

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 2885

(SENATE AUTHORS: WESTLIN)

DATE
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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

- 1.1 A bill for an act
- 1.2 relating to government data practices; making changes to various sections of the
- 1.3 Government Data Practices Act; updating the Official Records Act; amending
- 1.4 Minnesota Statutes 2024, sections 13.05, subdivision 5; 13.356; 13.40, subdivision
- 1.5 2; 15.17, subdivision 1; 138.17, subdivision 1.
- 1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.7 Section 1. Minnesota Statutes 2024, section 13.05, subdivision 5, is amended to read:
- 1.8 Subd. 5. **Data protection.** (a) The responsible authority shall:
- 1.9 (1) establish procedures to assure that all data on individuals is accurate, complete, and
- 1.10 current for the purposes for which it was collected;
- 1.11 (2) establish appropriate security safeguards for all records containing data on individuals,
- 1.12 including procedures for ensuring that data that ~~are~~ is not public ~~are~~ is only accessible to
- 1.13 persons whose work assignment reasonably requires access to the data, and is only being
- 1.14 accessed by those persons for purposes described in the procedure; ~~and~~
- 1.15 (3) develop a policy incorporating these procedures, which may include a model policy
- 1.16 governing access to the data if sharing of the data with other government entities is authorized
- 1.17 by law; and
- 1.18 (4) establish procedures for monitoring access to private or confidential data on
- 1.19 individuals.
- 1.20 (b) When not public data is being disposed of, the data must be destroyed in a way that
- 1.21 prevents its contents from being determined.

Sec. 2. Minnesota Statutes 2024, section 13.356, is amended to read:

13.356 PERSONAL CONTACT AND ONLINE ACCOUNT INFORMATION.

(a) The following data on an individual collected, maintained, or received by a government entity ~~for notification purposes or as part of a subscription list for an entity's electronic periodic publications as requested by the individual are~~ is private data on individuals:

(1) telephone number;

(2) email address; and

(3) Internet user name, password, Internet protocol address, and any other similar data related to the individual's online account or access procedures.

(b) Section 13.04, subdivision 2, does not apply to data classified under paragraph (a). Paragraph (a) does not apply to data submitted by an individual to the Campaign Finance Board to meet the legal requirements imposed by chapter 10A, to data submitted for purposes of making a public comment, or to data in a state agency's rulemaking email list.

(c) Data provided under paragraph (a) may ~~only be used for the specific purpose for which the individual provided the data~~ by the government entity to:

(1) communicate with the individual; or

(2) perform the government entity's health, safety, or welfare functions or provide government services.

(d) If the data provided under paragraph (a) is also classified as private data on individuals by other state statute, the data may be shared or disseminated as provided in the other state statute.

(e) This section does not apply to data on an individual contained in a real property record, which is any record of data that is maintained as part of the county real estate document recording system for use by the public, data on assessments, data on real or personal property taxation, and other data on real property.

Sec. 3. Minnesota Statutes 2024, section 13.40, subdivision 2, is amended to read:

Subd. 2. **Private data; library ~~borrowers~~ patrons.** (a) Except as provided in paragraph (b), the following data maintained by a library ~~are~~ is private data on individuals and may not be disclosed ~~for~~ other than for library purposes except pursuant to a court order or section 13.05:

(1) data that link a library patron's name with materials requested or borrowed by the patron or that link a patron's name with a specific subject about which the patron has requested information or materials; ~~or~~

(2) data in applications for patron borrower cards, other than the name of the ~~borrower~~ patron if the patron is 18 years of age or older; or

(3) the name of a patron who is a minor.

(b) A library may release reserved materials to a family member or other person who resides with a library patron and who is picking up the material on behalf of the patron. A patron may request that reserved materials be released only to the patron.

(c) Section 13.04, subdivision 2, does not apply to data classified under paragraph (a), clause (3).

Sec. 4. Minnesota Statutes 2024, section 15.17, subdivision 1, is amended to read:

Subdivision 1. **Must be kept.** All officers and agencies of the state, counties, cities, towns, school districts, municipal subdivisions or corporations, or other public authorities or political entities within the state, hereinafter "public officer," shall make and preserve all records necessary to a full and accurate knowledge of their official activities. Government records may be produced in the form of computerized records. All government records shall be made ~~on a physical medium of a~~ in a manner and quality to insure permanent records. Every public officer is empowered to reproduce records if the records are not deemed to be of ~~permanent or~~ archival value by the commissioner of administration and the records disposition panel under section 138.17. The public officer is empowered to reproduce these records by any ~~photographic, photostatic, microphotographic, optical disk imaging system, microfilming, or other reproduction~~ method that clearly and accurately reproduces the records. Each public officer may order that those ~~photographs, photostats, microphotographs, microfilms, optical images, or other reproductions,~~ be substituted for the originals of them. Records that are reproduced when so ordered by a public officer are admissible as evidence in all courts and proceedings of every kind. A certified or exemplified copy of the reproduction has the same effect and weight as evidence as would a certified or exemplified copy of the original. The public officer may direct the destruction or sale for salvage or other disposition of the originals from which they were made, in accordance with the disposition requirements of section 138.17. ~~Photographs, photostats, microphotographs, microfilms, optical images, or other reproductions are for all purposes deemed the original recording of the papers, books, documents, and records reproduced when so ordered by any public officer and are admissible as evidence in all courts and proceedings of every kind.~~

~~A facsimile or exemplified or certified copy of a photograph, photostat, microphotograph, microfilm, optical image, or other reproduction, or an enlargement or reduction of it, has the same effect and weight as evidence as would a certified or exemplified copy of the original.~~

Sec. 5. Minnesota Statutes 2024, section 138.17, subdivision 1, is amended to read:

Subdivision 1. **Destruction, preservation, reproduction of records; prima facie evidence.** (a) The attorney general, legislative auditor in the case of state records, state auditor in the case of local records, and director of the Minnesota Historical Society, hereinafter director, shall constitute the Records Disposition Panel. The members of the panel shall have power by majority vote to direct the destruction or sale for salvage of government records determined to be no longer of any value, or to direct the disposition by gift to the Minnesota Historical Society or otherwise of government records determined to be valuable for preservation. The Records Disposition Panel may by majority vote order any of those records to be reproduced ~~by photographic or other means~~, and order that ~~photographic or other~~ the reproductions be substituted for the originals of them. It may direct the destruction or sale for salvage or other disposition of the originals from which they were made. ~~Photographic or other reproductions shall for all purposes be deemed the originals of the records reproduced when so ordered by the records disposition panel, and shall be admissible as evidence in all courts and in proceedings of every kind. A facsimile, exemplified or certified copy of a photographic, optical disk imaging, or other reproduction, or an enlargement or reduction of it, shall have the same effect and weight as evidence as would a certified or exemplified copy of the original.~~ Records that are reproduced when so ordered by the Records Disposition Panel are admissible as evidence in all courts and proceedings of every kind. A certified or exemplified copy of the reproduction has the same effect and weight as evidence as would a certified or exemplified copy of the original. The Records Disposition Panel, by majority vote, may direct the storage of government records, except as herein provided, ~~and direct the storage of photographic or other reproductions.~~ ~~Photographic or other~~ Reproductions substituted for original records shall be disposed of in accordance with the procedures provided for the original records.

(b) For the purposes of this chapter:

(1) the term "government records" means state and local records, including all cards, correspondence, discs, maps, memoranda, microfilms, papers, photographs, recordings, reports, tapes, writings, optical disks, and other data, information, or documentary material, regardless of physical form or characteristics, storage media or conditions of use, made or

received by an officer or agency of the state and an officer or agency of a county, city, town, school district, municipal subdivision or corporation or other public authority or political entity within the state pursuant to state law or in connection with the transaction of public business by an officer or agency;

(2) the term "state record" means a record of a department, office, officer, commission, commissioner, board or any other agency, however styled or designated, of the executive branch of state government; a record of the state legislature; a record of any court, whether of statewide or local jurisdiction; and any other record designated or treated as a state record under state law;

(3) the term "local record" means a record of an agency of a county, city, town, school district, municipal subdivision or corporation or other public authority or political entity;

(4) the term "records" excludes data and information that does not become part of an official transaction, library and museum material made or acquired and kept solely for reference or exhibit purposes, extra copies of documents kept only for convenience of reference and stock of publications and processed documents, and bonds, coupons, or other obligations or evidences of indebtedness, the destruction or other disposition of which is governed by other laws; and

(5) the term "state archives" means those records preserved or appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of government or because of the value of the information contained in them, when determined to have sufficient historical or other value to warrant continued preservation by the state of Minnesota and accepted for inclusion in the collections of the Minnesota Historical Society.

(c) If the decision is made to dispose of records by majority vote, the Minnesota Historical Society may acquire and retain whatever they determine to be of potential historical value.