S.F. No. 2915 – Minnesota Consumer Data Privacy Act (as amended by the A-1)

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Section 1 [13.6505] Attorney General Data Coded Elsewhere. Sections outside of chapter 13 classify attorney general data as other than public, place restrictions on access to government data, or involve data sharing.

Section 2 [325O.01] Citation. This is chapter is cited as the "Minnesota Consumer Data Privacy Act."

Section 3 [325O.02] Definitions. Defines terms related to consumer data privacy.

Section 4 [325O.03] Scope; Exclusions. This chapter applies to businesses that control or possess personal data of 100,000 consumers or more, derive over 25 percent of gross revenue from the sale of personal data and processes, or control personal data of 25,000 consumers or more. A controller or processor acting as a technology provider must comply with this chapter.

This chapter does not apply to several entities and types of information including but not limited to government entities, certain health records, and health care providers.

Section 5 [325O.04] Responsibility According to Role. Controllers and processors must comply with several obligations. Processors are responsible for adhering to the instructions of the controller and assisting the controller to meet its obligations. A controller and a processor shall have a contract that governs the process's data processing procedures. The controller and processor shall implement appropriate security measures.

Section 6 [325O.05] Consumer Personal Data Rights. Consumers are provided several rights that they may exercise by submitting a request to a controller at any time, including but not limited to confirming whether controllers are processing personal data, the right to correct inaccurate personal date, and the right to delete personal data.

A controller must allow a consumer to opt out of any processing of the consumer's personal data for the purpose of targeted advertising or any sale of such personal data. A controller must comply with the consumer's request unless they are unable to authenticate the request using commercially reasonable efforts.

A controller must establish an internal process for appeals.

Section 7 [325O.06] Processing Deidentified Data or Pseudonymous Data. A controller or processor does not have to reidentify deidentified data, maintain data in identifiable forms in order to be capable of a consumer request with personal data, or comply with a consumer request if the controller is not capable of associating the request with personal data, the controller does not use the data, and the controller does not sell the personal data.

The consumer personal data rights do not apply to pseudonymous data when the controller is able to demonstrate any information necessary to identify the consumer is kept separate.

Section 8 [325O.07] Responsibilities of Controllers. Controllers must provide consumers with a privacy notice that includes but is not limited to the categories of personal data processed, the purpose for the categories, an explanation of consumer personal data rights, and the categories of personal data the controller sells to or shares with third parties. The privacy notice must be posted on their website.

Controllers must limit the collection of personal data to what is adequate, relevant, and reasonably necessary in relation to the purposes for which the data is processed.

A controller shall not process personal data on the basis of a consumer's or a class of consumer's race, color, ethnicity, religion, national origin, sex, gender, gender identity, sexual orientation, family status, income, or disability.

Section 9 [325O.075] Requirements for Small Businesses. A small business that conducts business in Minnesota must not sell a consumer's sensitive data without the consumer's prior consent.

Section 10 [325O.08] Data Privacy and Protection Assessments. A controller must conduct, document, and maintain a data privacy and protection assessment that describes the policies and procedures it has adopted to comply with the act.

Section 11 [325O.09] Limitations and Applicability. There are several limitations to the obligations imposed by chapter 325O. The obligations do not restrict a controller's or processor's ability to comply with the law and exercise their legal rights.

The obligations imposed on controllers or processors under this chapter do not restrict a controller's or processor's ability to collect, use, or retain data for internal use only to recall a product or repair technical errors, perform internal operations that align with the consumer's expectations, or conduct internal research to develop, improve, or repair products.

Section 12 [325O.10] Attorney General Enforcement. Prior to filing an enforcement action, the attorney general must provide a warning letter to the controller or processor. The attorney general

may bring a civil action against a controller or processor to enforce a provision of this chapter in accordance with 8.31.

Section 13 [325O.11] Preemption of Local Law; Severability. This chapter preempts local government laws.