

**Senate Counsel, Research,
and Fiscal Analysis**

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Senate

State of Minnesota

S.F. No. 1023 - Classifying Licensing Data

Author: Senator James P. Metzen

Prepared by: Harry Walsh, Senate Counsel (651/296-6200)

Date: March 14, 2005

S.F. No. 1023 makes public data of the following information related to licensed welfare programs:

- (a) information about injuries and deaths in licensed welfare programs;
- (b) the names of perpetrators of maltreatment;
- (c) the nature of a disqualification for which a variance from a licensing rule was allowed;
and
- (d) disclosure that a person has successfully passed a background study.

HW:cs

SUBCOMMITTEE REPORT - WITH AMENDMENTS

TO: Judiciary Committee

FROM: Data Practices Subcommittee

S . F. No. 1023

Amendments:

(A-1) written amendment
attached

Subcommittee recommendation:

And when so amended that the bill be recommended to pass and be referred to the full committee

And when so amended that the bill _____

March 17, 2005 (date of subcommittee action)

- 1 Senator moves to amend S.F. No. 1023 as follows:
- 2 Page 1, line 25, after the second comma, insert "record of
- 3 training and education in child care and child development,"

Senators Metzen, McGinn, Belanger, Marko and Gerlach introduced--
S.F. No. 1023: Referred to the Committee on Judiciary.

A bill for an act

relating to government data; classifying certain
licensing data as public; amending Minnesota Statutes
2004, section 13.46, subdivision 4.

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

Section 1. Minnesota Statutes 2004, section 13.46,
subdivision 4, is amended to read:

Subd. 4. [LICENSING DATA.] (a) As used in this subdivision:

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

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

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

(b)(1) Except as provided in paragraph (c), the following
data on current and former licensees are public: name, address,
telephone number of licensees, date of receipt of a completed
application, dates of licensure, licensed capacity, type of
client preferred, variances granted, type of dwelling, name and

1 relationship of other family members, previous license history,
 2 class of license, and the existence and status of complaints,
 3 and the number of serious injuries to or deaths of individuals
 4 in the licensed program as reported to the commissioner of human
 5 services, the local social services agency, or any other county
 6 welfare agency. For purposes of this clause, a serious injury
 7 is one that is treated by a physician. When a correction order
 8 or fine has been issued, a license is suspended, immediately
 9 suspended, revoked, denied, or made conditional, or a complaint
 10 is resolved, the following data on current and former licensees
 11 are public: the substance and investigative findings of the
 12 complaint, licensing violation, or substantiated maltreatment;
 13 the record of informal resolution of a licensing violation;
 14 orders of hearing; findings of fact; conclusions of law;
 15 specifications of the final correction order, fine, suspension,
 16 immediate suspension, revocation, denial, or conditional license
 17 contained in the record of licensing action; and the status of
 18 any appeal of these actions. When-an-individual-licensee-is-a
 19 substantiated-perpetrator-of-maltreatment-and-the-substantiated
 20 maltreatment-is-a-reason-for-the-licensing-action-the-identity
 21 of-the-licensee-as-a-perpetrator-is-public-data.--For-purposes
 22 of-this-clause-a-person-is-a-substantiated-perpetrator-if-the
 23 maltreatment-determination-has-been-upheld-under-section
 24 626.556-subdivision-10i, 626.557-subdivision-9d, or 256.045,
 25 or-an-individual-or-facility-has-not-timely-exercised-appeal
 26 rights-under-these-sections.

27 (2) When any person subject to disqualification under
 28 section 245C.14 in connection with a license to provide family
 29 day care for children, child care center services, foster care
 30 for children in the provider's home, or foster care or day care
 31 services for adults in the provider's home is a substantiated
 32 perpetrator of maltreatment, and the substantiated maltreatment
 33 is a reason for a licensing action, the identity of the
 34 substantiated perpetrator of maltreatment is public data. For
 35 purposes of this clause, a person is a substantiated perpetrator
 36 if the maltreatment determination has been upheld under section

1 256.045; 626.556, subdivision 10i; or 626.557, subdivision 9d,
2 or if an individual or facility has not timely exercised appeal
3 rights under these sections.

4 ~~(2)~~ (3) For applicants who withdraw their application prior
5 to licensure or denial of a license, the following data are
6 public: the name of the applicant, the city and county in which
7 the applicant was seeking licensure, the dates of the
8 commissioner's receipt of the initial application and completed
9 application, the type of license sought, and the date of
10 withdrawal of the application.

11 ~~(3)~~ (4) For applicants who are denied a license, the
12 following data are public: the name of the applicant, the city
13 and county in which the applicant was seeking licensure, the
14 dates of the commissioner's receipt of the initial application
15 and completed application, the type of license sought, the date
16 of denial of the application, the nature of the basis for the
17 denial, and the status of any appeal of the denial.

18 ~~(4)~~ (5) The following data on persons subject to
19 disqualification under section 245C.14 in connection with a
20 license to provide family day care for children, child care
21 center services, foster care for children in the provider's
22 home, or foster care or day care services for adults in the
23 provider's home, are public: the nature of any disqualification
24 set aside under section 245C.22, subdivisions 2 and 4, and the
25 reasons for setting aside the disqualification; the nature of
26 any disqualification for which a variance was granted under
27 sections 245A.04, subdivision 9; and 245C.30, and the reasons
28 for granting any variance under section 245A.04, subdivision 9;
29 and, if applicable, the disclosure that any person subject to a
30 background study under section 245C.03, subdivision 1, has
31 successfully passed a background study.

32 ~~(5)~~ (6) When maltreatment is substantiated under section
33 626.556 or 626.557 and the victim and the substantiated
34 perpetrator are affiliated with a program licensed under chapter
35 245A, the commissioner of human services, local social services
36 agency, or county welfare agency may inform the license holder

1 where the maltreatment occurred of the identity of the
2 substantiated perpetrator and the victim.

3 (c) The following are private data on individuals under
4 section 13.02, subdivision 12, or nonpublic data under section
5 13.02, subdivision 9: personal and personal financial data on
6 family day care program and family foster care program
7 applicants and licensees and their family members who provide
8 services under the license.

9 (d) The following are private data on individuals: the
10 identity of persons who have made reports concerning licensees
11 or applicants that appear in inactive investigative data, and
12 the records of clients or employees of the licensee or applicant
13 for licensure whose records are received by the licensing agency
14 for purposes of review or in anticipation of a contested
15 matter. The names of reporters under sections 626.556 and
16 626.557 may be disclosed only as provided in section 626.556,
17 subdivision 11, or 626.557, subdivision 12b.

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

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

27 (g) Data that are not public data collected, maintained,
28 used, or disseminated under this subdivision that relate to or
29 are derived from a report as defined in section 626.556,
30 subdivision 2, or 626.5572, subdivision 18, are subject to the
31 destruction provisions of sections 626.556, subdivision 11c, and
32 626.557, subdivision 12b.

33 (h) Upon request, not public data collected, maintained,
34 used, or disseminated under this subdivision that relate to or
35 are derived from a report of substantiated maltreatment as
36 defined in section 626.556 or 626.557 may be exchanged with the

1 Department of Health for purposes of completing background
2 studies pursuant to section 144.057 and with the Department of
3 Corrections for purposes of completing background studies
4 pursuant to section 241.021.

5 (i) Data on individuals collected according to licensing
6 activities under chapters 245A and 245C, and data on individuals
7 collected by the commissioner of human services according to
8 maltreatment investigations under sections 626.556 and 626.557,
9 may be shared with the Department of Human Rights, the
10 Department of Health, the Department of Corrections, the
11 Ombudsman for Mental Health and Retardation, and the
12 individual's professional regulatory board when there is reason
13 to believe that laws or standards under the jurisdiction of
14 those agencies may have been violated.

15 (j) In addition to the notice of determinations required
16 under section 626.556, subdivision 10f, if the commissioner or
17 the local social services agency has determined that an
18 individual is a substantiated perpetrator of maltreatment of a
19 child based on sexual abuse, as defined in section 626.556,
20 subdivision 2, and the commissioner or local social services
21 agency knows that the individual is a person responsible for a
22 child's care in another facility, the commissioner or local
23 social services agency shall notify the head of that facility of
24 this determination. The notification must include an
25 explanation of the individual's available appeal rights and the
26 status of any appeal. If a notice is given under this
27 paragraph, the government entity making the notification shall
28 provide a copy of the notice to the individual who is the
29 subject of the notice.

30 Sec. 2. [EFFECTIVE DATE.]

31 Section 1 is effective the day after final enactment.

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**S.F. No. 1153 - Income Tax Refund for Contributions to
Teachers for Classroom Purposes**

Author: Senator Steve Kelley

Prepared by: Harry Walsh, Senate Counsel (651/296-6200)

Date: March 15, 2005

S.F. No. 1153 provides an income tax refund for contributions to school teachers for classroom purposes. The refund has a \$50 maximum; \$100 for married joint filers. Data relating to the refund is private.

HW:cs

SUBCOMMITTEE REPORT - NO AMENDMENTS

TO: Judiciary Committee

FROM: Data Practices Subcommittee

S . F. No. 1153

Subcommittee recommendation:

the bill be recommended to pass and be referred to the full committee

the bill _____

March 17, 2005 (date of subcommittee action)

Senator Kelley introduced--

S.F. No. 1153: Referred to the Committee on Education.

1 A bill for an act

2 relating to education finance; authorizing a classroom
3 contribution refund; appropriating money; amending
4 Minnesota Statutes 2004, section 290.06, by adding a
5 subdivision.

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

7 Section 1. Minnesota Statutes 2004, section 290.06, is
8 amended by adding a subdivision to read:

9 Subd. 23a. [REFUND OF CONTRIBUTIONS FOR KINDERGARTEN
10 THROUGH GRADE 12 CLASSROOM ACTIVITIES.] (a) A taxpayer may claim
11 a refund equal to the amount of the taxpayer's contributions
12 made in the calendar year to a qualifying classroom teacher.
13 The maximum refund for an individual must not exceed \$50, and
14 for a married couple filing jointly, must not exceed \$100. The
15 refund is not allowed for an individual who is claimed as a
16 dependent by another taxpayer as provided in section 151(c) of
17 the Internal Revenue Code. A refund of a contribution is
18 allowed only if the taxpayer files a form required by the
19 commissioner and attaches to the form a copy of an official
20 refund receipt form issued by the classroom teacher. A claim
21 must be filed with the commissioner no sooner than January 1 of
22 the calendar year in which the contribution was made and no
23 later than April 15 of the calendar year following the calendar
24 year in which the contribution was made. A taxpayer may file
25 only one claim per calendar year. Amounts paid by the

1 commissioner after June 15 of the calendar year following the
2 calendar year in which the contribution was made must include
3 interest at the rate specified in section 270.76.

4 (b) For purposes of this subdivision, "classroom teacher"
5 means any school district, charter school, or accredited
6 nonpublic school teacher who holds a teacher's license issued by
7 the Board of Teaching and who teaches in a classroom that serves
8 students in kindergarten through grade 12. "Contribution" means
9 a gift of money. A contribution may be used for any valid
10 educational purpose as provided in paragraph (h) by the
11 classroom teacher who receives the contribution.

12 (c) The commissioner shall make copies of the form
13 available to the public and school officials upon request.

14 (d) The following data collected or maintained by the
15 commissioner under this subdivision are private: the identities
16 of individuals claiming a refund and the amount of each
17 contribution.

18 (e) The commissioner shall report to the commissioner of
19 education by each August 1 a summary showing the total number
20 and aggregate amount of kindergarten through grade 12 classroom
21 contribution refunds made on behalf of each school. These data
22 are public.

23 (f) The amount necessary to pay claims for the refund
24 provided in this section is appropriated from the general fund
25 to the commissioner of revenue.

26 (g) For a taxpayer who files a claim for refund via the
27 Internet or other electronic means, the commissioner may accept
28 the number on the official receipt as documentation that a
29 contribution was made rather than the actual receipt as required
30 by paragraph (a).

31 (h) A classroom teacher who receives a contribution under
32 this section must spend that contribution on classroom supplies,
33 books, computer hardware or software, field trips, or other
34 materials used in the classroom. Any materials that are not
35 consumed by the end of the school year become the property of
36 the classroom teacher's employing authority, although the

1 materials remain under the control of the recipient teacher as
2 long as that teacher remains employed by the school.

3 (i) The official refund receipt form must include the name
4 and school of the classroom teacher. The Board of Teaching must
5 specify the form and manner to be used by classroom teachers to
6 account for receipts and eligible expenditures. The records
7 kept by classroom teachers must be available for review by the
8 Board of Teaching at any time.

9 [EFFECTIVE DATE.] This section is effective for taxable
10 years beginning after December 31, 2005.

11 Sec. 2. [WEB SITE.]

12 The Department of Revenue must assist the Board of Teaching
13 in establishing a Web site and developing an official refund
14 receipt form. The Web site must be similar to the Campaign
15 Finance and Public Disclosure Board's Web site and must be
16 designed to facilitate the record keeping associated with
17 contributions for the classroom contribution refund program.

18 [EFFECTIVE DATE.] This section is effective July 1, 2005.

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State of Minnesota

S.F. No. 1212 - Service Cooperative Claims Data

Author: Senator Steve Kelley

Prepared by: Harry Walsh, Senate Counsel (651/296-6200)

Date: March 15, 2005

S.F. No. 1212 repeals Minnesota Statutes, section 13.203, which classifies as nonpublic data, claims experience and related information received by Minnesota service cooperatives in connection with group health and dental plans.

HW:cs

13.3215. University of Minnesota data

Claims experience and all related information received from carriers and claims administrators participating in a University of Minnesota group health, dental, life, or disability insurance plan or the University of Minnesota workers' compensation program, and survey information collected from employees or students participating in these plans and programs, except when the university determines that release of the data will not be detrimental to the plan or program, are classified as **nonpublic** data not on individuals pursuant to section 13.02, subdivision 9.

13.67. Employee relations data

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

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

13.203. Service cooperative claims data

Claims experience and all related information received from carriers and claims administrators participating in a group health or dental plan, including any long-term disability plan, offered through the Minnesota service cooperatives to Minnesota school districts and other political subdivisions, and survey information collected from employees and employers participating in these plans and programs, except when the executive director of a Minnesota service cooperative determines that release of the data will not be detrimental to the plan or program, are classified as **nonpublic** data not on individuals.

SUBCOMMITTEE REPORT - WITH AMENDMENTS

TO: Judiciary Committee

FROM: Data Practices Subcommittee

S. F. No. 1212

Amendments:

A-2 written amendment

Page 1, line 22, strike "and"

Page 1, line 24, strike "."

Page 1, line 24, insert "j" and (4) the Minnesota

Commissioners of employee relations and finance."

Subcommittee recommendation:

And when so amended that the bill be recommended to pass and be referred to the full committee

And when so amended that the bill _____

March 17, 2005 (date of subcommittee action)

Senators Kelley; Johnson, D.E.; Skoglund; Scheid and Frederickson introduced--
S.F. No. 1212: Referred to the Committee on Judiciary.

1 A bill for an act

2 relating to government data practices; repealing the

3 classification of service cooperative claims data;

4 repealing Minnesota Statutes 2004, section 13.203.

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

6 Section 1. [REPEALER.]

7 Minnesota Statutes 2004, section 13.203, is repealed.

8 [EFFECTIVE DATE.] This section is effective the day

9 following final enactment.

APPENDIX
Repealed Minnesota Statutes for 05-2093

13.203 SERVICE COOPERATIVE CLAIMS DATA.

Claims experience and all related information received from carriers and claims administrators participating in a group health or dental plan, including any long-term disability plan, offered through the Minnesota service cooperatives to Minnesota school districts and other political subdivisions, and survey information collected from employees and employers participating in these plans and programs, except when the executive director of a Minnesota service cooperative determines that release of the data will not be detrimental to the plan or program, are classified as nonpublic data not on individuals.

1 Senator moves to amend S.F. No. 1212 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 13.203, is
4 amended to read:

5 13.203 [SERVICE COOPERATIVE CLAIMS DATA.]

6 (a) Claims experience and all related information received
7 from carriers and claims administrators participating in a group
8 health or dental plan, including any long-term disability plan,
9 offered through the Minnesota service cooperatives to Minnesota
10 school districts and other political subdivisions, and survey
11 information collected from employees and employers participating
12 in these plans and programs, except when the executive director
13 of a Minnesota service cooperative determines that release of
14 the data will not be detrimental to the plan or program, are
15 classified as nonpublic data not on individuals.

16 (b) Any data classified by this section must, upon request,
17 be disclosed to the following:

18 (1) a company bidding to provide insurance coverage to a
19 public entity that is provided insurance by the service
20 cooperative;

21 (2) a government entity participating in the service
22 cooperative; and

23 (3) an exclusive bargaining representative that represents
24 employees who receive insurance through the service cooperative.

25 [EFFECTIVE DATE.] This section is effective the day
26 following final enactment."

27 Amend the title as follows:

28 Page 1, lines 2 and 3, delete "repealing the
29 classification" and insert "providing for disclosure"

30 Page 1, line 4, delete "repealing" and insert "amending"

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State of Minnesota

S.F. No. 926 - Classifying Investigative and Licensing Data

Author: Senator Don Betzold

Prepared by: Harry Walsh, Senate Counsel (651/296-6200)

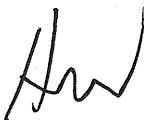
Date: March 14, 2005

S.F. No. 926 classifies as public, data that derives from Health Department investigations and identifies a perpetrator of maltreatment of vulnerable adults.

Section 1 amends the general health data law, defines the identification data as public, and makes an exception to other data rules.

Section 2 amends the welfare licensing data law to make the identification of a perpetrator and findings related to an investigation public whether or not the perpetrator is the licensee. The section also makes a proceeding under the Administrative Procedure Act sufficient to identify a perpetrator.

HW:cs



SUBCOMMITTEE REPORT - WITH AMENDMENTS

TO: Judiciary Committee

FROM: Data Practices Subcommittee

S . F. No. 926

Amendments:

(A-5) written amendment
attached

Subcommittee recommendation:

And when so amended that the bill be recommended to pass and be referred to the full committee

And when so amended that the bill _____

March 17, 2005 (date of subcommittee action)

1 Senator moves to amend S.F. No. 926 as follows:
2 Page 1, line 10, before "All" insert "Except for
3 investigative data under section 626.556,"
4 Page 1, line 13, delete "and (c)" and insert "to (d)"
5 Page 1, line 14, delete "section" and insert "sections
6 626.556, subdivision 11, and"
7 Page 1, line 16, after the period, insert "For purposes of
8 this subdivision, an individual is substantiated as the
9 perpetrator if the commissioner of health determines that the
10 individual is the perpetrator and the determination of the
11 commissioner is upheld after the individual either exercises
12 applicable administrative appeal rights or fails to exercise
13 these rights within the time allowed by law."

Senator Betzold introduced--

S.F. No. 926: Referred to the Committee on Judiciary.

1 A bill for an act

2 relating to data privacy; classifying certain
3 investigative and licensing data; amending Minnesota
4 Statutes 2004, sections 13.3805, by adding a
5 subdivision; 13.46, subdivision 4.

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

7 Section 1. Minnesota Statutes 2004, section 13.3805, is
8 amended by adding a subdivision to read:

9 Subd. 3. [OFFICE OF HEALTH FACILITY COMPLAINTS;

10 INVESTIGATIVE DATA.] All investigative data maintained by the

11 Department of Health's Office of Health Facility Complaints are

12 subject to provisions of and classified pursuant to section

13 626.557, subdivision 12b, paragraphs (b) and (c).

14 Notwithstanding section 626.557, subdivision 12b, paragraph (b),

15 data identifying an individual substantiated as the perpetrator

16 are public data.

17 Sec. 2. Minnesota Statutes 2004, section 13.46,

18 subdivision 4, is amended to read:

19 Subd. 4. [LICENSING DATA.] (a) As used in this subdivision:

20 (1) "licensing data" means all data collected, maintained,

21 used, or disseminated by the welfare system pertaining to

22 persons licensed or registered or who apply for licensure or

23 registration or who formerly were licensed or registered under

24 the authority of the commissioner of human services;

25 (2) "client" means a person who is receiving services from

1 a licensee or from an applicant for licensure; and

2 (3) "personal and personal financial data" means Social
3 Security numbers, identity of and letters of reference,
4 insurance information, reports from the Bureau of Criminal
5 Apprehension, health examination reports, and social/home
6 studies.

7 (b)(1) Except as provided in paragraph (c), the following
8 data on current and former licensees are public: name, address,
9 telephone number of licensees, date of receipt of a completed
10 application, dates of licensure, licensed capacity, type of
11 client preferred, variances granted, type of dwelling, name and
12 relationship of other family members, previous license history,
13 class of license, and the existence and status of complaints.
14 When a correction order or fine has been issued, a license is
15 suspended, immediately suspended, revoked, denied, or made
16 conditional, or a complaint is resolved, the following data on
17 current and former licensees are public: the substance and
18 investigative findings of the licensing or maltreatment
19 ~~complaint, licensing violation, or substantiated maltreatment;~~
20 the record of informal resolution of a licensing violation;
21 orders of hearing; findings of fact; conclusions of law;
22 specifications of the final correction order, fine, suspension,
23 immediate suspension, revocation, denial, or conditional license
24 contained in the record of licensing action; and the status of
25 any appeal of these actions. Notwithstanding sections 626.556,
26 subdivision 11, and 626.557, subdivision 12b, when an individual
27 ~~licensee is a substantiated perpetrator of maltreatment, and the~~
28 ~~substantiated maltreatment is a reason for the licensing~~
29 ~~action in a program licensed under chapter 245A,~~ the identity of
30 ~~the licensee as a perpetrator~~ is public data. For purposes of
31 this clause, a person is a substantiated perpetrator if the
32 maltreatment determination has been upheld under section
33 626.556, subdivision 10i, 626.557, subdivision 9d, or
34 256.045, or chapter 14, or an individual or facility has not
35 timely exercised appeal rights under these sections.

36 (2) For applicants who withdraw their application prior to

1 licensure or denial of a license, the following data are
2 public: the name of the applicant, the city and county in which
3 the applicant was seeking licensure, the dates of the
4 commissioner's receipt of the initial application and completed
5 application, the type of license sought, and the date of
6 withdrawal of the application.

7 (3) For applicants who are denied a license, the following
8 data are public: the name of the applicant, the city and county
9 in which the applicant was seeking licensure, the dates of the
10 commissioner's receipt of the initial application and completed
11 application, the type of license sought, the date of denial of
12 the application, the nature of the basis for the denial, and the
13 status of any appeal of the denial.

14 (4) The following data on persons subject to
15 disqualification under section 245C.14 in connection with a
16 license to provide family day care for children, child care
17 center services, foster care for children in the provider's
18 home, or foster care or day care services for adults in the
19 provider's home, are public: the nature of any disqualification
20 set aside under section 245C.22, subdivisions 2 and 4, and the
21 reasons for setting aside the disqualification; and the reasons
22 for granting any variance under section 245A.04, subdivision 9.

23 (5) When maltreatment is substantiated under section
24 626.556 or 626.557 and the victim and the substantiated
25 perpetrator are affiliated with a program licensed under chapter
26 245A, the commissioner of human services, local social services
27 agency, or county welfare agency may inform the license holder
28 where the maltreatment occurred of the identity of the
29 substantiated perpetrator and the victim.

30 (c) The following are private data on individuals under
31 section 13.02, subdivision 12, or nonpublic data under section
32 13.02, subdivision 9: personal and personal financial data on
33 family day care program and family foster care program
34 applicants and licensees and their family members who provide
35 services under the license.

36 (d) The following are private data on individuals: the

1 identity of persons who have made reports concerning licensees
2 or applicants that appear in inactive investigative data, and
3 the records of clients or employees of the licensee or applicant
4 for licensure whose records are received by the licensing agency
5 for purposes of review or in anticipation of a contested
6 matter. The names of reporters under sections 626.556 and
7 626.557 may be disclosed only as provided in section 626.556,
8 subdivision 11, or 626.557, subdivision 12b.

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

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

18 (g) Data that are not public data collected, maintained,
19 used, or disseminated under this subdivision that relate to or
20 are derived from a report as defined in section 626.556,
21 subdivision 2, or 626.5572, subdivision 18, are subject to the
22 destruction provisions of sections 626.556, subdivision 11c, and
23 626.557, subdivision 12b.

24 (h) Upon request, not public data collected, maintained,
25 used, or disseminated under this subdivision that relate to or
26 are derived from a report of substantiated maltreatment as
27 defined in section 626.556 or 626.557 may be exchanged with the
28 Department of Health for purposes of completing background
29 studies pursuant to section 144.057 and with the Department of
30 Corrections for purposes of completing background studies
31 pursuant to section 241.021.

32 (i) Data on individuals collected according to licensing
33 activities under chapters 245A and 245C, and data on individuals
34 collected by the commissioner of human services according to
35 maltreatment investigations under sections 626.556 and 626.557,
36 may be shared with the Department of Human Rights, the

1 Department of Health, the Department of Corrections, the
2 Ombudsman for Mental Health and Retardation, and the
3 individual's professional regulatory board when there is reason
4 to believe that laws or standards under the jurisdiction of
5 those agencies may have been violated.

6 (j) In addition to the notice of determinations required
7 under section 626.556, subdivision 10f, if the commissioner or
8 the local social services agency has determined that an
9 individual is a substantiated perpetrator of maltreatment of a
10 child based on sexual abuse, as defined in section 626.556,
11 subdivision 2, and the commissioner or local social services
12 agency knows that the individual is a person responsible for a
13 child's care in another facility, the commissioner or local
14 social services agency shall notify the head of that facility of
15 this determination. The notification must include an
16 explanation of the individual's available appeal rights and the
17 status of any appeal. If a notice is given under this
18 paragraph, the government entity making the notification shall
19 provide a copy of the notice to the individual who is the
20 subject of the notice.