

2024 DATA PRACTICES AND DISCLOSURE LEGISLATIVE BULLETIN



Appeals, Legal Services, and Disclosure Division
600 N. Robert St.
St. Paul, MN 55146-2220

8/21/24 FINAL

JUDICIAL DATA PRIVACY

2024 legislation classifies certain personal information of Minnesota judicial officers as private data, and makes it illegal to publish that same information on the internet. It also provides a mechanism for judicial officials to request to have a public posting of their personal information removed from the internet, and makes it illegal to knowingly publish the personal information of a Minnesota judicial official in any media, including a website or other publication, with the intent to threaten, intimidate, harass, or physically injure. Effective August 1, 2024. 2024 Minn. Laws, Ch. 123, Art. 12, §§ 1 - 4.

Judicial Official Data; Personal Information. A new section, Minn. Stat. § 13.991, was added that classifies personal information of judicial officials as private data. It also clarifies that civil remedies under Chapter 13 are only available for a violation of this section if the judicial official previously notified the responsible authority, on a form provided by the Minnesota judicial branch, that they are a judicial official eligible for protection. Finally, this section excludes certain kinds of personal information from the protections provided by this section. Effective August 1, 2024. 2024 Minn. Laws, Ch. 123, Art. 12, § 1.

Dissemination of Personal Information. A new section, Minn. Stat. § 480.40, was added to define which individuals are a judicial official and what constitutes a judicial official's personal information. Subject to certain exceptions, this section also prohibits knowingly publishing personal information of a judicial official on the internet. Finally, the section requires that such information be kept in a secure manner. Effective August 1, 2024. 2024 Minn. Laws, Ch. 123, Art. 12, § 2.

Removal of Personal Information. A new section, Minn. Stat. § 480.45, was added to provide a mechanism for judicial officials to request to have a public posting of their personal information removed from the internet. This section also requires removal of the personal information within 30 days and addresses remedies when a required removal does not take place in a timely manner. Effective August 1, 2024. 2024 Minn. Laws, Ch. 123, Art. 12, § 3.

Publishing of Personal Information. A new section, Minn. Stat. § 609.476, was added to make it a misdemeanor for knowingly publishing the personal information of a judicial official in any publicly available media, including any website or other publication, with the intent to threaten,

intimidate, harass, or physically injure. It becomes a felony if the same action causes bodily harm. Effective August 1, 2024. 2024 Minn. Laws, Ch. 123, Art. 12, § 4.

WELFARE DATA

Welfare data. Minn. Stat. § 13.46, subd. 2, as amended by 2024 Minn. Laws, Ch. 80, Art. 8, § 2, was amended to strike a reference to Minn. Stat. § 252.27, subd. 2a, which was repealed by 2024 Minn. Laws, Ch. 127, Art. 46, § 48 and 2024 Minn. Laws, Ch. 125, Art. 1, § 48. Minn. Stat. § 252.27, subd. 2a, governed calculation of parental contributions for disability services for children. Effective July 1, 2024. 2024 Minn. Laws, Ch. 127, Art. 46, § 1.

Disclosure to commissioner of human services. Minn. Stat. § 270B.14, subd. 1, was amended to strike the commissioner's authority to disclose return information to the commissioner of human services necessary to verify income for purposes of calculating parental contribution amounts under Minn. Stat. § 252.27, subd. 2a, which was repealed by 2024 Minn. Laws, Ch. 127, Art. 46, § 48 and 2024 Minn. Laws, Ch. 125, Art. 1, § 48. Effective July 1, 2024. 2024 Minn. Laws, Ch. 127, Art. 46, § 28 and 2024 Minn. Laws, Ch. 125, Art. 1, § 28.

OFFICE OF CANNABIS MANAGEMENT

Disclosure to the Office of Cannabis Management. Minn. Stat. § 342.15 was amended by adding a new subdivision 5, that grants state agencies, excluding the Department of Revenue, discretion in certain circumstances to disclose civil investigative data, including data classified as nonpublic or confidential, to the Office of Cannabis Management upon request of the Office of Cannabis Management. Effective May 25, 2024. 2024 Minn. Laws, Ch. 121, Art. 2, § 68.

CYBERSECURITY

Cybersecurity incidents. A new section, Minn. Stat. § 16E.36, was added that requires heads of public agencies, including heads of state agencies, to report certain cybersecurity incidents to the commissioner of Minnesota IT Services. The commissioner of Minnesota IT Services is required to take a number of actions related to reported cybersecurity incidents, including: 1) providing an annual report on cybersecurity incidents to the governor and legislature; and 2) in coordination with the Superintendent of the Bureau of Criminal Apprehension and by September 30, 2024, establishing a cyber incident reporting system through which public agencies, including state agencies, can report cybersecurity incidents. Effective July 1, 2024. 2024 Minn. Laws, Ch. 123, Art. 17, § 24.

WORKERS' COMPENSATION

Disclosure to the Department of Commerce. Minn. Stat. § 270B.14, subd. 17, was amended to add a paragraph (b) that provides the commissioner of revenue the discretion to disclose return or return information to the commissioner of commerce under section 45.0135 to the extent necessary to investigate employer compliance with section 176.181. Effective May 25, 2024. 2024 Minn. Laws, Ch. 127, Art. 10, § 11.

Disclosure to the attorney general. Minn. Stat. § 270B.14, subd. 23, was amended by adding a new subdivision to provide commissioner of revenue that discretion to disclose return or return information to the attorney general in order to determine whether a business is an employer and to the extent necessary to enforce sections 177.45 and 181.1721. Effective May 25, 2024. 2024 Minn. Laws, Ch. 127, Art. 10 § 12.

SAFE AT HOME DATA

Safe at Home Program Participant Data. Minn. Stat. § 13.045, subd. 3, was amended to clarify that identity and location data on Safe at Home participants that are not otherwise classified as not public data are private data when a participant submits a notice to a responsible authority at a government entity under section 13.045, subd. 2. Effective July 1, 2024. 2024 Minn. Laws, Ch. 123, Art. 15, § 5.

PERSONNEL DATA

Access by labor organizations, Bureau of Mediation Services, Public Relations Board. Minn. Stat. § 13.43, subd. 6, was amended to require government entities to share personnel data with labor organizations and the Public Employee Relations Board to the extent necessary to conduct elections, investigate and process grievances, and to implement the provisions of chapters 179 and 179A, regardless of a classification by any other provision within chapter 13. Effective July 1, 2024. 2024 Minn. Laws, Ch. 127, Art. 8, § 1.

ADMINISTRATIVE COURTS

Judicial work product. A new section, Minn. Stat. § 13.95, was added to classify work product data created by administrative courts as confidential or protected nonpublic data. This new section also classifies health data in administrative courts as private data. Effective July 1, 2024. 2024 Minn. Laws, Ch. 123, Art. 17, § 1.

CONSUMER DATA

Minnesota Consumer Data Privacy Act. A new chapter, Minn. Stat. Ch. 325O, was added to create a data privacy law applicable to legal entities that conduct business in Minnesota or produce products or services that are targeted to residents of Minnesota. The new chapter does not apply to government entity as defined in section 13.02, subd. 7a. Effective July 31, 2025. 2024 Minn. Laws, Ch. 121, Art. 5.