

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 2089

(SENATE AUTHORS: CLARK)

DATE	D-PG	OFFICIAL STATUS
03/03/2025	614	Introduction and first reading Referred to Judiciary and Public Safety

1.1

A bill for an act

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relating to state government; making changes to data practices; amending Minnesota

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Statutes 2024, section 13.04, subdivision 4.

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

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Section 1. Minnesota Statutes 2024, section 13.04, subdivision 4, is amended to read:

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Subd. 4. **Procedure when data is not accurate or complete.** (a) An individual subject

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of the data may contest the accuracy or completeness of public or private data about

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themselves.

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(b) To exercise this right, an individual shall notify in writing the responsible authority

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of the government entity that maintains the data, describing the nature of the disagreement.

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(c) Upon receiving notification from the data subject, the responsible authority shall

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within 30 days either:

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(1) correct the data found to be inaccurate or incomplete and attempt to notify past

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recipients of inaccurate or incomplete data, including recipients named by the individual;

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or

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(2) notify the individual that the responsible authority has determined the data to be

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correct. If the challenged data are determined to be accurate or complete, the responsible

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authority shall inform the individual of the right to appeal the determination to the

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commissioner as specified under paragraph (d). Data in dispute shall be disclosed only if

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the individual's statement of disagreement is included with the disclosed data.

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(d) A data subject may appeal the determination of the responsible authority pursuant

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to the provisions of the Administrative Procedure Act relating to contested cases. An

individual must submit an appeal to the commissioner within 60 days of the responsible authority's notice of the right to appeal or as otherwise provided by the rules of the commissioner. Upon receipt of an appeal by an individual, the commissioner shall, before issuing the order and notice of a contested case hearing required by chapter 14, try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties consent, the commissioner may refer the matter to mediation. Following these efforts, the commissioner shall dismiss the appeal or issue the order and notice of hearing.

(e) The commissioner may dismiss an appeal without first attempting to resolve the dispute or before issuing an order and notice of a contested case hearing if:

(1) the appeal to the commissioner is not timely;

(2) the appeal concerns data previously presented as evidence in a court proceeding in which the data subject was a party; ~~or~~

(3) the individual making the appeal is not the subject of the data challenged as inaccurate or incomplete; or

(4) the commissioner has issued a final order regarding the disputed data in a prior appeal involving the same parties.

(f) A responsible authority may submit private data to the commissioner to respond to a data subject's appeal of the determination that data are accurate and complete. Section 13.03, subdivision 4, applies to data submitted by the responsible authority. Government data submitted to the commissioner by a government entity, copies of government data submitted by a data subject, or government data described by the data subject in their appeal have the same classification as the data when maintained by the government entity. The commissioner may disclose private data contained within the appeal record to the Office of Administrative Hearings.

~~(f)~~ (g) Data on individuals that have been successfully challenged by an individual must be completed, corrected, or destroyed by a government entity without regard to the requirements of section 138.17.

~~(g)~~ (h) After completing, correcting, or destroying successfully challenged data, a government entity may retain a copy of the commissioner of administration's order issued under chapter 14 or, if no order were issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

- 3.1 (i) Data maintained by the commissioner that a responsible authority has completed,
3.2 corrected, or destroyed as the result of the informal resolution process described in paragraph
3.3 (d) or by order of the commissioner, are private data on individuals.