

**Senator Latz from the Committee on Judiciary and Public Safety, to which was referred**

**S.F. No. 4200:** A bill for an act relating to judiciary; designating certain personal information of justices, judges, and judicial staff as private data on individuals; restricting dissemination of personal information; providing a penalty; proposing coding for new law in Minnesota Statutes, chapters 13; 480; 609.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

**"Section 1. [13.991] JUDICIAL OFFICIAL DATA; PERSONAL INFORMATION.**

(a) Subject to paragraph (b), the personal information of all judicial officials collected, created, or maintained by a government entity is private data on individuals. For purposes of this section, the terms "personal information" and "judicial official" have the meanings given in section 480.40, subdivision 1.

(b) If the responsible authority or government entity violates this chapter, the remedies and penalties under this chapter are available only if the judicial official making a claim previously provided written notification to the responsible authority confirming on a form provided by the Minnesota judicial branch that they are entitled to protection under section 480.40. If the subject of the data is an adult child of a judicial official who does not reside with the judicial official, the remedies and penalties under this chapter are available only if the adult child previously provided written notification to the responsible authority confirming their status as the child of a judicial official. In the case of county records, the form shall be filed with the responsible authority that maintains the personal information for which the judicial officer is seeking protection. A form submitted under this section is private data on individuals. A notice filed under this paragraph expires five years following the date of filing, unless it is renewed prior to the expiration date.

(c) This section shall not apply to personal information contained in:

(1) real property records as defined in section 13.045, subdivision 1, clause (5);

(2) uniform commercial code filings and tax liens maintained by the secretary of state; and

(3) any other records maintained by a government entity evidencing title to, or any lien, judgment, or other encumbrance on, real or personal property.

**EFFECTIVE DATE.** This section is effective August 1, 2024.

2.1       Sec. 2. **[480.40] PERSONAL INFORMATION; DISSEMINATION.**

2.2           Subdivision 1. Definitions. (a) For purposes of this section and section 480.45, the  
2.3 following terms have the meanings given.

2.4           (b) "Judicial official" means:

2.5           (1) every Minnesota district court judge, senior judge, retired judge, and every judge of  
2.6 the Minnesota Court of Appeals and every active, senior, recalled, or retired federal judge  
2.7 who resides in Minnesota;

2.8           (2) a justice of the Minnesota Supreme Court;

2.9           (3) judicial referees and magistrate judges; and

2.10          (4) current and retired judges of the Office of Administrative Hearings, Workers'  
2.11 Compensation Court of Appeals, and Tax Court.

2.12          (c) "Law enforcement support organizations" do not include charitable organizations.

2.13          (d) "Personal information" does not include publicly available information. Personal  
2.14 information means:

2.15          (1) a residential address of a judicial official;

2.16          (2) a residential address of the spouse, domestic partner, or children of a judicial official;

2.17          (3) a nonjudicial branch issued telephone number or email address of a judicial official;

2.18          (4) the name of any child of a judicial official; and

2.19          (5) the name of any child care facility or school that is attended by a child of a judicial  
2.20 official if combined with an assertion that the named facility or school is attended by the  
2.21 child of a judicial official.

2.22          (e) "Publicly available information" means information that is lawfully made available  
2.23 through federal, state, or local government records or information that a business has a  
2.24 reasonable basis to believe is lawfully made available to the general public through widely  
2.25 distributed media, by a judicial official, or by a person to whom the judicial official has  
2.26 disclosed the information, unless the judicial official has restricted the information to a  
2.27 specific audience.

2.28          Subd. 2. Dissemination of personal information. Subject to the exceptions in  
2.29 subdivision 3 and the requirements of section 480.45, no person, business, association, or  
2.30 government entity shall knowingly publicly post, display, publish, sell, or otherwise make  
2.31 available on the Internet the personal information of any judicial official. Personal

information shall be kept in a secure manner to prevent unauthorized access. Personal information may be disseminated pursuant to a specific authorization in law, rule, or with the written consent of the judicial official.

Subd. 3. **Exceptions.** Subdivision 2 does not apply to:

(1) the dissemination of personal information if the information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern;

(2) personal information that the judicial official voluntarily disseminates publicly after the date of enactment of this section;

(3) the dissemination of personal information made at the request of the judicial official or which is necessary to effectuate the request of a judicial official;

(4) a commercial entity using personal information internally, providing access to businesses under common ownership or affiliated by corporate control, or selling or providing data for a transaction or service requested by or concerning the individual whose personal information is being transferred;

(5) a commercial entity providing publicly available information through real-time or near real-time alert services for health or safety purposes;

(6) a commercial entity engaged in the collection, maintenance, disclosure, sale, communication, or use of any personal information bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency, furnisher, or user that provides information for use in a consumer report, and by a user of a consumer report, but only to the extent that such activity is regulated by and authorized under the federal Fair Credit Reporting Act, United States Code, title 15, section 1681, et seq.;

(7) a consumer reporting agency subject to the federal Fair Credit Reporting Act, United States Code, title 15, section 1681, et seq.;

(8) a commercial entity using personal information collected, processed, sold, or disclosed in compliance with the federal Driver's Privacy Protection Act of 1994, United States Code, title 18, section 2721, et seq.;

(9) a commercial entity using personal information to do any of the following: prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any illegal activity; preserve the integrity or security of systems; or investigate, report, or prosecute any person responsible for any such action;

(10) a financial institution, affiliate of a financial institution, or data subject to Title V of the federal Gramm-Leach-Bliley Act, United States Code, title 15, section 6801, et seq.;

(11) a covered entity or business associate for purposes of the federal privacy regulations promulgated under the federal Health Insurance Portability and Accountability Act of 1996, specifically United States Code, title 42, section 1320d-2 note;

(12) insurance and insurance support organizations;

(13) law enforcement agencies or law enforcement support organizations and vendors that provide data support services to law enforcement agencies;

(14) the collection and sale or licensing of covered information incidental to conducting the activities described in clauses (4) to (13); and

(15) personal information contained in:

(i) real property records as defined in section 13.045, subdivision 1, clause (5);

(ii) uniform commercial code filings and tax liens maintained by the secretary of state; and

(iii) any other records maintained by a government entity evidencing title to, or any lien, judgment, or other encumbrance on, real or personal property.

**EFFECTIVE DATE.** This section is effective August 1, 2024.

Sec. 3. **[480.45] REMOVAL OF PERSONAL INFORMATION.**

Subdivision 1. **Internet dissemination.** If personal information about a judicial official is publicly posted to the Internet by a person, business, association, or government entity, the judicial official may submit a sworn affidavit to the person, business, association, or government entity requesting that the publicly posted personal information be removed. The affidavit shall:

(1) state that the individual whose information was disseminated is a judicial official as defined in section 480.40;

(2) describe with specificity the personal information that the judicial official seeks to remove; and

(3) state the name of the publication, website, or otherwise identify where the judicial official's personal information is available to the public.

Subd. 2. **Removal of personal information; exception.** (a) Upon receipt of an affidavit requesting removal of the personal information of a judicial official that meets the

requirements of subdivision 1, the person, business, association, or government entity shall remove the publicly posted personal information within 30 days. If the person, business, association, or government entity fails to remove the publicly posted personal information within 30 days after an affidavit is submitted, the judicial official may file a civil action in an court of competent jurisdiction seeking a court order compelling compliance, including injunctive and declarative relief.

(b) Paragraph (a) shall not apply to personal information contained in:

(1) real property records as defined in section 13.045, subdivision 1, clause (5);

(2) uniform commercial code filings and tax liens maintained by the secretary of state; and

(3) any other records maintained by a government entity evidencing title to, or any lien, judgment, or other encumbrance on, real or personal property.

Subd. 3. **Penalties and damages.** If a person, business, association, or government entity knowingly violates an order granting injunctive or declarative relief, the court issuing such an order may award to the judicial official an amount equal to the actual damages sustained by the judicial official and court costs and reasonable attorney fees.

**EFFECTIVE DATE.** This section is effective August 1, 2024.

Sec. 4. **[609.476] PUBLISHING PERSONAL INFORMATION OF JUDICIAL OFFICIAL.**

Subdivision 1. **Definitions.** For the purposes of this section, the terms "personal information" and "judicial official" have the meanings given in section 480.40, subdivision 1.

Subd. 2. **Misdemeanor.** It is unlawful to knowingly publish the personal information of any judicial official in any publicly available publication, website, or media with the intent to threaten, intimidate, harass, or physically injure. A person convicted of violating this subdivision is guilty of a misdemeanor.

Subd. 3. **Felony.** If a person's violation of subdivision 2 also causes bodily harm as defined in section 609.02, subdivision 7, the person is guilty of a felony.

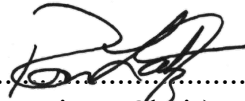
**EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes committed on or after that date."

Amend the title accordingly

6.1

And when so amended the bill do pass. Amendments adopted. Report adopted.

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(Committee Chair)

6.4

April 12, 2024.....

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(Date of Committee recommendation)