) Data on individuals collected according to licensing activities under chapters  
15.34 245A and 245C, and data on individuals collected by the commissioner of human services  
15.35 according to maltreatment investigations under sections 626.556 and 626.557, may be  
15.36 shared with the Department of Human Rights, the Department of Health, the Department

16.1 of Corrections, the ombudsman for mental health and developmental disabilities, and  
16.2 the individual's professional regulatory board when there is reason to believe that laws  
16.3 or standards under the jurisdiction of those agencies may have been violated. Unless  
16.4 otherwise specified in this chapter, the identity of a reporter of alleged maltreatment or  
16.5 licensing violations may not be disclosed.

16.6 (j) In addition to the notice of determinations required under section 626.556,  
16.7 subdivision 10f, if the commissioner or the local social services agency has determined  
16.8 that an individual is a substantiated perpetrator of maltreatment of a child based on sexual  
16.9 abuse, as defined in section 626.556, subdivision 2, and the commissioner or local social  
16.10 services agency knows that the individual is a person responsible for a child's care in  
16.11 another facility, the commissioner or local social services agency shall notify the head  
16.12 of that facility of this determination. The notification must include an explanation of the  
16.13 individual's available appeal rights and the status of any appeal. If a notice is given under  
16.14 this paragraph, the government entity making the notification shall provide a copy of the  
16.15 notice to the individual who is the subject of the notice.

16.16 (k) All not public government data collected, created, received, maintained,~~used,~~ or  
16.17 disseminated under this subdivision and subdivision 3 may be exchanged between the  
16.18 Department of Human Services, Licensing Division, and the Department of Corrections  
16.19 for purposes of regulating services for which the Department of Human Services and the  
16.20 Department of Corrections have regulatory authority.

16.21 Sec. 25. Minnesota Statutes 2010, section 13.46, subdivision 5, is amended to read:

16.22 Subd. 5. **Medical data; contracts.** Government data relating to the medical,  
16.23 psychiatric, or mental health of any individual, including diagnosis, progress charts,  
16.24 treatment received, case histories, and opinions of health care providers, that ~~is~~ are  
16.25 collected, created, received, maintained,~~used,~~ or disseminated by any agency to the  
16.26 welfare system ~~is~~ are private data on individuals and will be available to the data subject,  
16.27 unless the private health care provider has clearly requested in writing that the data be  
16.28 withheld pursuant to sections 144.291 to 144.298. Government data on individuals that  
16.29 ~~is~~ are collected, created, received, maintained,~~used,~~ or disseminated by a private health  
16.30 care provider under contract to any agency of the welfare system ~~is~~ are private data on  
16.31 individuals, and ~~is~~ are subject to the provisions of sections 13.02 to 13.07 and this section,  
16.32 except that the provisions of section 13.04, subdivision 3, shall not apply. Access to  
16.33 medical data referred to in this subdivision by the individual who is the subject of the data  
16.34 is subject to the provisions of sections 144.291 to 144.298. Access to information that is

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17.1 maintained by the public authority responsible for support enforcement and that is needed  
17.2 to enforce medical support is subject to the provisions of section 518A.41.

17.3 Sec. 26. Minnesota Statutes 2010, section 13.46, subdivision 6, is amended to read:

17.4 Subd. 6. **Other data.** Government data collected, ~~used,~~ created, received,  
17.5 maintained, or disseminated by the welfare system that ~~is~~ are not data on individuals ~~is~~ are  
17.6 public pursuant to section 13.03, except the following data:

- 17.7 (a) investigative data classified by section 13.39;  
17.8 (b) welfare investigative data classified by section 13.46, subdivision 3; and  
17.9 (c) security information classified by section 13.37, subdivision 2.

17.10 Sec. 27. Minnesota Statutes 2010, section 13.462, subdivision 1, is amended to read:

17.11 Subdivision 1. **Definition.** As used in this section, "benefit data" ~~means~~  
17.12 are government data on individuals collected ~~or,~~ created, received, maintained, or  
17.13 disseminated because an individual seeks information about becoming, is, or was an  
17.14 applicant for or a recipient of benefits or services provided under various housing, home  
17.15 ownership, rehabilitation and community action agency, Head Start, and food assistance  
17.16 programs administered by government entities. Benefit data does not include welfare data  
17.17 which shall be administered in accordance with section 13.46.

17.18 Sec. 28. Minnesota Statutes 2010, section 13.467, subdivision 1, is amended to read:

17.19 Subdivision 1. **General.** The following government data collected, created~~and,~~  
17.20 received, maintained, or disseminated by a community action agency in a study of the  
17.21 impact of foster care policies on families are classified as confidential data, pursuant to  
17.22 section 13.02, subdivision 3: names of persons interviewed; foster care placement plans  
17.23 obtained from other public and private agencies; and all information gathered during  
17.24 interviews with study participants.

17.25 Sec. 29. Minnesota Statutes 2010, section 13.47, subdivision 1, is amended to read:

17.26 Subdivision 1. **Definitions.** (a) "Employment and training data" ~~means are~~  
17.27 government data on individuals collected, created, received, maintained, ~~used,~~ or  
17.28 disseminated because an individual applies for, is currently enrolled in, or has been  
17.29 enrolled in employment and training programs funded with federal, state, or local  
17.30 resources, including those provided under the Workforce Investment Act of 1998, United  
17.31 States Code, title 29, section 2801.

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18.1 (b) "Employment and training service provider" means an entity certified, or seeking  
18.2 to be certified, by the commissioner of employment and economic development to  
18.3 deliver employment and training services under section 116J.401, subdivision 2, or an  
18.4 organization that contracts with a certified entity or the Department of Employment and  
18.5 Economic Development to deliver employment and training services.

18.6 (c) "Provider of training services" means an organization or entity that provides  
18.7 training under the Workforce Investment Act of 1998, United States Code, title 29,  
18.8 section 2801.

18.9 Sec. 30. Minnesota Statutes 2010, section 13.485, is amended by adding a subdivision  
18.10 to read:

18.11 Subd. 5. Corporations created before May 31, 1997. Government data maintained  
18.12 by a corporation created by a political subdivision before May 31, 1997, are governed by  
18.13 section 465.719, subdivision 14.

18.14 Sec. 31. Minnesota Statutes 2010, section 13.485, is amended by adding a subdivision  
18.15 to read:

18.16 Subd. 6. Northern Technology Initiative, Inc. Government data maintained by  
18.17 Northern Technology Initiative, Inc. are classified under section 116T.02, subdivisions  
18.18 7 and 8.

18.19 Sec. 32. Minnesota Statutes 2010, section 13.495, is amended to read:

18.20 **13.495 LODGING TAX DATA.**

18.21 Government data, other than basic taxpayer identification data, collected from  
18.22 taxpayers, created, received, maintained, or disseminated under a lodging tax ordinance  
18.23 are nonpublic.

18.24 Sec. 33. Minnesota Statutes 2010, section 13.51, subdivision 1, is amended to read:

18.25 Subdivision 1. **Generally.** The following government data collected, created ~~and,~~  
18.26 received, maintained, or disseminated by political subdivisions are ~~classified as private;~~  
18.27 pursuant to section 13.02, subdivision 12 data on individuals, or nonpublic data depending  
18.28 on the content of the specific data:

18.29 Data contained on sales sheets received from private multiple listing service  
18.30 organizations where the contract with the organizations requires the political subdivision  
18.31 to refrain from making the data available to the public.

19.1 Sec. 34. Minnesota Statutes 2010, section 13.51, subdivision 2, is amended to read:

19.2 Subd. 2. **Income property assessment data.** The following government data  
19.3 ~~collected by~~ of political subdivisions ~~from~~ on individuals or business entities concerning  
19.4 income properties are ~~classified as~~ private data on individuals or nonpublic data ~~pursuant~~  
19.5 ~~to section 13.02, subdivisions 9 and 12:~~

- 19.6 (a) detailed income and expense figures;
- 19.7 (b) average vacancy factors;
- 19.8 (c) verified net rentable areas or net usable areas, whichever is appropriate;
- 19.9 (d) anticipated income and expenses;
- 19.10 (e) projected vacancy factors; and
- 19.11 (f) lease information.

19.12 Sec. 35. Minnesota Statutes 2010, section 13.52, is amended to read:

19.13 **13.52 DEFERRED ASSESSMENT DATA.**

19.14 Any government data, ~~collected, created, received, maintained, or disseminated by~~  
19.15 political subdivisions pursuant to section 435.193, which indicate the amount or location  
19.16 of cash or other valuables kept in the homes of applicants for deferred assessment, are  
19.17 private data ~~pursuant to section 13.02, subdivision 12~~ on individuals.

19.18 Sec. 36. Minnesota Statutes 2010, section 13.548, is amended to read:

19.19 **13.548 SOCIAL RECREATIONAL DATA.**

19.20 The following government data ~~collected and, created, received, maintained,~~  
19.21 or disseminated by political subdivisions for the purpose of enrolling individuals in  
19.22 recreational and other social programs are ~~classified as~~ private, ~~pursuant to section 13.02,~~  
19.23 ~~subdivision 12~~ data on individuals: the name, address, telephone number, any other data  
19.24 that ~~identifies~~ identify the individual, and any data which describes the health or medical  
19.25 condition of the individual, family relationships and living arrangements of an individual  
19.26 or which are opinions as to the emotional makeup or behavior of an individual.

19.27 Sec. 37. Minnesota Statutes 2010, section 13.55, subdivision 1, is amended to read:

19.28 Subdivision 1. **Not public classification.** The following government data ~~received,~~  
19.29 ~~created, or~~ collected, created, received, maintained or disseminated by or for publicly  
19.30 owned and operated convention facilities, civic center authorities, or the Metropolitan  
19.31 Sports Facilities Commission are ~~classified as~~ nonpublic data ~~pursuant to section 13.02,~~  
19.32 ~~subdivision 9;~~ or private data on individuals ~~pursuant to section 13.02, subdivision 12:~~

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- 20.1 (a) a letter or other documentation from any person who makes inquiry to or who is  
20.2 contacted by the facility regarding the availability of the facility for staging events;  
20.3 (b) identity of firms and corporations which contact the facility;  
20.4 (c) type of event which they wish to stage in the facility;  
20.5 (d) suggested terms of rentals; and  
20.6 (e) responses of authority staff to these inquiries.

20.7 Sec. 38. Minnesota Statutes 2010, section 13.585, subdivision 2, is amended to read:

20.8 Subd. 2. **Confidential data.** The following government data on individuals  
20.9 maintained by the housing agency are ~~classified as confidential data, pursuant to section~~  
20.10 ~~13.02, subdivision 3~~ on individuals: correspondence between the agency and the agency's  
20.11 attorney containing data collected as part of an active investigation undertaken for the  
20.12 purpose of the commencement or defense of potential or actual litigation, including but not  
20.13 limited to: referrals to the Office of the Inspector General or other prosecuting agencies  
20.14 for possible prosecution for fraud; initiation of lease terminations and eviction actions;  
20.15 admission denial hearings concerning prospective tenants; commencement of actions  
20.16 against independent contractors of the agency; and tenant grievance hearings.

20.17 Sec. 39. Minnesota Statutes 2010, section 13.585, subdivision 3, is amended to read:

20.18 Subd. 3. **Protected nonpublic data.** The following government data not on  
20.19 individuals ~~maintained by~~ of the housing agency are ~~classified as protected nonpublic data,~~  
20.20 ~~pursuant to section 13.02, subdivision 13~~: correspondence between the agency and the  
20.21 agency's attorney containing data collected as part of an active investigation undertaken  
20.22 for the purpose of the commencement or defense of potential or actual litigation, including  
20.23 but not limited to, referrals to the Office of the Inspector General or other prosecuting  
20.24 bodies or agencies for possible prosecution for fraud and commencement of actions  
20.25 against independent contractors of the agency.

20.26 Sec. 40. Minnesota Statutes 2010, section 13.585, subdivision 4, is amended to read:

20.27 Subd. 4. **Nonpublic data.** The following government data not on individuals  
20.28 ~~maintained by~~ of the housing agency are ~~classified as nonpublic data, pursuant to section~~  
20.29 ~~13.02, subdivision 9~~: all data pertaining to negotiations with property owners regarding  
20.30 the purchase of property. With the exception of the housing agency's evaluation of  
20.31 properties not purchased, all other negotiation data shall be public at the time of the  
20.32 closing of the property sale.

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21.1 Sec. 41. Minnesota Statutes 2010, section 13.59, subdivision 1, is amended to read:

21.2 Subdivision 1. **Private survey data.** The following government data collected,  
21.3 created, received, maintained, or disseminated in surveys of individuals conducted  
21.4 by cities and housing and redevelopment authorities for the purposes of planning,  
21.5 development, and redevelopment, are ~~classified as private data pursuant to section 13.02,~~  
21.6 ~~subdivision 12 on individuals:~~ the names and addresses of individuals and the legal  
21.7 descriptions of property owned by individuals.

21.8 Sec. 42. Minnesota Statutes 2010, section 13.59, subdivision 2, is amended to read:

21.9 Subd. 2. **Nonpublic survey data.** The following government data collected,  
21.10 created, received, maintained, or disseminated in surveys of businesses conducted by cities  
21.11 and housing and redevelopment authorities, for the purposes of planning, development,  
21.12 and redevelopment, are ~~classified as nonpublic data pursuant to section 13.02, subdivision~~  
21.13 ~~9:~~ the names, addresses, and legal descriptions of business properties and the commercial  
21.14 use of the property to the extent disclosure of the use would identify a particular business.

21.15 Sec. 43. Minnesota Statutes 2010, section 13.59, subdivision 3, is amended to read:

21.16 Subd. 3. **Financial assistance data.** (a) The following government data ~~that are~~  
21.17 ~~submitted to~~ of a housing and redevelopment authority ~~by~~ on persons who are requesting  
21.18 financial assistance are private data on individuals or nonpublic data:

- 21.19 (1) financial statements;
- 21.20 (2) credit reports;
- 21.21 (3) business plans;
- 21.22 (4) income and expense projections;
- 21.23 (5) customer lists;
- 21.24 (6) balance sheets;
- 21.25 (7) income tax returns; and
- 21.26 (8) design, market, and feasibility studies not paid for with public funds.

21.27 (b) Data submitted to the authority under paragraph (a) become public data if the  
21.28 authority provides financial assistance to the person, except that the following data remain  
21.29 private or nonpublic:

- 21.30 (1) business plans;
- 21.31 (2) income and expense projections not related to the financial assistance provided;
- 21.32 (3) customer lists;
- 21.33 (4) income tax returns; and
- 21.34 (5) design, market, and feasibility studies not paid for with public funds.

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22.1 Sec. 44. Minnesota Statutes 2010, section 13.591, subdivision 4, is amended to read:

22.2 Subd. 4. **Classification of evaluative data; data sharing.** (a) Government data  
22.3 ~~created or~~ collected, created, received, maintained, or disseminated by a government  
22.4 entity as part of the selection or evaluation process referred to in this section are protected  
22.5 nonpublic data until completion of the selection process or completion of the evaluation  
22.6 process at which time the data are public with the exception of trade secret data as defined  
22.7 and classified in section 13.37.

22.8 (b) If a government entity asks employees of other government entities to assist with  
22.9 the selection of the responses to a request for bid or the evaluation of responses to a  
22.10 request for proposal, the government entity may share not public data in the responses  
22.11 with those employees. The employees participating in the selection or evaluation may  
22.12 not further disseminate the not public data they review.

22.13 Sec. 45. Minnesota Statutes 2010, section 13.601, subdivision 3, is amended to read:

22.14 Subd. 3. **Applicants for appointment.** (a) Government data about applicants for  
22.15 appointment to a public body collected, created, received, maintained, or disseminated by  
22.16 a government entity as a result of the applicant's application for appointment to the public  
22.17 body are private data on individuals except that the following are public:

- 22.18 (1) name;
- 22.19 (2) city of residence, except when the appointment has a residency requirement that  
22.20 requires the entire address to be public;
- 22.21 (3) education and training;
- 22.22 (4) employment history;
- 22.23 (5) volunteer work;
- 22.24 (6) awards and honors;
- 22.25 (7) prior government service; ~~and~~
- 22.26 (8) any data required to be provided or that ~~is~~ are voluntarily provided in an  
22.27 application for appointment to a multimember agency pursuant to section 15.0597-; and  
22.28 (9) veteran status.

22.29 (b) Once an individual is appointed to a public body, the following additional items  
22.30 of data are public:

- 22.31 (1) residential address; and
- 22.32 (2) either a telephone number or electronic mail address where the appointee can be  
22.33 reached, or both at the request of the appointee.

22.34 (c) Notwithstanding paragraph (b), any electronic mail address or telephone number  
22.35 provided by a public body for use by an appointee shall be public. An appointee may

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23.1 use an electronic mail address or telephone number provided by the public body as the  
23.2 designated electronic mail address or telephone number at which the appointee can be  
23.3 reached.

23.4 Sec. 46. Minnesota Statutes 2010, section 13.643, subdivision 1, is amended to read:

23.5 Subdivision 1. **Department of Agriculture data.** (a) **Loan and grant applicant**  
23.6 **data.** The following government data on applicants, collected, created, received,  
23.7 maintained, or disseminated by the Department of Agriculture in its sustainable agriculture  
23.8 revolving loan and grant programs under sections 17.115 and 17.116, are private data on  
23.9 individuals or nonpublic: nonfarm income; credit history; insurance coverage; machinery  
23.10 and equipment list; financial information; and credit information requests.

23.11 (b) **Farm advocate data.** The following government data supplied by farmer  
23.12 clients ~~to~~ that are collected, created, received, maintained, or disseminated by Minnesota  
23.13 farm advocates and ~~to~~ the Department of Agriculture are private data on individuals:  
23.14 financial history, including listings of assets and debts, and personal and emotional  
23.15 status information.

23.16 Sec. 47. Minnesota Statutes 2010, section 13.643, subdivision 2, is amended to read:

23.17 Subd. 2. **Farm assistance data.** The following government data ~~collected~~  
23.18 ~~and maintained by~~ of counties that provide assistance to individual farmers who are  
23.19 experiencing economic or emotional distress are ~~classified as~~ private data on individuals:  
23.20 financial history, including listings of assets and debts, and personal and emotional  
23.21 status information.

23.22 Sec. 48. Minnesota Statutes 2010, section 13.643, subdivision 3, is amended to read:

23.23 Subd. 3. **Aquaculture permit data.** The following government data ~~collected and~~  
23.24 ~~maintained by~~ of an agency issuing aquaculture permits under sections 17.47 to 17.498 are  
23.25 ~~classified as~~ private data on individuals or nonpublic data: the names and addresses of  
23.26 customers provided in the permit application.

23.27 Sec. 49. Minnesota Statutes 2010, section 13.643, subdivision 5, is amended to read:

23.28 Subd. 5. **Data received from federal government.** All government data ~~received~~  
23.29 collected, created, received, maintained, or disseminated by the Department of Agriculture  
23.30 from the United States Department of Health and Human Services, the Food and Drug  
23.31 Administration, and the Agriculture, Food Safety, and Inspection Service that ~~is~~ are  
23.32 necessary for the purpose of carrying out the Department of Agriculture's statutory food

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24.1 safety regulatory and enforcement duties are classified as nonpublic data ~~under section~~  
24.2 ~~13.02, subdivision 9, and or private data on individuals under section 13.02, subdivision~~  
24.3 ~~12~~. This section does not preclude the obligation of the Department of Agriculture to  
24.4 appropriately inform consumers of issues that could affect public health.

24.5 Sec. 50. Minnesota Statutes 2010, section 13.643, subdivision 6, is amended to read:

24.6 Subd. 6. **Animal premises data.** (a) The following government data ~~collected and~~  
24.7 ~~maintained by~~ of the Board of Animal Health related to registration and identification of  
24.8 premises and animals under chapter 35, are ~~classified as private data on individuals or~~  
24.9 nonpublic data:

24.10 (1) the names and addresses;

24.11 (2) the location of the premises where animals are kept; and

24.12 (3) the identification number of the premises or the animal.

24.13 (b) The Board of Animal Health may disclose government data ~~collected~~ under  
24.14 paragraph (a) to any person, agency, or to the public if the board determines that the  
24.15 access will aid in the law enforcement process or the protection of public or animal health  
24.16 or safety.

24.17 Sec. 51. Minnesota Statutes 2010, section 13.643, subdivision 7, is amended to read:

24.18 Subd. 7. **Research, monitoring, or assessment data.** (a) Except as provided in  
24.19 paragraph (b), the following government data created, collected, ~~and received,~~ maintained,  
24.20 or disseminated by the Department of Agriculture during research, monitoring, or the  
24.21 assessment of farm practices and related to natural resources, the environment, agricultural  
24.22 facilities, or agricultural practices are classified as private or nonpublic:

24.23 (1) names, addresses, telephone numbers, and e-mail addresses of study participants  
24.24 or cooperators; and

24.25 (2) location of research, study site, and global positioning system data.

24.26 (b) The following data ~~is~~ are public:

24.27 (1) location data and unique well numbers for wells and springs unless protected  
24.28 under section 18B.10 or another statute or rule; and

24.29 (2) data from samples collected from a public water supply as defined in section  
24.30 144.382, subdivision 4.

24.31 (c) The Department of Agriculture may disclose government data ~~collected~~ under  
24.32 paragraph (a) if the Department of Agriculture determines that there is a substantive  
24.33 threat to human health and safety or to the environment, or to aid in the law enforcement

25.1 process. The Department of Agriculture may also disclose data with written consent  
25.2 of the subject of the data.

25.3 Sec. 52. Minnesota Statutes 2010, section 13.6435, is amended by adding a subdivision  
25.4 to read:

25.5 Subd. 13. **Ethanol producer payments.** Audited financial statements and notes  
25.6 and disclosure statements submitted to the commissioner of agriculture regarding  
25.7 ethanol producer payments pursuant to section 41A.09 are governed by section 41A.09,  
25.8 subdivision 3a.

25.9 Sec. 53. Minnesota Statutes 2010, section 13.65, subdivision 1, is amended to read:

25.10 Subdivision 1. **Private data.** The following government data ~~created, collected~~  
25.11 ~~and maintained by~~ of the Office of the Attorney General are ~~classified as~~ private data  
25.12 on individuals:

25.13 (a) the record, including but not limited to, the transcript and exhibits of all  
25.14 disciplinary proceedings held by a state agency, board or commission, except in those  
25.15 instances where there is a public hearing;

25.16 (b) communications and noninvestigative files regarding administrative or policy  
25.17 matters which do not evidence final public actions;

25.18 (c) consumer complaint data, other than ~~that those~~ data classified as confidential,  
25.19 including consumers' complaints against businesses and follow-up investigative materials;

25.20 (d) investigative data, obtained in anticipation of, or in connection with litigation or  
25.21 an administrative proceeding where the investigation is not currently active; and

25.22 (e) government data collected, created, received, maintained, or disseminated by  
25.23 the Consumer Division of the Attorney General's Office in its administration of the home  
25.24 protection hot line including: the name, address, and phone number of the consumer;  
25.25 the name and address of the mortgage company; the total amount of the mortgage; the  
25.26 amount of money needed to bring the delinquent mortgage current; the consumer's place  
25.27 of employment; the consumer's total family income; and the history of attempts made by  
25.28 the consumer to renegotiate a delinquent mortgage.

25.29 Sec. 54. Minnesota Statutes 2010, section 13.65, subdivision 2, is amended to read:

25.30 Subd. 2. **Confidential data.** The following government data ~~created, collected and~~  
25.31 ~~maintained by~~ of the Office of the Attorney General are ~~classified as~~ confidential, ~~pursuant~~  
25.32 ~~to section 13.02, subdivision 3~~ data on individuals: data acquired through communications

26.1 made in official confidence to members of the attorney general's staff where the public  
26.2 interest would suffer by disclosure of the data.

26.3 Sec. 55. Minnesota Statutes 2010, section 13.65, subdivision 3, is amended to read:

26.4 Subd. 3. **Public data.** Government data of a state agency, board, or commission  
26.5 describing the final disposition of disciplinary proceedings held by ~~any~~ the state agency,  
26.6 board, or commission are ~~classified as~~ public, pursuant to section 13.02, subdivision 15.

26.7 Sec. 56. Minnesota Statutes 2010, section 13.67, is amended to read:

26.8 **13.67 EMPLOYEE RELATIONS DATA.**

26.9 The following government data ~~collected, created, or maintained by~~ of the  
26.10 Department of Management and Budget are ~~classified as~~ nonpublic data ~~pursuant to~~  
26.11 ~~section 13.02, subdivision 9~~:

26.12 (a) the commissioner's plan prepared by the department, pursuant to section 3.855,  
26.13 which governs the compensation and terms and conditions of employment for employees  
26.14 not covered by collective bargaining agreements until the plan is submitted to the  
26.15 Legislative Commission on Employee Relations;

26.16 (b) data pertaining to grievance or interest arbitration that ~~has~~ have not been  
26.17 presented to the arbitrator or other party during the arbitration process;

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

26.20 (d) the managerial plan prepared by the department pursuant to section 43A.18  
26.21 that governs the compensation and terms and conditions of employment for employees  
26.22 in managerial positions, as specified in section 43A.18, subdivision 3, until the plan is  
26.23 submitted to the Legislative Commission on Employee Relations; and

26.24 (e) claims experience and all related information received from carriers and claims  
26.25 administrators participating in either the state group insurance plan, the Minnesota  
26.26 employee insurance program, the state workers' compensation program, or the public  
26.27 employees insurance program as defined in chapter 43A, and survey information collected  
26.28 from employees and employers participating in these plans and programs, except when  
26.29 the department determines that release of the data will not be detrimental to the plan or  
26.30 program.

26.31 Sec. 57. Minnesota Statutes 2010, section 13.679, subdivision 1, is amended to read:

27.1 Subdivision 1. **Tenant.** Government data collected by of the commissioner of  
27.2 commerce that ~~reveals~~ reveal the identity of a tenant who makes a complaint regarding  
27.3 energy efficiency standards for rental housing are private data on individuals.

27.4 Sec. 58. Minnesota Statutes 2010, section 13.679, subdivision 2, is amended to read:

27.5 Subd. 2. **Utility or telephone company employee or customer.** (a) The following  
27.6 are private data on individuals: government data collected by of the commissioner of  
27.7 commerce or the Public Utilities Commission, including the names or any other data that  
27.8 would reveal the identity of either an employee or customer of a telephone company  
27.9 or public utility who files a complaint or provides information regarding a violation or  
27.10 suspected violation by the telephone company or public utility of any federal or state law  
27.11 or rule; except ~~this~~ these data may be released as needed to law enforcement authorities.

27.12 (b) The following are private data on individuals: government data collected by  
27.13 of the commission or the commissioner of commerce on individual public utility or  
27.14 telephone company customers or prospective customers, including copies of tax forms,  
27.15 needed to administer federal or state programs that provide relief from telephone company  
27.16 bills, public utility bills, or cold weather disconnection. The determination of eligibility of  
27.17 the customers or prospective customers may be released to public utilities or telephone  
27.18 companies to administer the programs.

27.19 Sec. 59. Minnesota Statutes 2010, section 13.714, is amended to read:

27.20 **13.714 INSURANCE TRUST DATA; PRIVATE AND NONPUBLIC DATA.**

27.21 The following government data collected ~~or~~ created, received, maintained, or  
27.22 disseminated by the League of Minnesota Cities insurance trust, Association of Minnesota  
27.23 Counties insurance trust, or by the Minnesota School Board Association insurance trust in  
27.24 order to process claims for workers' compensation are classified as either private data in  
27.25 regard to claims when the insured worker is living, or nonpublic data in regard to claims  
27.26 when the insured worker is deceased: name, address, phone number, and Social Security  
27.27 account number of the claimant if the claimant is not a public employee; claim number,  
27.28 date of claimed injury, employee's Social Security number, home phone number, home  
27.29 address, date of birth, sex, and marital status; whether claimed injury caused loss of time  
27.30 from work; whether the employee lost time from work on the day of the claimed injury  
27.31 and the number of hours lost; whether the employee has returned to work; whether full or  
27.32 partial wages were paid for the first day of lost time and the amount paid, time of day, and  
27.33 location where injury occurred; whether the injury occurred on employer's premises; the  
27.34 name, address, and phone number of the treating physician or practitioner; identification

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28.1 of the hospital where treated; nature of the claimed injury or occupational illness; part  
28.2 of body affected; name or type of object involved in causing the injury; nature of injury;  
28.3 type of accident; description of actions taken to prevent recurrence; names of coworker  
28.4 witnesses; and all data collected or created as a result of the investigation of the claim  
28.5 including, but not limited to, physicians' reports; other data on the medical condition of the  
28.6 claimant; data collected from the claimant's physicians; and data collected in interviews of  
28.7 the claimant's employer, coworkers, family members, and neighbors.

28.8 Sec. 60. Minnesota Statutes 2010, section 13.719, subdivision 1, is amended to read:

28.9 Subdivision 1. **Comprehensive health insurance data.** (a) The following  
28.10 government data on eligible persons and enrollees of the state comprehensive health  
28.11 insurance plan are ~~classified as private data on individuals~~: all government data ~~collected~~  
28.12 ~~or maintained by~~ of the Minnesota Comprehensive Health Association, the writing carrier,  
28.13 and the Department of Commerce.

28.14 (b) The Minnesota Comprehensive Health Association is considered a state agency  
28.15 for purposes of this chapter.

28.16 (c) The Minnesota Comprehensive Health Association may disclose data on eligible  
28.17 persons and enrollees of the state comprehensive health insurance plan to conduct actuarial  
28.18 and research studies, notwithstanding the classification of ~~this~~ these data, if:

28.19 (1) the board authorizes the disclosure;

28.20 (2) no individual may be identified in the actuarial or research report;

28.21 (3) materials allowing an individual to be identified are returned or destroyed as soon  
28.22 as they are no longer needed; and

28.23 (4) the actuarial or research organization agrees not to disclose the information  
28.24 unless the disclosure would be permitted under this chapter is made by the association.

28.25 Sec. 61. Minnesota Statutes 2010, section 13.719, subdivision 5, is amended to read:

28.26 Subd. 5. **Data on insurance companies and township mutual companies.** The  
28.27 following government data ~~collected and maintained by~~ of the Department of Commerce  
28.28 are ~~classified as~~ nonpublic data:

28.29 (a) that portion of any of the following data which would identify the affected  
28.30 insurance company or township mutual company: (1) any order issued pursuant to  
28.31 section 60A.031, subdivision 5, or 67A.241, subdivision 4, and based in whole or in  
28.32 part upon a determination or allegation by the Commerce Department or commissioner  
28.33 that an insurance company or township mutual company is in an unsound, impaired, or  
28.34 potentially unsound or impaired condition; or (2) any stipulation, consent agreement, letter

29.1 agreement, or similar document evidencing the settlement of any proceeding commenced  
29.2 pursuant to an order of a type described in clause (1), or an agreement between the  
29.3 department and an insurance company or township mutual company entered in lieu of the  
29.4 issuance of an order of the type described in clause (1); and

29.5 (b) any correspondence or attachments relating to the data listed in this subdivision.

29.6 Sec. 62. Minnesota Statutes 2010, section 13.7191, subdivision 14, is amended to read:

29.7 Subd. 14. **Requirements for health plan companies.** (a) **Minnesota Risk**  
29.8 **Adjustment Association.** Data privacy issues concerning the Minnesota Risk Adjustment  
29.9 Association are governed by section 62Q.03, subdivision 9.

29.10 (b) **Essential community provider.** Data on applications for designation as an  
29.11 essential community provider are classified under section 62Q.19, subdivision 2.

29.12 (c) **Disclosure of executive compensation.** Disclosure of certain data to consumer  
29.13 advisory boards is governed by section 62Q.64.

29.14 (d) **Audits conducted by independent organizations.** Data provided by an  
29.15 independent organization related to an audit report are governed by section 62Q.37,  
29.16 subdivision 8.

29.17 Sec. 63. Minnesota Statutes 2010, section 13.7191, subdivision 18, is amended to read:

29.18 Subd. 18. **Workers' compensation self-insurance.** (a) **Self-Insurers' Advisory**  
29.19 **Committee.** Data received by the Self-Insurers' Advisory Committee from the  
29.20 commissioner are classified under section 79A.02, subdivision 2.

29.21 (b) **Self-insurers' security fund.** Disclosure of certain data received by the  
29.22 self-insurers' security is governed by section 79A.09, subdivision 4.

29.23 (c) **Commercial self-insurers' security fund.** Disclosure of certain data received by  
29.24 the commercial self-insurers' security fund is governed by section 79A.26, subdivision 4.

29.25 (d) **Self-insurers' security fund and the board of trustees.** The security fund and  
29.26 its board of trustees are governed by section 79A.16.

29.27 (e) **Commercial self-insurance group security fund.** The commercial  
29.28 self-insurance group security fund and its board of trustees are governed by section  
29.29 79A.28.

29.30 Sec. 64. Minnesota Statutes 2010, section 13.72, subdivision 7, is amended to read:

29.31 Subd. 7. **Public investigative data.** The following government data created,  
29.32 collected, ~~or~~ received, maintained, or disseminated about persons subject to chapter  
29.33 221 and rules adopted under that chapter are public: data contained in inspection and

30.1 compliance forms and data contained in audit reports that are not prepared under contract  
30.2 to the Federal Highway Administration.

30.3 Sec. 65. Minnesota Statutes 2010, section 13.72, subdivision 11, is amended to read:

30.4 Subd. 11. **Design-build transportation project data.** (a) This subdivision  
30.5 applies to government data of the Department of Transportation when the Department  
30.6 commissioner of transportation undertakes a design-build transportation project as defined  
30.7 in section 161.3410, subdivision 6, the statement of qualification evaluation criteria and  
30.8 scoring methodology, statement of qualification evaluations, technical proposal evaluation  
30.9 criteria and scoring methodology, and technical proposal evaluations are classified as  
30.10 protected nonpublic data with regard to data not on individuals and as confidential  
30.11 data on individuals. The statement of qualification evaluation criteria and scoring  
30.12 methodology and statement of qualification evaluations are public when the Department  
30.13 of Transportation announces the short list of qualified contractors. The technical proposal  
30.14 evaluation criteria, scoring methodology, and technical proposal evaluations are public  
30.15 when the project is awarded.

30.16 (b) When the commissioner solicits a request for qualifications (RFQ), as defined in  
30.17 section 161.3410, subdivision 9:

30.18 (1) the statement of qualifications evaluation criteria and scoring methodology,  
30.19 identifying information concerning the members of the technical review committee, and  
30.20 the statement of qualifications evaluations are confidential data on individuals or protected  
30.21 nonpublic data; and

30.22 (2) the statement of qualifications submitted by a potential design-build firm, as  
30.23 defined in section 161.3410, subdivision 4, is nonpublic data.

30.24 When the commissioner announces the short list of qualified design-build firms, the  
30.25 statement of qualifications evaluation criteria and scoring methodology and the statement  
30.26 of qualifications evaluations classified under clause (1) become public data.

30.27 (c) When the commissioner solicits a request for proposals (RFP), as defined in  
30.28 section 161.3410, subdivision 8:

30.29 (1) the technical proposal; alternative technical concepts; preapproved elements;  
30.30 price proposal; disadvantaged business enterprise and equal employment opportunity  
30.31 submittal; and data used to evaluate the disadvantaged business enterprise and equal  
30.32 employment opportunity submittal, are nonpublic data; and

30.33 (2) the technical proposal evaluation criteria and scoring methodology, and technical  
30.34 proposal evaluations are protected nonpublic data.

31.1 (d) When the commissioner opens the price proposals under section 161.3426,  
31.2 subdivision 1, paragraph (b):

31.3 (1) the technical proposal evaluation scores and the dollar amounts in the price  
31.4 proposals become public data;

31.5 (2) the statement of qualifications submitted by a potential design-build firm;  
31.6 the technical proposal; alternative technical concepts; preapproved elements; the  
31.7 disadvantaged business enterprise and equal employment opportunity submittal; and data  
31.8 used to evaluate the disadvantaged business enterprise and equal employment opportunity  
31.9 submittal, remain nonpublic data until the project is awarded, with the exception of trade  
31.10 secret data as defined and classified in section 13.37; and

31.11 (3) the technical proposal evaluation criteria and scoring methodology; technical  
31.12 proposal evaluations, other than scores made public under clause (1); and identifying  
31.13 information concerning the members of the technical review committee, remain protected  
31.14 nonpublic data until the project is awarded.

31.15 (e) If all responses to a request for proposals are rejected before awarding the  
31.16 project, data that do not become public under this subdivision retain their classification  
31.17 until a resolicitation of the request for proposals results in award of the project or a  
31.18 determination is made to abandon the project. If a resolicitation of proposals does not  
31.19 occur within one year of the announcement of the short list of qualified design-build firms,  
31.20 all data under this subdivision become public.

31.21 Sec. 66. Minnesota Statutes 2010, section 13.72, is amended by adding a subdivision  
31.22 to read:

31.23 Subd. 17. **Adopt-a-highway data.** The following data on participants collected  
31.24 by the Department of Transportation to administer the adopt-a-highway program are  
31.25 classified as private data on individuals: home addresses, except for zip codes; home  
31.26 e-mail addresses; and home telephone numbers.

31.27 Sec. 67. Minnesota Statutes 2010, section 13.72, is amended by adding a subdivision  
31.28 to read:

31.29 Subd. 18. **Mileage-based user fee data.** The following data pertaining to users  
31.30 of navigation software and recording devices used to determine mileage-based user fees  
31.31 are private data on individuals or nonpublic data: data contained in applications for  
31.32 participation in the program; personal identification data; vehicle identification data;  
31.33 financial and credit data; and field data including road usage data. Notwithstanding section

32.1 13.03, subdivision 6, a law enforcement agency may obtain access to data that are not  
32.2 public under this subdivision only pursuant to a search warrant based upon probable cause.

32.3 Sec. 68. Minnesota Statutes 2010, section 13.792, is amended to read:

32.4 **13.792 PRIVATE DONOR GIFT DATA.**

32.5 The following data ~~maintained by~~ of the Minnesota Zoological Garden, the  
32.6 University of Minnesota, the Minnesota State Colleges and Universities, the Regional  
32.7 Parks Foundation of the Twin Cities, and State Services for the Blind, ~~and any related~~  
32.8 ~~entity subject to chapter 13~~ are ~~classified as~~ private data on individuals or nonpublic data:

32.9 (1) research information about prospects and donors gathered to aid in determining  
32.10 appropriateness of solicitation and level of gift request;

32.11 (2) specific data in prospect lists that would identify prospects to be solicited, dollar  
32.12 amounts to be requested, and name of solicitor;

32.13 (3) portions of solicitation letters and proposals that identify the prospect being  
32.14 solicited and the dollar amount being requested;

32.15 (4) letters, pledge cards, and other responses received from donors regarding  
32.16 prospective gifts in response to solicitations;

32.17 (5) portions of thank-you letters and other gift acknowledgment communications  
32.18 that would identify the name of the donor and the specific amount of the gift, pledge,  
32.19 or pledge payment;

32.20 (6) donor financial or estate planning information, or portions of memoranda, letters,  
32.21 or other documents commenting on any donor's financial circumstances; and

32.22 (7) data detailing dates of gifts, payment schedule of gifts, form of gifts, and specific  
32.23 gift amounts made by donors.

32.24 Names of donors and gift ranges are public data.

32.25 Sec. 69. Minnesota Statutes 2010, section 13.7932, is amended to read:

32.26 **13.7932 LOGGER SAFETY AND EDUCATION PROGRAM DATA.**

32.27 The following government data ~~collected from~~ collected, created, received,  
32.28 maintained, or disseminated about persons who attend safety and education programs or  
32.29 seminars for loggers established or approved by the commissioner under section 176.130,  
32.30 subdivision 11, ~~is~~ are public data:

32.31 (1) the names of the individuals attending the program or seminar;

32.32 (2) the names of each attendee's employer;

32.33 (3) the city where the employer is located;

32.34 (4) the date the program or seminar was held; and

33.1 (5) a description of the seminar or program.

33.2 Sec. 70. Minnesota Statutes 2010, section 13.82, subdivision 2, is amended to read:

33.3 Subd. 2. **Arrest data.** The following government data ~~created or collected by~~ of law  
33.4 enforcement agencies ~~which documents~~ that document any actions taken by them to cite,  
33.5 arrest, incarcerate or otherwise substantially deprive an adult individual of liberty shall be  
33.6 public at all times in the originating agency:

33.7 (a) time, date and place of the action;

33.8 (b) any resistance encountered by the agency;

33.9 (c) any pursuit engaged in by the agency;

33.10 (d) whether any weapons were used by the agency or other individual;

33.11 (e) the charge, arrest or search warrants, or other legal basis for the action;

33.12 (f) the identities of the agencies, units within the agencies and individual persons  
33.13 taking the action;

33.14 (g) whether and where the individual is being held in custody or is being incarcerated  
33.15 by the agency;

33.16 (h) the date, time and legal basis for any transfer of custody and the identity of the  
33.17 agency or person who received custody;

33.18 (i) the date, time and legal basis for any release from custody or incarceration;

33.19 (j) the name, age, sex and last known address of an adult person or the age and sex  
33.20 of any juvenile person cited, arrested, incarcerated or otherwise substantially deprived  
33.21 of liberty;

33.22 (k) whether the agency employed wiretaps or other eavesdropping techniques, unless  
33.23 the release of this specific data would jeopardize an ongoing investigation;

33.24 (l) the manner in which the agencies received the information that led to the arrest  
33.25 and the names of individuals who supplied the information unless the identities of those  
33.26 individuals qualify for protection under subdivision 17; and

33.27 (m) response or incident report number.

33.28 Sec. 71. Minnesota Statutes 2010, section 13.82, subdivision 3, is amended to read:

33.29 Subd. 3. **Request for service data.** The following government data ~~created or~~  
33.30 ~~collected by~~ of law enforcement agencies ~~which documents~~ that document requests by the  
33.31 public for law enforcement services shall be public government data:

33.32 (a) the nature of the request or the activity complained of;

33.33 (b) the name and address of the individual making the request unless the identity of  
33.34 the individual qualifies for protection under subdivision 17;

- 34.1 (c) the time and date of the request or complaint; and
- 34.2 (d) the response initiated and the response or incident report number.

34.3 Sec. 72. Minnesota Statutes 2010, section 13.82, subdivision 6, is amended to read:

34.4 Subd. 6. **Response or incident data.** The following government data ~~created or~~  
34.5 ~~collected by~~ of law enforcement agencies ~~which documents~~ that document the agency's  
34.6 response to a request for service including, but not limited to, responses to traffic  
34.7 accidents, or ~~which describes~~ that describe actions taken by the agency on its own  
34.8 initiative shall be public government data:

- 34.9 (a) date, time and place of the action;
- 34.10 (b) agencies, units of agencies and individual agency personnel participating in the  
34.11 action unless the identities of agency personnel qualify for protection under subdivision 17;
- 34.12 (c) any resistance encountered by the agency;
- 34.13 (d) any pursuit engaged in by the agency;
- 34.14 (e) whether any weapons were used by the agency or other individuals;
- 34.15 (f) a brief factual reconstruction of events associated with the action;
- 34.16 (g) names and addresses of witnesses to the agency action or the incident unless the  
34.17 identity of any witness qualifies for protection under subdivision 17;
- 34.18 (h) names and addresses of any victims or casualties unless the identities of those  
34.19 individuals qualify for protection under subdivision 17;
- 34.20 (i) the name and location of the health care facility to which victims or casualties  
34.21 were taken;
- 34.22 (j) response or incident report number;
- 34.23 (k) dates of birth of the parties involved in a traffic accident;
- 34.24 (l) whether the parties involved were wearing seat belts; and
- 34.25 (m) the alcohol concentration of each driver.

34.26 Sec. 73. Minnesota Statutes 2010, section 13.82, subdivision 7, is amended to read:

34.27 Subd. 7. **Criminal investigative data.** Except for the government data defined in  
34.28 subdivisions 2, 3, and 6, investigative data ~~collected or~~ created, received, maintained, or  
34.29 disseminated by a law enforcement agency in order to prepare a case against a person,  
34.30 whether known or unknown, for the commission of a crime or other offense for which the  
34.31 agency has primary investigative responsibility ~~is~~ are confidential or protected nonpublic  
34.32 while the investigation is active. Inactive investigative data ~~is~~ are public unless the release  
34.33 of the data would jeopardize another ongoing investigation or would reveal the identity  
34.34 of individuals protected under subdivision 17. Photographs which are part of inactive

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35.1 investigative files and which are clearly offensive to common sensibilities are classified as  
35.2 private or nonpublic data, provided that the existence of the photographs shall be disclosed  
35.3 to any person requesting access to the inactive investigative file. An investigation becomes  
35.4 inactive upon the occurrence of any of the following events:

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

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

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

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

35.15 During the time when an investigation is active, any person may bring an action in  
35.16 the district court located in the county where the data ~~is~~ are being maintained to authorize  
35.17 disclosure of investigative data. The court may order that all or part of the data relating to  
35.18 a particular investigation be released to the public or to the person bringing the action. In  
35.19 making the determination as to whether investigative data shall be disclosed, the court  
35.20 shall consider whether the benefit to the person bringing the action or to the public  
35.21 outweighs any harm to the public, to the agency or to any person identified in the data.  
35.22 The data in dispute shall be examined by the court in camera.

35.23 Sec. 74. Minnesota Statutes 2010, section 13.83, subdivision 2, is amended to read:

35.24 Subd. 2. **Public data.** Unless specifically classified otherwise by state statute or  
35.25 federal law, the following government data ~~created or collected by~~ of a medical examiner  
35.26 or coroner on a deceased individual ~~is~~ are public: name of the deceased; date of birth;  
35.27 date of death; address; sex; race; citizenship; height; weight; hair color; eye color; build;  
35.28 complexion; age, if known, or approximate age; identifying marks, scars and amputations;  
35.29 a description of the decedent's clothing; marital status; location of death including name  
35.30 of hospital where applicable; name of spouse; whether or not the decedent ever served  
35.31 in the armed forces of the United States; occupation; business; father's name (also birth  
35.32 name, if different); mother's name (also birth name, if different); birthplace; birthplace of  
35.33 parents; cause of death; causes of cause of death; whether an autopsy was performed and  
35.34 if so, whether it was conclusive; date and place of injury, if applicable, including work  
35.35 place; how injury occurred; whether death was caused by accident, suicide, homicide,

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36.1 or was of undetermined cause; certification of attendance by physician; physician's  
36.2 name and address; certification by coroner or medical examiner; name and signature of  
36.3 coroner or medical examiner; type of disposition of body; burial place name and location,  
36.4 if applicable; date of burial, cremation or removal; funeral home name and address; and  
36.5 name of local register or funeral director.

36.6 Sec. 75. Minnesota Statutes 2010, section 13.83, subdivision 4, is amended to read:

36.7 Subd. 4. **Investigative data.** Government data ~~created or collected by~~ of a  
36.8 county coroner or medical examiner ~~which is~~ that are part of an active investigation  
36.9 mandated by chapter 390, or any other general or local law relating to coroners or medical  
36.10 examiners ~~is~~ are confidential data or protected nonpublic data, until the completion of  
36.11 the coroner's or medical examiner's final summary of findings but may be disclosed to  
36.12 a state or federal agency charged by law with investigating the death of the deceased  
36.13 individual about whom the medical examiner or coroner has medical examiner data.  
36.14 Upon completion of the coroner's or medical examiner's final summary of findings, the  
36.15 data collected in the investigation and the final summary of it are private or nonpublic  
36.16 data. However, if the final summary and the record of death indicate the manner of  
36.17 death is homicide, undetermined, or pending investigation and there is an active law  
36.18 enforcement investigation, within the meaning of section 13.82, subdivision 7, relating to  
36.19 the death of the deceased individual, the data remain confidential or protected nonpublic.  
36.20 Upon review by the county attorney of the jurisdiction in which the law enforcement  
36.21 investigation is active, the data may be released to persons described in subdivision 8 if  
36.22 the county attorney determines release would not impede the ongoing investigation. When  
36.23 the law enforcement investigation becomes inactive, the data are private or nonpublic  
36.24 data. Nothing in this subdivision shall be construed to make not public the data elements  
36.25 identified in subdivision 2 at any point in the investigation or thereafter.

36.26 Sec. 76. Minnesota Statutes 2010, section 13.83, subdivision 6, is amended to read:

36.27 Subd. 6. **Classification of other data.** Unless a statute specifically provides a  
36.28 different classification, all other government data ~~created or collected by~~ of a county  
36.29 coroner or medical examiner that ~~is~~ are not data on deceased individuals or the manner  
36.30 and circumstances of their death ~~is~~ are public pursuant to section 13.03.

36.31 Sec. 77. Minnesota Statutes 2010, section 13.861, subdivision 1, is amended to read:

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

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37.1 (a) "Security service" means an organization that provides security services to a  
37.2 government entity as a part of that entity or under contract to it. Security service does not  
37.3 include a law enforcement agency.

37.4 (b) "Security service data" means all government data collected, created, ~~or received,~~  
37.5 maintained, or disseminated by a security service for the purpose of providing security  
37.6 services.

37.7 Sec. 78. Minnesota Statutes 2010, section 13.87, subdivision 1, is amended to read:

37.8 Subdivision 1. **Criminal history data.** (a) **Definition.** For purposes of this  
37.9 subdivision, "criminal history data" means all government data ~~maintained~~ in criminal  
37.10 history records compiled by the Bureau of Criminal Apprehension, including, but not  
37.11 limited to fingerprints, photographs, identification data, arrest data, prosecution data,  
37.12 criminal court data, custody and supervision data.

37.13 (b) **Classification.** Criminal history data collected, created, received, maintained,  
37.14 or disseminated by agencies, political subdivisions and statewide systems are ~~classified~~  
37.15 ~~as private, pursuant to section 13.02, subdivision 12~~ data on individuals, except  
37.16 that government data ~~created, collected, or maintained by~~ of the Bureau of Criminal  
37.17 Apprehension that identify an individual who was convicted of a crime, the offense of  
37.18 which the individual was convicted, associated court disposition and sentence information,  
37.19 controlling agency, and confinement information are public data for 15 years following  
37.20 the discharge of the sentence imposed for the offense. If an individual's name or  
37.21 other identifying information is erroneously associated with a criminal history and a  
37.22 determination is made through a fingerprint verification that the individual is not the  
37.23 subject of the criminal history, the name or other identifying information must be redacted  
37.24 from the public criminal history data. The name and other identifying information must be  
37.25 retained in the criminal history and are classified as private data.

37.26 The Bureau of Criminal Apprehension shall provide to the public at the central office  
37.27 of the bureau the ability to inspect in person, at no charge, through a computer monitor the  
37.28 criminal conviction data classified as public under this subdivision.

37.29 (c) **Limitation.** Nothing in paragraph (a) or (b) shall limit public access to data  
37.30 made public by section 13.82.

37.31 Sec. 79. Minnesota Statutes 2010, section 13.87, subdivision 2, is amended to read:

37.32 Subd. 2. **Firearms data.** All government data pertaining to the purchase or transfer  
37.33 of firearms and applications for permits to carry firearms which are collected, created,

38.1 received, maintained, or disseminated by government entities pursuant to sections 624.712  
38.2 to 624.719 are ~~classified as~~ private, pursuant to section 13.02, subdivision 12.

38.3 Sec. 80. Minnesota Statutes 2010, section 79A.16, is amended to read:

38.4 **79A.16 OPEN MEETING; ADMINISTRATIVE PROCEDURE ACT.**

38.5 The security fund and its board of trustees shall not be subject to (1) the Open  
38.6 Meeting Law, chapter 13D, (2) the Open Appointments Law, (3) the ~~Data Privacy Law~~  
38.7 Minnesota Government Data Practices Act, chapter 13, and (4) except where specifically  
38.8 set forth, the Administrative Procedure Act.

38.9 The Self-Insurers' Advisory Committee shall not be subject to clauses (2) and (4).

38.10 Sec. 81. Minnesota Statutes 2010, section 79A.28, is amended to read:

38.11 **79A.28 OPEN MEETING; ADMINISTRATIVE PROCEDURE ACT.**

38.12 The commercial self-insurance group security fund and its board of trustees shall not  
38.13 be subject to:

38.14 (1) the Open Meeting Law, chapter 13D;

38.15 (2) the Open Appointments Law;

38.16 (3) the ~~Data Privacy Law~~ Minnesota Government Data Practices Act, chapter 13; and

38.17 (4) except where specifically set forth, the Administrative Procedure Act.

38.18 Sec. 82. Minnesota Statutes 2010, section 216C.266, is amended to read:

38.19 **216C.266 DATA PRIVACY; ENERGY PROGRAMS.**

38.20 Subdivision 1. Classification of application data. Data on individuals collected,  
38.21 maintained, or created because an individual applies on behalf of a household for benefits  
38.22 or services provided by the energy assistance and weatherization programs ~~is~~ are private  
38.23 data on individuals and must not be disseminated except pursuant to section 13.05,  
38.24 subdivisions 3 and 4, or as provided in this section.

38.25 Subd. 2. Sharing energy assistance program data. The commissioner may  
38.26 disseminate to the commissioner of human services the name, telephone number, and  
38.27 social security number of any individual who applies on behalf of a household for benefits  
38.28 or services provided by the energy assistance program if the household is determined to be  
38.29 eligible for the energy assistance program.

38.30 Subd. 3. Use of shared data. Data disseminated to the commissioner of human  
38.31 services under subdivision 2 may be disclosed to a person other than the subject of the data

39.1 only for the purpose of determining a household's eligibility for the telephone assistance  
39.2 program pursuant to section 13.46, subdivision 2, clause (23).

39.3 Subd. 4. **Additional use of energy assistance program data.** The commissioner  
39.4 may use the name, telephone number, and social security number of any individual  
39.5 who applies on behalf of a household for benefits or services provided by the energy  
39.6 assistance program for the purpose of determining whether the household is eligible  
39.7 for the telephone assistance program if the household is determined to be eligible for  
39.8 the energy assistance program.

39.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

39.10 Sec. 83. Minnesota Statutes 2010, section 237.701, subdivision 1, is amended to read:

39.11 Subdivision 1. **Fund created; authorized expenditures.** The telephone assistance  
39.12 fund is created as a separate account in the state treasury to consist of amounts received  
39.13 by the commissioner of public safety representing the surcharge authorized by section  
39.14 237.70, subdivision 6, and amounts earned on the fund assets. Money in the fund may be  
39.15 used only for:

39.16 (1) reimbursement to local service providers for expenses and credits allowed in  
39.17 section 237.70, subdivision 7, paragraph (d), clause (5);

39.18 (2) reimbursement of the reasonable administrative expenses of the commission,  
39.19 a portion of which may be used for periodic promotional activities, including, but not  
39.20 limited to, radio or newspaper advertisements, to inform eligible households of the  
39.21 availability of the telephone assistance program; ~~and~~

39.22 (3) reimbursement of the statewide indirect cost of the commission; and

39.23 (4) reimbursement of the reasonable expenses of the commissioner of commerce and  
39.24 the commissioner of human services for administering section 216C.266, subdivisions  
39.25 2 and 4.

39.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

## ARTICLE 2

### OPEN MEETING LAW

39.29 Section 1. [13D.08] OPEN MEETING LAW CODED ELSEWHERE.

39.30 Subdivision 1. **Board of Animal Health.** Certain meetings of the Board of Animal  
39.31 Health are governed by section 35.0661, subdivision 1.

40.1            Subd. 2. **Minnesota Life and Health Guaranty Association.** Meetings of the  
40.2 Minnesota Life and Health Guaranty Association Board of Directors are governed by  
40.3 section 61B.22.

40.4            Subd. 3. **Comprehensive Health Association.** Certain meetings of the  
40.5 Comprehensive Health Association are governed by section 62E.10, subdivision 4.

40.6            Subd. 4. **Health Technology Advisory Committee.** Certain meetings of the Health  
40.7 Technology Advisory Committee are governed by section 62J.156.

40.8            Subd. 5. **Health Coverage Reinsurance Association.** Meetings of the Health  
40.9 Coverage Reinsurance Association are governed by section 62L.13, subdivision 3.

40.10           Subd. 6. **Self-insurers' security fund.** Meetings of the self-insurers' security fund  
40.11 and its board of trustees are governed by section 79A.16.

40.12           Subd. 7. **Commercial self-insurance group security fund.** Meetings of the  
40.13 commercial self-insurance group security fund are governed by section 79A.28.

40.14           Subd. 8. **Lessard-Sams Outdoor Heritage Council.** Certain meetings of the  
40.15 Lessard-Sams Outdoor Heritage Council are governed by section 97A.056, subdivision 5.

40.16           Subd. 9. **Enterprise Minnesota, Inc.** Certain meetings of the board of directors of  
40.17 Enterprise Minnesota, Inc. are governed by section 116O.03.

40.18           Subd. 10. **Minnesota Business Finance, Inc.** Certain meetings of Minnesota  
40.19 Business Finance, Inc. are governed by section 116S.02.

40.20           Subd. 11. **Northern Technology Initiative, Inc.** Certain meetings of Northern  
40.21 Technology Initiative, Inc. are governed by section 116T.02.

40.22           Subd. 12. **Agricultural Utilization Research Institute.** Certain meetings of the  
40.23 Agricultural Utilization Research Institute are governed by section 116V.01, subdivision  
40.24 10.

40.25           Subd. 13. **Hospital authorities.** Certain meetings of hospitals established under  
40.26 section 144.581 are governed by section 144.581, subdivisions 4 and 5.

40.27           Subd. 14. **Advisory Council on Workers' Compensation.** Certain meetings of  
40.28 the Advisory Council on Workers' Compensation are governed by section 175.007,  
40.29 subdivision 3.

40.30           Subd. 15. **Electric cooperatives.** Meetings of a board of directors of an electric  
40.31 cooperative that has more than 50,000 members are governed by section 308A.327.

40.32           Subd. 16. **Town boards.** Certain meetings of town boards are governed by section  
40.33 366.01, subdivision 11.

40.34           Subd. 17. **Hennepin County Medical Center and HMO.** Certain meetings of the  
40.35 Hennepin County Board on behalf of the HMO or Hennepin Healthcare System, Inc. are  
40.36 governed by section 383B.217.

41.1            Subd. 18. Hennepin Healthcare System, Inc. Certain meetings of the Hennepin  
41.2 Healthcare System, Inc. are governed by section 383B.917.

41.3            Sec. 2. **FEDERAL SECURE COMMUNITIES INITIATIVE; DATA**  
41.4 **PRACTICES.**

41.5            The state shall participate in the United States Department of Homeland Security's  
41.6 secure communities initiative. The commissioner of public safety shall enter into an  
41.7 agreement on behalf of the state with the United States Department of Homeland Security  
41.8 to implement this section. This agreement shall be legally binding on the state. Data on  
41.9 individuals collected, created, received, maintained, or disseminated by the commissioner  
41.10 of public safety for purposes of participation in the initiative are criminal history data  
41.11 under Minnesota Statutes, section 13.87.

APPENDIX  
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