

Senator Skoglund introduced—

S.F. No. 3414: Referred to the Committee on Judiciary.

1 A bill for an act
 1. relating to government data practices; providing for parole and probation
 1.3 authorities to have access to certain records; amending Minnesota Statutes 2004,
 1.4 section 624.714, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2004, section 624.714, is amended by adding a
 1.7 subdivision to read:

1.8 Subd. 14a. Parole and probation authority access to records. Parole and
 1.9 probation authorities must be given access to records or data collected, made, or held
 1.10 under this section concerning any applicant or permit holder who is a defendant, parolee,
 1.11 or probationer of a district court.

A bill for an act

relating to privacy; prohibiting bulk distribution of personal information in driver's license and motor vehicle records; requiring consent for Internet or electronic access to records; specifying system security requirements; prohibiting further use or release of records; establishing fees; providing for remedies and imposing civil fines; establishing the public safety and financial crimes account; appropriating money; amending Minnesota Statutes 2004, section 13.6905, subdivision 10; Minnesota Statutes 2005 Supplement, sections 13.6905, subdivision 3; 168.346, subdivision 1; 171.12, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 299A.

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

Section 1. Minnesota Statutes 2005 Supplement, section 13.6905, subdivision 3, is amended to read:

Subd. 3. **Motor vehicle registration.** ~~Various data on~~ Access to motor vehicle registrations are classified under registration data is governed by sections 168.327, subdivision 3, ~~and~~ 168.346; and 299A.682.

Sec. 2. Minnesota Statutes 2004, section 13.6905, subdivision 10, is amended to read:

Subd. 10. **Driver's license address or Minnesota identification card.** ~~The residence address of certain individuals provided to the commissioner of public safety~~ Access to data in drivers' driver's license or Minnesota identification card applications is classified under section governed by sections 171.12, subdivision 7 and 299A.682.

Sec. 3. Minnesota Statutes 2005 Supplement, section 168.346, subdivision 1, is amended to read:

Subdivision 1. **Vehicle registration data; federal compliance.** (a) Except as otherwise provided in this section and section 299A.682, data on an individual provided

2.1 to register a vehicle shall be treated as provided by United States Code, title 18, section
2.2 2721, as in effect on May 23, 2005, and shall be disclosed as required or permitted by
2.3 that section.

2.4 (b) The registered owner of a vehicle who is an individual may consent in writing to
2.5 the commissioner to disclose the individual's personal information exempted by United
2.6 States Code, title 18, section 2721, to any person who makes a written request for the
2.7 personal information. If the registered owner is an individual and so authorizes disclosure,
2.8 the commissioner shall implement the request.

2.9 ~~(c) If authorized by the registered owner as indicated in paragraph (b), the registered~~
2.10 ~~owner's personal information may be used, rented, or sold solely for bulk distribution~~
2.11 ~~by organizations for business purposes including surveys, marketing, or solicitation.~~
2.12 The commissioner may disclose a registered owner's personal information only in
2.13 response to single inquiries for information. The commissioner must not disclose personal
2.14 information in the form of lists or other bulk distribution. This paragraph does not apply
2.15 to the release of information to a government agency as authorized under United States
2.16 Code, title 18, section 2721, paragraph (b), clause (1). Electronic or Internet access to
2.17 personal information is governed by section 299A.682.

2.18 Sec. 4. Minnesota Statutes 2005 Supplement, section 171.12, subdivision 7, is
2.19 amended to read:

2.20 Subd. 7. **Privacy of data.** (a) Except as otherwise provided in this section and
2.21 section 299A.682, data on individuals provided to obtain a driver's license or Minnesota
2.22 identification card shall be treated as provided by United States Code, title 18, section
2.23 2721, as in effect on May 23, 2005, and shall be disclosed as required or permitted by
2.24 that section.

2.25 (b) An applicant for a driver's license or a Minnesota identification card may
2.26 consent, in writing, to the commissioner to disclose the applicant's personal information
2.27 exempted by United States Code, title 18, section 2721, to any person who makes a request
2.28 for the personal information. If the applicant so authorizes disclosures, the commissioner
2.29 shall implement the request ~~and the information may be used.~~

2.30 ~~(c) If authorized by an applicant for a driver's license or a Minnesota identification~~
2.31 ~~card, as indicated in paragraph (b), the applicant's personal information may be used,~~
2.32 ~~rented, or sold solely for bulk distribution by organizations for business purposes,~~
2.33 ~~including surveys, marketing, or solicitation.~~ The commissioner may disclose an
2.34 applicant's personal information only in response to single inquiries for information. The
2.35 commissioner must not disclose personal information in the form of lists or other bulk

3.1 distribution. This paragraph does not apply to the release of information to a government
3.2 agency as authorized under United States Code, title 18, section 2721, paragraph (b),
3.3 clause (1). Electronic or Internet access to personal information is governed by section
3.4 299A.682.

3.5 (d) An applicant for a driver's license, instruction permit, or Minnesota identification
3.6 card may request that the applicant's residence address be classified as "private data on
3.7 individuals," as defined in section 13.02, subdivision 12. The commissioner shall grant
3.8 the classification on receipt of a signed statement by the individual that the classification
3.9 is required for the safety of the applicant or the applicant's family, if the statement also
3.10 provides a valid, existing address where the applicant consents to receive service of
3.11 process. The commissioner shall use the service for process mailing address in place of the
3.12 residence address in all documents and notices pertaining to the driver's license, instruction
3.13 permit, or Minnesota identification card. The residence address and any information
3.14 provided in the classification request, other than the mailing address, are private data on
3.15 individuals and may be provided to requesting law enforcement agencies, probation and
3.16 parole agencies, and public authorities, as defined in section 518.54, subdivision 9.

3.17 **Sec. 5. [299A.682] ELECTRONIC OR INTERNET ACCESS TO PERSONAL**
3.18 **INFORMATION IN MOTOR VEHICLE OR DRIVER'S LICENSE RECORDS;**
3.19 **FEES.**

3.20 **Subdivision 1. General. The commissioner of public safety shall establish a system**
3.21 **for electronic or Internet access to personal information in motor vehicle registration**
3.22 **or driver's license or Minnesota identification card records, as permitted under section**
3.23 **168.346 or 171.12. Personal information may be disclosed by electronic means or through**
3.24 **the Internet only if the subject of the information has consented to this type of disclosure,**
3.25 **unless the disclosure is to a government agency or its authorized agent as authorized under**
3.26 **United States Code, title 18, section 2721, paragraph (b), clause (1).**

3.27 **Subd. 2. System requirements. The system must include:**

3.28 **(1) methods for verifying that a person requesting access to the system is doing so**
3.29 **for a permissible use under United States Code, title 18, section 2721;**

3.30 **(2) permissible user agreements under which the person agrees to comply with the**
3.31 **requirements of state and federal law, including a prohibition on the use of the personal**
3.32 **information in a manner not specified in the agreement and on the resale or redisclosure**
3.33 **of the information;**

3.34 **(3) documentation requirements under which users must maintain a record of the**
3.35 **consent of the subject of the data to the disclosure and of persons to whom an authorized**

4.1 resale or release of the information is made for at least five years after the consent or
4.2 resale or release;

4.3 (4) specification of the types of personal information that may be released based on
4.4 the permissible use for which access is obtained;

4.5 (5) establishment of user passwords and other security mechanisms necessary for
4.6 ensuring the integrity of the system and the prevention of unlawful access to or use of
4.7 personal information;

4.8 (6) system audit requirements, including provisions in user agreements that allow the
4.9 state to inspect user systems and records to determine compliance with the requirements
4.10 of applicable law and the agreement and provisions for tracking transactions involving
4.11 access to personal information on an individual for at least five years;

4.12 (7) a requirement that the user file a bond with the commissioner in an amount to
4.13 be determined by the commissioner, or pay to the commissioner an equivalent sum of
4.14 cash to be held by the commissioner, as surety for compliance with the user agreement
4.15 and the requirements of this section; and

4.16 (8) mechanisms for payment of user fees.

4.17 Subd. 3. Fees. (a) The commissioner shall charge the following fees for the use of
4.18 the system established under this section:

4.19 (1) \$..... application fee; and

4.20 (2) \$..... fee for each inquiry for personal information on an individual.

4.21 (b) The commissioner shall charge a fee of \$..... for each inquiry for personal
4.22 information on an individual that is made in person, by mail, or other means that does
4.23 not involve electronic or Internet access.

4.24 Subd. 4. Remedies. The remedies and penalties in section 8.31 apply to a user of
4.25 personal information who violates this section or the terms of a user agreement entered
4.26 into under this section. In addition, the court may impose a civil penalty in an amount
4.27 authorized under section 8.31 or \$1,000 per individual violation, whichever is greater.

4.28 **Sec. 6. [299A.683] PUBLIC SAFETY AND FINANCIAL CRIMES ACCOUNT.**

4.29 A public safety and financial crimes account is created in the special revenue fund
4.30 consisting of the fees collected under section 299A.682, subdivision 3. Fifty percent of the
4.31 money in the account is annually appropriated to the commissioner of public safety for
4.32 purposes of operating the system for electronic or Internet access to personal information
4.33 under section 299A.682 and 50 percent of the money in the account is annually
4.34 appropriated to the commissioner of public safety for purposes of the operations of the
4.35 Minnesota Financial Crimes Task Force established under section 299A.681, subdivision

5.1 3. The commissioner shall make specialized financial crimes prosecutors' grants as
5.2 recommended by the Minnesota Financial Crimes Oversight Council in consultation with
5. representatives of county attorneys and the attorney general.

1.1 Senator moves to amend S.F. No. 3375 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2005 Supplement, section 13.6905, subdivision 3,
1.4 is amended to read:

1.5 Subd. 3. **Motor vehicle registration.** ~~Various data on~~ Access to motor vehicle
1.6 ~~registrations are classified under~~ registration data is governed by sections 168.327,
1.7 subdivision 3, and 168.346.

1.8 Sec. 2. Minnesota Statutes 2004, section 13.6905, subdivision 10, is amended to read:

1.9 Subd. 10. **Driver's license ~~address~~ or Minnesota identification card.** ~~The~~
1.10 ~~residence address of certain individuals provided to the commissioner of public safety~~
1.11 Access to data in drivers' driver's license or Minnesota identification card applications is
1.12 ~~classified under section~~ governed by section 171.12, subdivision 7.

1.13 Sec. 3. Minnesota Statutes 2005 Supplement, section 168.346, subdivision 1, is
1.14 amended to read:

1.15 Subdivision 1. **Vehicle registration data; federal compliance.** (a) Except as
1.16 otherwise provided in this section, data on an individual provided to register a vehicle is
1.17 private data on individuals, as defined in section 13.02, and shall be treated as provided
1.18 by United States Code, title 18, section 2721, as in effect on May 23, 2005, and. The
1.19 data shall be disclosed as required by section 2721, paragraph (b), or as permitted by
1.20 ~~that section~~ paragraph (b), clauses (1), (2) to (7), (9), and (14). The data must also be
1.21 provided to a federally certified or designated nonprofit organ procurement organization in
1.22 connection with its authorized activities.

1.23 (b) The registered owner of a vehicle who is an individual may expressly consent in
1.24 writing to the commissioner to disclose the individual's personal information exempted
1.25 by United States Code, title 18, section 2721, to any person who makes a written request
1.26 for the personal information. If the registered owner is an individual and so authorizes
1.27 disclosure, the commissioner shall implement the request. The consent must be on a
1.28 document separate from the application for registration. The commissioner must not
1.29 condition the issuance of the registration upon the consent or give any preference to an
1.30 individual who grants consent.

1.31 (c) ~~If authorized by the registered owner as indicated in paragraph (b), the registered~~
1.32 ~~owner's personal information may be used, rented, or sold solely for bulk distribution by~~
1.33 ~~organizations for business purposes including surveys, marketing, or solicitation. The~~
1.34 commissioner may disclose data on individuals provided to register a vehicle only on an
1.35 individual record basis in response to a permissible user's identification of the individual

2.1 subject of the data to whom the permissible use relates. The commissioner must not
 2.2 disclose a register owner’s personal information on a bulk record basis. This paragraph
 2.3 does not apply to the permissible use in United States Code, title 18, section 2721(b)(1).

2.4 (d) A recipient of data under this subdivision must not resell or redisclose the data.

2.5 (e) A person who requests disclosure of data under paragraph (a) must identify the
 2.6 data elements requested and the reason each element is needed and may receive only those
 2.7 data elements needed to accomplish the purpose of the request. A person requesting data
 2.8 on 500 or more individuals must document compliance with data security measures as
 2.9 required by the commissioner. The commissioner shall implement a system for tracking
 2.10 the sale or disclosure of personal information described in paragraph (a) by those who
 2.11 receive personal information from the commissioner. The commissioner shall audit
 2.12 activities of recipients of personal information under paragraph (a) with regard to that
 2.13 information. Persons who receive personal information from the commissioner must
 2.14 cooperate with all compliance activities.

2.15 (f) The remedies and penalties in section 8.31 apply to a user of personal information
 2.16 who violates this section or the terms of a user agreement.

2.17 (g) The commissioner shall charge the following fees for access to data under
 2.18 this section by a permissible user, other than an organ procurement organization or
 2.19 government agency:

- 2.20 (1) \$..... application fee; and
- 2.21 (2) \$..... fee for each inquiry regarding an individual.

2.22 Of the fees collected under this paragraph, percent is for the commissioner of
 2.23 public safety for operation of the permissible user system and percent is to be deposited
 2.24 in the financial crimes account under section 299A.683.

2.25 Sec. 4. Minnesota Statutes 2005 Supplement, section 171.12, subdivision 7, is
 2.26 amended to read:

2.27 **Subd. 7. Privacy of data.** (a) Except as otherwise provided in this section, data on
 2.28 individuals provided to obtain a driver’s license or Minnesota identification card is private
 2.29 data on individuals, as defined in section 13.02, and shall be treated as provided by United
 2.30 States Code, title 18, section 2721, as in effect on May 23, 2005, and. The data shall
 2.31 be disclosed as required by section 2721, paragraph (b), or as permitted by that section
 2.32 paragraph (b), clauses (1), (2) to (7), (9), and (14). The data must also be provided to a
 2.33 federally certified or designated nonprofit organ procurement organization in connection
 2.34 with its authorized activities.

2.35 (b) An applicant for a driver’s license or a Minnesota identification card may
 2.36 expressly consent, in writing, to the commissioner to disclose the applicant’s personal

3.1 information exempted by United States Code, title 18, section 2721, to any person who
 3.2 makes a request for the personal information. If the applicant so authorizes disclosures,
 3.3 the commissioner shall implement the request ~~and the information may be used.~~ The
 3.4 consent must be on a document separate from the application for registration. The
 3.5 commissioner must not condition the issuance of the registration upon the consent or give
 3.6 any preference to an individual who grants consent.

3.7 ~~(c) If authorized by an applicant for a driver's license or a Minnesota identification~~
 3.8 ~~card, as indicated in paragraph (b), the applicant's personal information may be used,~~
 3.9 ~~rented, or sold solely for bulk distribution by organizations for business purposes,~~
 3.10 ~~including surveys, marketing, or solicitation.~~ The commissioner may disclose data on
 3.11 individuals provided to obtain a driver's license or Minnesota identification card only
 3.12 on an individual record basis in response to a permissible user's identification of the
 3.13 individual subject of the data to whom the permissible use relates. The commissioner must
 3.14 not disclose a register owner's personal information on a bulk record basis. This paragraph
 3.15 does not apply to the permissible use in United States Code, title 18, section 2721(b)(1).

3.16 (d) A recipient of data under this subdivision shall not resell or redisclose the data.

3.17 (e) A person who requests disclosure of data under paragraph (a) must identify the
 3.18 data elements requested and the reason each element is needed and may receive only those
 3.19 data elements needed to accomplish the purpose of the request. A person requesting data
 3.20 on 500 or more individuals must document compliance with data security measures as
 3.21 required by the commissioner. The commissioner shall implement a system for tracking
 3.22 the sale or disclosure of personal information described in paragraph (a) by those who
 3.23 receive personal information from the commissioner. The commissioner shall audit
 3.24 activities of recipients of personal information under paragraph (a) with regard to that
 3.25 information. Persons who receive personal information from the commissioner must
 3.26 cooperate with all compliance activities.

3.27 (f) The remedies and penalties in section 8.31 apply to a user of personal information
 3.28 who violates this section or the terms of a user agreement.

3.29 (g) The commissioner shall charge the following fees for access to data under
 3.30 this section by a permissible user, other than an organ procurement organization or
 3.31 government agency:

- 3.32 (1) \$..... application fee; and
- 3.33 (2) \$..... fee for each inquiry regarding an individual.

4 Of the fees collected under this paragraph, percent is for the commissioner of
 3.35 public safety for operation of the permissible user system and percent is to be deposited
 3.36 in the financial crimes account under section 299A.683.

4.1 (+) (h) An applicant for a driver's license, instruction permit, or Minnesota
4.2 identification card may request that the applicant's residence address be classified
4.3 as "private data on individuals," as defined in section 13.02, subdivision 12. The
4.4 commissioner shall grant the classification on receipt of a signed statement by the
4.5 individual that the classification is required for the safety of the applicant or the applicant's
4.6 family, if the statement also provides a valid, existing address where the applicant
4.7 consents to receive service of process. The commissioner shall use the service for
4.8 process mailing address in place of the residence address in all documents and notices
4.9 pertaining to the driver's license, instruction permit, or Minnesota identification card. The
4.10 residence address and any information provided in the classification request, other than the
4.11 mailing address, are private data on individuals and may be provided to requesting law
4.12 enforcement agencies, probation and parole agencies, and public authorities, as defined
4.13 in section 518.54, subdivision 9.

4.14 Sec. 5. **[299A.683] PUBLIC SAFETY AND FINANCIAL CRIMES ACCOUNT.**

4.15 A public safety and financial crimes account is created in the special revenue fund
4.16 consisting of the fees collected under sections 168.346 and 171.12 that are designated for
4.17 this purpose. Money in the account is annually appropriated to the commissioner of
4.18 public safety for purposes of the operations of the Minnesota Financial Crimes Task
4.19 Force established under section 299A.681, subdivision 3. The commissioner shall make
4.20 specialized financial crimes prosecutors' grants as recommended by the Minnesota
4.21 Financial Crimes Oversight Council in consultation with representatives of county
4.22 attorneys and the attorney general. "

4.23 Amend the title accordingly

Senator Betzold, by request, introduced—

S.F. No. 3167: Referred to the Committee on Judiciary.

A bill for an act

relating to government data practices; classifying data; providing civil remedies;
 1.3 providing penalties; amending Minnesota Statutes 2004, sections 13.7905,
 1.4 subdivision 2; 13.791, subdivision 1; 175.10; 175.16, by adding a subdivision;
 1.5 176.138; 176.181, subdivision 8; 176.186; 176.231, subdivision 9; 176.391,
 1.6 subdivision 3; Minnesota Statutes 2005 Supplement, sections 168.346,
 1.7 subdivision 1; 171.12, subdivision 7; 325E.59, subdivisions 1, 3, by adding
 1.8 a subdivision; proposing coding for new law in Minnesota Statutes, chapters
 1.9 168; 171; 175; 325F; repealing Minnesota Statutes 2004, sections 13.7905,
 1.10 subdivision 3; 176.231, subdivision 8; 176.401; 176.421, subdivision 7;
 1.11 Minnesota Statutes 2005 Supplement, section 325E.59, subdivision 2.

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

1.13 Section 1. Minnesota Statutes 2004, section 13.7905, subdivision 2, is amended to read:

1.14 Subd. 2. **Department of Labor and Industry; workers' compensation data.** (a)

1.15 ~~Workers' Compensation Division Disclosure.~~ Disclosure of ~~proceedings of the Workers'~~
 1.16 ~~Compensation Division~~ workers' compensation data is governed by section ~~175.10~~ 175.40.

1.17 (b) **Computer access to data.** Computer access to and electronic data interchange of
 1.18 data maintained by the Department of Labor and Industry are governed by section 175.171.

1.19 (c) **Reporters.** Disclosure of the names of certain persons supplying information to
 1.20 the Department of Labor and Industry is prohibited by sections 175.24 and 175.27.

1.21 Sec. 2. Minnesota Statutes 2004, section 13.791, subdivision 1, is amended to read:

1.22 Subdivision 1. **General.** Unless the data is summary data or is otherwise classified
 1.23 by ~~statute~~ section 175.40 or federal law, all data collected and maintained by the
 Department of Labor and Industry or the Department of Employment and Economic
 1.25 Development that pertain to individuals applying for or receiving rehabilitation services is
 1.26 private data on individuals.

2.1 Sec. 3. Minnesota Statutes 2005 Supplement, section 168.346, subdivision 1, is
2.2 amended to read:

2.3 Subdivision 1. **Vehicle registration data; federal compliance.** (a) Data on an
2.4 individual provided to register a vehicle are private data, shall be treated as provided by
2.5 United States Code, title 18, section 2721, as in effect on May 23, 2005, and shall be
2.6 disclosed as required or permitted by clauses (1), (3) to (7), and (9) of that section.

2.7 (b) The registered owner of a vehicle who is an individual may consent in writing to
2.8 the commissioner to disclose the individual's personal information exempted by United
2.9 States Code, title 18, section 2721, to any person who makes a written request for the
2.10 personal information. If the registered owner is an individual and so authorizes disclosure,
2.11 the commissioner shall implement the request.

2.12 (c) If authorized by the registered owner as indicated in paragraph (b), the registered
2.13 owner's personal information may be used, rented, or sold solely for bulk distribution by
2.14 organizations for business purposes including surveys, marketing, or solicitation.

2.15 (d) A recipient of data from the commissioner under this subdivision must not resell
2.16 or redisclose the data. Providing data pursuant to a contract that was the purpose of a
2.17 request for data under this subdivision is not prohibited by this paragraph.

2.18 (e) A person who requests disclosure of data under paragraph (a) must state the data
2.19 elements needed and the reason each element is needed and may receive only those data
2.20 elements needed to accomplish the purpose of the request. A person requesting data
2.21 on 500 or more individuals must document compliance with data security measures as
2.22 required by the commissioner. The commissioner may implement a system for tracking
2.23 the sale or disclosure of personal information described in paragraph (a) both from the
2.24 commissioner and by those who receive personal information from the commissioner or
2.25 periodic audits of recipients. The commissioner may audit activities of recipients of
2.26 personal information under paragraph (a) with regard to that information. Persons who
2.27 receive personal information from the commissioner must cooperate with all compliance
2.28 activities. To fund compliance activities, the commissioner is authorized to charge an
2.29 additional fee of \$..... that is continuously appropriated to the Department of Public
2.30 Safety to fund the activities described in this paragraph.

2.31 Sec. 4. **[168.348] PENALTIES.**

2.32 Subdivision 1. **Receipt.** A person who receives personal information pursuant to
2.33 section 168.346, subdivision 1, knowing that the person does not meet the requirements of
2.34 that section, is guilty of a misdemeanor.

3.1 Subd. 2. Resale or redisclosure. A person who receives personal information
 3.2 pursuant to section 168.346, subdivision 1, and knowingly resells or rediscloses the
 3.3 personal information in violation of that section, is guilty of a misdemeanor.

3.4 Subd. 3. Multiple violations. A person who knowingly violates the provisions of
 3.5 section 168.346, subdivision 1, two or more times is guilty of a gross misdemeanor.

3.6 Subd. 4. Civil penalty. A person who knowingly violates the provisions of section
 3.7 168.346, subdivision 1, is subject to a civil penalty of \$5,000 per violation.

3.8 Sec. 5. Minnesota Statutes 2005 Supplement, section 171.12, subdivision 7, is
 3.9 amended to read:

3.10 Subd. 7. Privacy of data. (a) ~~Data on individuals~~ Personal information and highly
 3.11 restrictive personal information, as defined in United States Code, title 18, section 2725(3)
 3.12 and (4), provided to obtain a driver's license or Minnesota identification card is private
 3.13 data on individuals and shall be treated as provided by United States Code, title 18, section
 3.14 2721, as in effect on ~~May 23, 2005~~ March 9, 2006, and shall be disclosed as required by
 3.15 paragraph (b) of United States Code, title 18, section 2721 or as permitted by paragraph
 3.16 (b), clauses (1), (3) to (7), and (9) of that section.

3.17 ~~(b) An applicant for a driver's license or a Minnesota identification card may~~
 3.18 ~~consent, in writing, to the commissioner to disclose the applicant's personal information~~
 3.19 ~~exempted by United States Code, title 18, section 2721, to any person who makes a request~~
 3.20 ~~for the personal information. If the applicant so authorizes disclosures, the commissioner~~
 3.21 ~~shall implement the request and the information may be used.~~

3.22 ~~(c) If authorized by an applicant for a driver's license or a Minnesota identification~~
 3.23 ~~card, as indicated in paragraph (b), the applicant's personal information may be used,~~
 3.24 ~~rented, or sold solely for bulk distribution by organizations for business purposes,~~
 3.25 ~~including surveys, marketing, or solicitation.~~

3.26 ~~(d)~~ (b) An applicant for a driver's license, instruction permit, or Minnesota
 3.27 identification card may request that the applicant's residence address be classified
 3.28 as "private data on individuals," as defined in section 13.02, subdivision 12. The
 3.29 commissioner shall grant the classification on receipt of a signed statement by the
 3.30 individual that the classification is required for the safety of the applicant or the applicant's
 3.31 family, if the statement also provides a valid, existing address where the applicant
 3.32 consents to receive service of process. The commissioner shall use the service for
 3.33 process mailing address in place of the residence address in all documents and notices
 3.34 pertaining to the driver's license, instruction permit, or Minnesota identification card. The
 3.35 residence address and any information provided in the classification request, other than the

4.1 mailing address, are private data on individuals and may be provided to requesting law
 4.2 enforcement agencies, probation and parole agencies, and public authorities, as defined
 4.3 in section 518.54, subdivision 9.

4.4 (c) A recipient of data from the commissioner under this subdivision may use the
 4.5 data only for the purpose for which it was obtained and the recipient must not resell or
 4.6 redisclose the data.

4.7 (d) A person who requests disclosure of data under paragraph (a) must identify the
 4.8 data elements requested and the reason each element is needed and may receive only those
 4.9 data elements needed to accomplish the purpose of the request. A person requesting data
 4.10 on 500 or more individuals must document compliance with data security measures as
 4.11 required by the commissioner. The commissioner may implement a system for tracking
 4.12 the sale or disclosure of personal information described in paragraph (a) both from the
 4.13 commissioner and by those who receive personal information from the commissioner or
 4.14 periodic audits of recipients. The commissioner may audit activities of recipients of
 4.15 personal information under paragraph (a) with regard to that information. Persons who
 4.16 receive personal information from the commissioner must cooperate with all compliance
 4.17 activities. To fund compliance activities, the commissioner is authorized to charge an
 4.18 additional fee of \$..... that is continuously appropriated to the Department of Public
 4.19 Safety to fund the activities described in this paragraph.

4.20 Sec. 6. **[171.125] PENALTIES.**

4.21 Subdivision 1. Receipt. A person who receives personal information pursuant to
 4.22 section 171.12, subdivision 7, knowing that the person does not meet the requirements of
 4.23 that section, is guilty of a misdemeanor.

4.24 Subd. 2. Resale or redisclosure. A person who receives personal information
 4.25 pursuant to section 171.12, subdivision 7, and knowingly resells or rediscloses the
 4.26 personal information in violation of that section, is guilty of a misdemeanor.

4.27 Subd. 3. Multiple violations. A person who knowingly violates the provisions of
 4.28 section 171.12, subdivision 7, two or more times is guilty of a gross misdemeanor.

4.29 Subd. 4. Additional penalty. A person who knowingly violates the provisions of
 4.30 section 171.12, subdivision 7, is subject to a civil penalty of \$5,000 per violation.

4.31 Sec. 7. Minnesota Statutes 2004, section 175.10, is amended to read:

4.32 **175.10 SESSIONS TO BE PUBLIC HOURS OF OPERATION.**

4.33 The Department of Labor and Industry shall be open for the transaction of business
 4.34 during all business hours of each and every day, excepting Saturdays, Sundays and legal

5.1 ~~holidays. The hearings of the Workers' Compensation Division are open to the public and~~
 5.2 ~~may be adjourned from time to time. All the proceedings of the division shall be shown~~
 5.3 ~~on its records, which are public records.~~

5.4 Sec. 8. Minnesota Statutes 2004, section 175.16, is amended by adding a subdivision
 5.5 to read:

5.6 Subd. 3. Use of department data. (a) Employees of the Department of Labor
 5.7 and Industry may have access to and may use any data collected, created, received,
 5.8 maintained, or disseminated by the department if the data will assist them in performing
 5.9 their responsibilities. The department may use the data in any administrative, criminal,
 5.10 or civil proceeding.

5.11 (b) Workers' compensation claim or injury data and data related to a department
 5.12 enforcement action or investigation may be referred to another state agency as part of a
 5.13 state investigation.

5.14 (c) Data related to enforcement actions or investigations initiated by the department
 5.15 may be released to the public or a person when the department in its discretion determines
 5.16 it is in the public interest.

5.17 (d) The terms used in this subdivision have the following meanings for purposes
 5.18 of this subdivision:

5.19 (1) "Enforcement action" is a proceeding initiated by the commissioner, board, or
 5.20 panel that may result in a penalty, fine, or sanction for violation of laws enforced by the
 5.21 commissioner or an order for compliance with laws enforced by the commissioner.

5.22 (2) "Investigation" includes an inspection, investigation, audit, review, and
 5.23 examination.

5.24 Sec. 9. **[175.40] WORKERS' COMPENSATION DATA.**

5.25 **Subdivision 1. General standard for workers' compensation data.**

5.26 Notwithstanding any contrary provision in this chapter, chapter 13, or chapter 176, all data
 5.27 collected, created, received, maintained, or disseminated by the department, the Office
 5.28 of Administrative Hearings, or the Workers' Compensation Court of Appeals related
 5.29 to a workers' compensation claim or injury, or related to a department investigation or
 5.30 enforcement action under chapter 176, are classified as protected nonpublic data pursuant
 5.31 to section 13.02, subdivision 13, in the case of data not on individuals, and confidential
 5.32 data pursuant to section 13.01, subdivision 3, in the case of data on individuals, except as
 5.33 provided in this section.

6.1 Subd. 2. Definitions. The terms used in this section have the following meanings
6.2 for purposes of this section:

6.3 (a) "Commissioner," for purposes of this section, means the commissioner of the
6.4 department and persons employed by, or under contract with, the department to perform
6.5 the responsibilities specified under chapter 176.

6.6 (b) "Board" means the Medical Services Review Board established under section
6.7 176.103.

6.8 (c) "Confidential data" has the meaning given in section 13.02, subdivision 3.

6.9 (d) "Department" means the Department of Labor and Industry.

6.10 (e) "Division file" means the official paper or imaged file (1) created and maintained
6.11 by the department to retain data related to an employee's claim or injury under chapter 176,
6.12 and (2) used by the Office of Administrative Hearings and the Workers' Compensation
6.13 Court of Appeals in litigated cases. It does not include data in the special compensation
6.14 fund imaged or paper files.

6.15 (f) "Enforcement action" is a proceeding initiated by the commissioner, board, or
6.16 panel that may result in a penalty, fine, or sanction for violation of chapter 176, or an order
6.17 for compliance with chapter 176.

6.18 (g) "Investigation" includes an investigation, inspection, audit, file review, and
6.19 examination performed by the commissioner to administer and enforce laws related to
6.20 workers' compensation.

6.21 (h) "Not public data" has the meaning given in section 13.02, subdivision 8a.

6.22 (i) "Panel" means the Rehabilitation Review Panel established under section
6.23 176.102.

6.24 (j) "Person" means an individual, limited liability company, corporation, partnership,
6.25 incorporated or unincorporated association, sole proprietorship, joint stock company,
6.26 or any other legal or commercial entity.

6.27 (k) "Private data" has the meaning given in section 13.02, subdivision 12.

6.28 (l) "Protected nonpublic data" has the meaning given in section 13.02, subdivision
6.29 13.

6.30 (m) "Public data" means public data on individuals as defined in section 13.02,
6.31 subdivision 10, or public data not on individuals as defined in section 13.02, subdivision
6.32 14.

6.33 Subd. 3. Employment and insurance data. The following workers' compensation
6.34 insurance coverage data collected, created, received, maintained, or disseminated by the
6.35 department, or by an entity with whom the department has contracted pursuant to section
176.185, subdivision 10, is public data:

- 7.1 (1) historical and recent action on an insurance policy, such as a new policy,
 7.2 correction, binder, reinstatement, expiration, cancellation, termination, or notice of intent
 7.3 to provide insurance;
- 7.4 (2) the employer's legal name;
- 7.5 (3) every "doing business as" name used by the employer;
- 7.6 (4) the employer's legal form of ownership, such as corporation, partnership, limited
 7.7 partnership, or government entity, and the names of all owners and partners including, for
 7.8 limited partnerships, the names of general partners;
- 7.9 (5) the employer's complete mailing address, including zip code;
- 7.10 (6) the nature of the employer's business;
- 7.11 (7) the policy number;
- 7.12 (8) the effective and expiration dates of the policy;
- 7.13 (9) the name of the insurance carrier;
- 7.14 (10) the insurance carrier office issuing the policy;
- 7.15 (11) the type of cancellation, if applicable;
- 7.16 (12) the reason for cancellation, if applicable;
- 7.17 (13) the effective date of cancellation, if applicable;
- 7.18 (14) every employer's federal employer identification number and unemployment
 7.19 account number; and
- 7.20 (15) any exclusion from coverage that has been filed with the Department of Labor
 7.21 and Industry under section 176.041.

7.22 Subd. 4. Workers' compensation file data. Data in the workers' compensation
 7.23 division file may be released as follows:

- 7.24 (1) without an authorization: to the employee; the dependents of a deceased
 7.25 employee; the employer and insurer for the claim or injury; and the commissioner, the
 7.26 Office of Administrative Hearings, and the Workers' Compensation Court of Appeals as
 7.27 needed to perform responsibilities under chapter 176;
- 7.28 (2) to a person who has been authorized to examine the file by the employee, or the
 7.29 dependents of a deceased employee, or to a person who is authorized to act on behalf
 7.30 of the employer or the insurer in performing the responsibilities under chapter 176.
 7.31 Authorizations must meet the requirements established by the commissioner; and
- 7.32 (3) as provided in subdivisions 5, 6, and 7.

7.33 Subd. 5. Research and statistical data. (a) The department, Office of
 7.34 Administrative Hearings, and the Workers' Compensation Court of Appeals may not
 7.35 release summary data, notwithstanding sections 13.02, subdivision 19, and 13.05,
 7.36 subdivision 7, unless it meets the requirements of this subdivision. These agencies may, at

8.1 each agency's discretion, release workers' compensation claims and injury, investigative,
8.2 and enforcement data as follows:

8.3 (1) the agency may make public aggregate statistics it has prepared for uses
8.4 consistent with its responsibilities under Minnesota law;

8.5 (2) the agency may prepare and make public aggregate statistics upon the request of
8.6 any person if the request is in writing and the cost of preparing the aggregate statistics is
8.7 borne by the requesting person; and

8.8 (3) the Department of Labor and Industry may release workers' compensation claims
8.9 and injury, investigative, and enforcement data to an academic researcher at a university
8.10 or college if all of the following requirements are satisfied:

8.11 (i) the researcher's purpose is set forth in writing;

8.12 (ii) the research purpose cannot reasonably be accomplished without access to
8.13 data which is specific to a person;

8.14 (iii) the data will not be used for the purpose of contacting a person to participate
8.15 in the research;

8.16 (iv) the research has been approved by the university's or college's Institutional
8.17 Review Board;

8.18 (v) the department approves conditions governing security and confidentiality; the
8.19 removal or destruction of the data, except aggregate statistics, at the earliest reasonable
8.20 time; and the prohibition of any subsequent use or disclosure of the data, except aggregate
8.21 statistics, without the express authorization of the department; and

8.22 (vi) the researcher signs an agreement to comply with the conditions of this
8.23 subdivision and any other condition the agency deems necessary to ensure that the data is
8.24 used only in accordance with this subdivision.

8.25 The department is not liable for the researcher's breach of the conditions in this
8.26 clause.

8.27 (b) For purposes of this subdivision:

8.28 (1) "Aggregate statistics" includes, but is not limited to, averages, totals, standard
8.29 deviations, regression parameters, and similar numbers that summarize information
8.30 from multiple records. An aggregate statistic must include at least one measurement or
8.31 observation from each of at least five members of the population being analyzed. No one
8.32 member of the population can account for more than 60 percent of the aggregate statistic.

8.33 (2) "Accredited university or college" means a college or university that meets at
8.34 least one of these criteria:

8.35 (i) accredited by an accreditor recognized by the Council on Higher Education
8.36 Accreditation or the United States Department of Education;

- 9.1 (ii) listed in the Commonwealth Universities Yearbook;
 9.2 (iii) listed in UNESCO's Handbook of Universities;
 9.3 (iv) listed in the World Education Series published by Project in International
 9.4 Education Research (PIER); or
 9.5 (v) listed by the Australian Qualifications Framework.

9.6 (3) "Academic researcher" means a graduate student or employee on the teaching or
 9.7 research staff of an accredited university or college conducting research intended for a
 9.8 graduate dissertation or publication in a peer-reviewed scholarly journal.

9.9 (4) "Institutional review board" means a committee of university or college faculty,
 9.10 staff, and students that reviews research projects that involve human subjects to ensure
 9.11 that appropriate ethical and professional standards are met.

9.12 **Subd. 6. Workers' compensation dispute resolution data.** (a) Hearings and the
 9.13 current calendar of scheduled hearings before compensation judges and administrative
 9.14 law judges at the Office of Administrative Hearings, the Workers' Compensation Court
 9.15 of Appeals, the board, and the panel, are public and may be posted at the site of the
 9.16 proceeding, except for employee Social Security numbers. The daily schedule of other
 9.17 workers' compensation proceedings, except for employee Social Security numbers, may
 9.18 also be posted at the site of the proceeding, but is not otherwise public.

9.19 (b) The following data is public data:

9.20 (1) decisions, orders, findings, conclusions, awards, and memoranda that are issued
 9.21 by compensation judges following evidentiary hearings at the Office of Administrative
 9.22 Hearings, except for the employee's Social Security numbers;

9.23 (2) decisions, orders, findings, conclusions, recommendations and memoranda that
 9.24 are contained in a report issued by administrative law judges following evidentiary
 9.25 hearings at the Office of Administrative Hearings;

9.26 (3) decisions, orders, awards, and memoranda that are issued by the Workers'
 9.27 Compensation Court of Appeals under section 176.421; and

9.28 (4) decisions, orders, findings, conclusions, and memoranda that are issued by the
 9.29 board and panel under sections 176.103 and 176.102.

9.30 (c) Workers' compensation litigation data is data that is filed with the department,
 9.31 the Office of Administrative Hearings, or the Workers' Compensation Court of Appeals
 9.32 by a party to the litigation or data served on a party to the case. Workers' compensation
 9.33 litigation data may be released as provided in subdivision 4, clauses (1) and (2). Workers'
 9.34 compensation litigation data may also be released to a person who is authorized to act on
 9.35 behalf of an intervenor in the litigation.

10.1 Subd. 7. Investigative and enforcement data. (a) In addition to enforcement data
10.2 that is public data under subdivision 6, the following data is public after becoming final:
10.3 decisions, orders, awards, findings, reports, conclusions, memoranda, and stipulations or
10.4 settlement agreements in enforcement actions initiated by the commissioner, board, or
10.5 panel, except for the names and Social Security numbers of employees. For purposes of
10.6 this subdivision, "final" means that:

10.7 (1) no request for hearing has been filed in the manner and within the time provided
10.8 by law;

10.9 (2) an objection or request for hearing has been withdrawn;

10.10 (3) a settlement agreement or stipulation resolving all or part of the matter has
10.11 been signed by all parties; and

10.12 (4) all appeals have been exhausted or waived.

10.13 (b) Data related to enforcement actions or investigations under chapter 176 is
10.14 available to the employee, employer, or insurer who is a party to a workers' compensation
10.15 claim if the commissioner maintains the data in the division file.

10.16 (c) Data may be disclosed as permitted by sections 176.181, subdivision 8; 176.130;
10.17 176.184; 176.231, subdivision 9; 176.234; 176.194; 176.195; 176.222; 176.223; 176.862;
10.18 and 176.16, subdivision 1a.

10.19 Sec. 10. Minnesota Statutes 2004, section 176.138, is amended to read:

10.20 **176.138 MEDICAL DATA; ACCESS.**

10.21 (a) Notwithstanding any other state laws related to the privacy of medical data or
10.22 any private agreements to the contrary, the release in writing, by telephone discussion, or
10.23 otherwise of medical data related to a current claim for compensation under this chapter to
10.24 the employee, employer, or insurer who are parties to the claim, or to the Department of
10.25 Labor and Industry, shall not require prior approval of any party to the claim. This section
10.26 does not preclude the release of medical data under section ~~175.10~~ or 175.40 and 176.231,
10.27 subdivision 9. Requests for pertinent data shall be made, and the date of discussions
10.28 with medical providers about medical data shall be confirmed, in writing to the person
10.29 or organization that collected or currently possesses the data. Written medical data that
10.30 exists at the time the request is made shall be provided by the collector or possessor within
10.31 seven working days of receiving the request. Nonwritten medical data may be provided,
10.32 but is not required to be provided, by the collector or possessor. In all cases of a request
10.33 for the data or discussion with a medical provider about the data, except when it is the
10.34 employee who is making the request, the employee shall be sent written notification of the
10.35 request by the party requesting the data at the same time the request is made or a written

11.1 confirmation of the discussion. This data shall be treated as private data by the party who
11.2 requests or receives the data and the party receiving the data shall provide the employee or
the employee's attorney with a copy of all data requested by the requester.

11.4 (b) Medical data which is not directly related to a current injury or disability shall
11.5 not be released without prior authorization of the employee.

11.6 (c) The commissioner may impose a penalty of up to \$600 payable to the
11.7 commissioner for deposit in the assigned risk safety account against a party who does not
11.8 timely release data as required in this section. A party who does not treat this data as
11.9 private pursuant to this section is guilty of a misdemeanor. This paragraph applies only to
11.10 written medical data which exists at the time the request is made.

11.11 (d) Workers' compensation insurers and self-insured employers may, for the sole
11.12 purpose of identifying duplicate billings submitted to more than one insurer, disclose to
11.13 health insurers, including all insurers writing insurance described in section 60A.06,
11.14 subdivision 1, clause (5)(a), nonprofit health service plan corporations subject to chapter
11.15 62C, health maintenance organizations subject to chapter 62D, and joint self-insurance
11.16 employee health plans subject to chapter 62H, computerized information about dates,
11.17 coded items, and charges for medical treatment of employees and other medical billing
11.18 information submitted to them by an employee, employer, health care provider, or other
11.19 insurer in connection with a current claim for compensation under this chapter, without
11.20 prior approval of any party to the claim. The data may not be used by the health insurer
11.21 for any other purpose whatsoever and must be destroyed after verification that there has
11.22 been no duplicative billing. Any person who is the subject of the data which is used in
11.23 a manner not allowed by this paragraph has a cause of action for actual damages and
11.24 punitive damages for a minimum of \$5,000.

11.25 Sec. 11. Minnesota Statutes 2004, section 176.181, subdivision 8, is amended to read:

11.26 Subd. 8. **Data sharing.** (a) The Departments of Labor and Industry, Employment
11.27 and Economic Development, Human Services, Agriculture, Transportation, and Revenue
11.28 are authorized to share information regarding the employment status of individuals,
11.29 including but not limited to Social Security numbers and payroll and withholding and
11.30 income tax information, and may use that information for purposes consistent with
11.31 this section and regarding the employment or employer status and federal employer
11.32 identification numbers of individuals, partnerships, limited liability companies,
corporations, or employers, including, but not limited to, general contractors, intermediate
11.34 contractors, and subcontractors. The commissioner shall request data in writing and

12.1 the responding department shall respond to the request by producing the requested data
12.2 within 30 days.

12.3 (b) The commissioner is authorized to inspect and to order the production of all
12.4 payroll and other business records and documents of any alleged employer in order to
12.5 determine the employment status of persons and compliance with this section. If any
12.6 person or employer refuses to comply with such an order, the commissioner may apply
12.7 to the district court of the county where the person or employer is located for an order
12.8 compelling production of the documents.

12.9 Sec. 12. Minnesota Statutes 2004, section 176.186, is amended to read:

12.10 **176.186 RECORDS FROM OTHER STATE AGENCIES.**

12.11 Notwithstanding any other state law to the contrary except chapter 270B,
12.12 the commissioner may obtain from the Department of Employment and Economic
12.13 Development, and Office of the Secretary of State, or any other state agency, upon request,
12.14 names or lists of employers doing business in the state. ~~This information shall be treated~~
12.15 ~~by the commissioner in the manner provided by chapter 13 and shall be used only for~~
12.16 ~~insurance verification by the commissioner.~~

12.17 Sec. 13. Minnesota Statutes 2004, section 176.231, subdivision 9, is amended to read:

12.18 Subd. 9. ~~Uses which may be made of Reports to Department of Revenue and~~
12.19 ~~Workers' Compensation Reinsurance Association.~~ Reports filed with the commissioner
12.20 under this section ~~may be used in hearings held under this chapter, and for the purpose of~~
12.21 ~~state investigations and for statistics.~~ These reports are available to the Department of
12.22 Revenue for use in enforcing Minnesota income tax and property tax refund laws, and the
12.23 information shall be protected as provided in chapter 270B.

12.24 ~~The division or Office of Administrative Hearings or Workers' Compensation Court~~
12.25 ~~of Appeals may permit the examination of its file by the employer, insurer, employee, or~~
12.26 ~~dependent of a deceased employee or any person who furnishes written authorization to do~~
12.27 ~~so from the employer, insurer, employee, or dependent of a deceased employee.~~ Reports
12.28 filed under this section and other information the commissioner has regarding injuries or
12.29 deaths shall be made available to the Workers' Compensation Reinsurance Association for
12.30 use by the association in carrying out its responsibilities under chapter 79.

12.31 Sec. 14. Minnesota Statutes 2004, section 176.391, subdivision 3, is amended to read:

13.1 Subd. 3. **Reports.** The report of a physician, surgeon, or other expert shall be filed
13.2 with the commissioner and the compensation judge assigned to the matter if any. The
report shall be made a part of the record of the case ~~and be open to inspection as such.~~

13.4 Sec. 15. Minnesota Statutes 2005 Supplement, section 325E.59, subdivision 1, is
13.5 amended to read:

13.6 Subdivision 1. **Generally.** (a) A person or entity, not including a government entity,
13.7 may not do any of the following:

13.8 (1) publicly post or publicly display in any manner an individual's Social Security
13.9 number. "Publicly post" or "publicly display" means to intentionally communicate or
13.10 otherwise make available to the general public;

13.11 (2) print an individual's Social Security number on any card required for the
13.12 individual to access products or services provided by the person or entity;

13.13 (3) require an individual to transmit the individual's Social Security number over the
13.14 Internet, unless the connection is secure or the Social Security number is encrypted;

13.15 (4) require an individual to use the individual's Social Security number to access an
13.16 Internet Web site, unless a password or unique personal identification number or other
13.17 authentication device is also required to access the Internet Web site; ~~or~~

13.18 (5) print a number that the person or entity knows to be an individual's Social
13.19 Security number on any materials that are mailed to the individual, unless state or federal
13.20 law requires the Social Security number to be on the document to be mailed. If, in
13.21 connection with a transaction involving or otherwise relating to an individual, a person
13.22 or entity receives a number from a third party, that person or entity is under no duty to
13.24 inquire or otherwise determine whether the number is or includes that individual's Social
13.25 Security number and may print that number on materials mailed to the individual, unless
13.26 the person or entity receiving the number has actual knowledge that the number is or
includes the individual's Social Security number;

13.27 (6) assign or use a number as an account identifier that is identical to or incorporates
13.28 an individual's Social Security number; or

13.29 (7) sell or redisclose Social Security numbers obtained from individuals in the
13.30 course of business.

13.31 (b) Notwithstanding paragraph (a), clauses (1) to (5), Social Security numbers may
13.32 be included in applications and forms sent by mail, including documents sent as part of
13.34 an application or enrollment process, or to establish, amend, or terminate an account,
13.35 contract, or policy, or to confirm the accuracy of the Social Security number. Nothing in
this paragraph authorizes inclusion of a Social Security number on the outside of a mailing.

14.1 (c) A person or entity, not including a government entity, must restrict access to
 14.2 individual Social Security numbers it holds so that only employees who require the
 14.3 numbers in order to perform their job duties have access to the numbers.

14.4 ~~Except as provided in subdivision 2,~~ (d) This section applies only to the use of Social
 14.5 Security numbers on or after July 1, 2007.

14.6 Sec. 16. Minnesota Statutes 2005 Supplement, section 325E.59, subdivision 3, is
 14.7 amended to read:

14.8 Subd. 3. **Coordination with other law.** This section does not prevent:

14.9 (1) the collection, use, or release of a Social Security number as required by
 14.10 state or federal law; ~~or the use of a Social Security number for internal verification or~~
 14.11 administrative purposes.

14.12 (2) the use of a Social Security number to access a credit report for purposes allowed
 14.13 by the federal Fair Credit Reporting Act, United States Code, title 15, section 1681a, if a
 14.14 Social Security number is required in order to access the credit report.

14.15 Sec. 17. Minnesota Statutes 2005 Supplement, section 325E.59, is amended by adding
 14.16 a subdivision to read:

14.17 Subd. 6. **Penalties.** (a) A violation of this section is a gross misdemeanor punishable
 14.18 by a sentence of up to one year, a fine of \$3,000, or both.

14.19 (b) Each subsequent violation is a felony punishable by a sentence of up to five
 14.20 years, a fine of \$5,000, or both.

14.21 (c) A violation of this section is subject to a \$5,000 civil penalty.

14.22 (d) A violation of this section is a deceptive trade practice under section 325D.44.

14.23 (e) An individual aggrieved by a violation of this section may bring a civil action
 14.24 to recover damages, costs, and reasonable attorney fees.

14.25 Sec. 18. **[325F.675] FRAUD RELATED TO CONSUMER TELEPHONE**
 14.26 **RECORDS.**

14.27 Subdivision 1. **Prohibited acts.** Whoever:

14.28 (1) knowingly procures, attempts to procure, solicits, or conspires with another to
 14.29 procure, a telephone record of any resident of this state without the authorization of the
 14.30 customer to whom the record pertains or by fraudulent, deceptive, or false means;

14.31 (2) knowingly sells, or attempts to sell, a telephone record of any resident of this
 14.32 state without the authorization of the customer to whom the record pertains; or

15.1 (3) receives a telephone record of any resident of this state knowing that such record
 15.2 has been obtained without the authorization of the customer to whom the record pertains
or by fraudulent, deceptive, or false means,
 15.4 is guilty of a violation of this section.

15.5 Subd. 2. Penalties. (a) A violation of this section is a gross misdemeanor punishable
 15.6 by a sentence of up to one year, a fine of \$3,000, or both.

15.7 (b) Each subsequent violation is a felony punishable by a sentence of up to five
 15.8 years, a fine of \$5,000, or both.

15.9 (c) A violation of this section is subject to a \$5,000 civil penalty.

15.10 (d) A violation of this section is a deceptive trade practice under section 325D.44.

15.11 (e) An individual aggrieved by a violation of this section may bring a civil action
 15.12 to recover damages, costs, and reasonable attorney fees.

Subd. 3. Definitions. For purposes of this subdivision:

15.14 (1) "Telephone record" means any proprietary or personally identifiable information
 15.15 retained by a telecommunications carrier about its customers. Telephone record includes,
 15.16 but is not limited to:

15.17 (i) information that relates to the telephone number dialed by the customer or other
 15.18 person using the customer's telephone number with the customer's permission or the
 15.19 incoming number of a call directed to a customer;

15.20 (ii) information that indicates the location from which or to which calls were
made; or

15.21 (iii) other data typically contained on a customer telephone bill such as the time the
 15.22 call started and ended, the duration of the call, the time of day the call was made, the type
 15.23 of rate plan to which the customer subscribes, the duration of the call, the time of day the
 15.24 call was made, and any charges applied. For purposes of sections 1 to 18, any information
 15.25 collected and retained by customers using Caller ID, or other similar technology, does
 15.26 not constitute a telephone record.

15.27 (2) "Procure" means to obtain by any means, whether electronically, in writing, or in
 15.28 oral form, with or without consideration.

15.29 Subd. 4. Unfair or deceptive trade practices; consumer protection. Except as
 15.30 otherwise provided by this section, a violation of this section constitutes an unfair or
 15.31 deceptive trade practice under section 325D.44.

15.32 Subd. 5. Information security. (a) Telecommunications carriers that maintain
telephone records of a resident of this state shall establish reasonable procedures to
 15.34 protect against unauthorized or fraudulent disclosure of such records which could result in
 15.35 substantial harm or inconvenience to a customer.

15.36 (b) No private right of action is authorized under this subdivision.

16.1 Subd. 6. Nonapplicability to law enforcement agencies. This section does not
16.2 apply to an action by a law enforcement agency, or any officer, employee, or agent
16.3 of such agency, to obtain telephone records in connection with the performance of the
16.4 official duties of the agency.

16.5 Subd. 7. Nonapplicability to telecommunications carriers. No provisions of this
16.6 section shall be construed to prohibit a telecommunications carrier from obtaining, using,
16.7 disclosing, or permitting access to any telephone record, either directly or indirectly,
16.8 through its agents:

16.9 (1) as otherwise authorized by law;

16.10 (2) with the lawful consent of the customer or subscriber;

16.11 (3) as may be necessarily incident to the rendition of the service or to the protection
16.12 of the rights or property of the provider of that service, or to protect users of those services
16.13 and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such
16.14 services;

16.15 (4) in connection with the sale or transfer of all or part of a business, or the purchase
16.16 or acquisition of a portion or all of a business, or the migration of a customer from one
16.17 carrier to another;

16.18 (5) to a governmental entity, if the telecommunications carrier reasonably believes
16.19 that an emergency involving immediate danger of death or serious physical injury to any
16.20 person justifies disclosure of the information; or

16.21 (6) to the National Center for Missing and Exploited Children, in connection with a
16.22 report submitted under section 227 of the federal Victims of Child Abuse Act of 1990.

16.23 **Sec. 19. REPEALER.**

16.24 Minnesota Statutes 2004, sections 13.7905, subdivision 3; 176.231, subdivision 8;
16.25 176.401; and 176.421, subdivision 7, and Minnesota Statutes 2005 Supplement, section
16.26 325E.59, subdivision 2, are repealed.

13.7905 LABOR AND INDUSTRY DATA CODED ELSEWHERE.

Subd. 3. **Workers' compensation.** (a) **Loggers; payroll data.** Data sharing of payroll data by the commissioner of labor and industry with a workers' compensation insurer or the Workers' Compensation Insurance Association, is governed by section 176.130, subdivision 5.

(b) **Medical data.** Access to medical data in connection with a workers' compensation claim is governed by section 176.138.

(c) **Employment status.** Data sharing, between the commissioner of labor and industry and other persons, regarding the employment status of individuals, is governed by section 176.181, subdivision 8.

(d) **Identity of reporters.** Access to the identity of anyone reporting that an employer may not have workers' compensation insurance is governed by section 176.184, subdivision 5.

(e) **Report of death or injury to labor and industry.** Access to a report of worker injury or death during the course of employment filed by an employer under section 176.231 is governed by sections 176.231, subdivisions 8 and 9, and 176.234.

176.231 REPORT OF DEATH OR INJURY TO COMMISSIONER OF DEPARTMENT OF LABOR AND INDUSTRY.

Subd. 8. **No public inspection of reports.** Subject to subdivision 9, a report or its copy which has been filed with the commissioner of the Department of Labor and Industry under this section is not available to public inspection. Any person who has access to such a report shall not disclose its contents to anyone in any manner.

A person who unauthorizedly discloses a report or its contents to another is guilty of a misdemeanor.

176.401 HEARINGS PUBLIC.

All hearings before a compensation judge are public.

176.421 APPEALS TO WORKERS' COMPENSATION COURT OF APPEALS.

Subd. 7. **Record of proceedings.** At the division's own expense, the commissioner shall make a complete record of all proceedings before the commissioner and shall provide a stenographer or an audio magnetic recording device to make the record of the proceedings.

The commissioner shall furnish a transcript of these proceedings to any person who requests it and who pays a reasonable charge which shall be set by the commissioner. Upon a showing of cause, the commissioner may direct that a transcript be prepared without expense to the person requesting the transcript, in which case the cost of the transcript shall be paid by the division. Transcript fees received under this subdivision shall be paid to the Workers' Compensation Division account in the state treasury and shall be annually appropriated to the division for the sole purpose of providing a record and transcripts as provided in this subdivision. This subdivision does not apply to any administrative conference or other proceeding before the commissioner which may be heard de novo in another proceeding including but not limited to proceedings under section 176.106 or 176.239.

325E.59 USE OF SOCIAL SECURITY NUMBERS.

Subd. 2. **Continuation of prior use.** A person or entity, not including a government entity, that has used, prior to July 1, 2007, an individual's Social Security number in a manner inconsistent with subdivision 1, may continue using that individual's Social Security number in that manner on or after July 1, 2007, if all the following conditions are met:

(1) the use of the Social Security number is continuous. If the use is stopped for any reason, subdivision 1 applies;

(2) the individual is provided an annual disclosure, commencing in 2007, that informs the individual that the individual has the right to stop the use of the individual's Social Security number in a manner prohibited by subdivision 1;

(3) a written request by an individual to stop the use of the individual's Social Security number in a manner prohibited by subdivision 1 must be implemented within 30 days of the receipt of the request. A fee may not be charged for implementing the request; and

(4) a person or entity, not including a government entity, shall not deny services to an individual because the individual makes a written request pursuant to this subdivision.