

# 2025 DATA PRACTICES AND DISCLOSURE

## LEGISLATIVE BULLETIN



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### FRAUD DATA SHARING

**Data sharing.** Minn. Stat. § 13.357 was created to provide that any government entity may share data relating to suspected or confirmed fraud in public programs with any other government entity, federal agency, or law enforcement agency, as long as the data sharing is not specifically prohibited by law, and the sharing of that data would protect public resources, promote integrity of public programs, or assist the law enforcement process. “Public program” and “fraud” are defined for purposes of the section. Public program is defined as “any program funded by a state or federal agency involving transfer or disbursement of public funds or public resources,” excluding refunds, payments, or disbursements made by the commissioner of revenue while administering state revenue laws. Fraud is defined as “an intentional or deliberate act to deprive another of property or money or to acquire property or money by deception or other unfair means.” The fraud definition also describes specific acts that constitute fraud. Effective July 1, 2025. 2025 Minn. Laws, Ch. 39, Art. 2, § 16.

**State agency fraud reporting and data sharing.** Minn. Stat. § 299C.061, was created to establish a Financial Crimes and Fraud Section (“Section”) within the Bureau of Criminal Apprehension. Subdivision 1 creates definitions and subdivision 2 directs this new Section “to conduct investigations into insurance fraud, financial crimes, wage theft, and fraud involving state-funded or administered programs or services.” Subdivision 3 sets forth the Section’s duties under the new law. Subdivision 4 requires a state agency to refer all suspected fraudulent activity equaling \$100,000 or more to the Section and subdivision 5 gives a state agency discretion to refer suspected fraudulent activity less than \$100,000. Subdivision 6 provides that notwithstanding chapter 13 or any other data classification statute to the contrary, state agencies making a referral must provide the Section data related to the reported activity, including data classified as not public. Under subdivision 7, all state agencies must annually report to the Section suspected fraud involving state-funded or administered programs or services of \$10,000 or more. These reports must be summarized in the Section’s annual report, which is required by subdivision 8. Subdivision 9 limits the funding allocation. Effective July 1, 2025, for subdivisions 1, 2, 3, 6, and 9 (establishment, data sharing, and funding). Effective January 1, 2026, for subdivisions 4, 5, 7, and 8 (referrals, agency reporting, and section reporting). 2025 Minn. Laws, Ch. 35, Art. 3, § 19.

## **OTHER FRAUD PROVISIONS & REPORTING REQUIREMENTS**

**Obligation to notify the legislative auditor.** Minn. Stat. § 3.971, subd. 9, was amended to broaden the categories of persons who are required to “promptly notify” the legislative auditor under this section. This notification requirement now applies to any “obligated officer” of an organization subject to audit by the legislative auditor. The amendment also provides a definition of “obligated officer”. Effective July 1, 2025. 2025 Minn. Laws, Ch. 39, Art. 2, § 10.

**Fraud-based withholding of program payments.** Minn. Stat. § 15.013, was enacted to allow state agencies to “withhold payments to a program participant in a program administered by that agency for a period not to exceed 60 days if the agency head determines that a preponderance of the evidence shows that the program participant has committed fraud to obtain payments under the program.” Subdivision 3 provides data classifications for fraud-related data held by state agencies in connection with this section. Subdivision 4 allows the head of a state agency to petition the court for a temporary order pursuant to Rule 65 of the Minnesota Rules of Civil Procedure to withhold payments. Subdivision 5 provides that a state agency that has withheld a payment under this section must report certain information to the commissioner of management and budget by March 1, 2026. The section expires July 1, 2027. Effective May 24, 2025. 2025 Minn. Laws, Ch. 39, Art. 2, § 22.

**Reporting misuse of public resources or government data.** Minn. Stat. § 15.0573, was enacted to direct the commissioner or chief executive of every department, agency, board, commission, or office to ensure any employee and nonemployee concerns about misuse of public resources or government data are “promptly directed” to an obligated officer as defined in Minn. Stat. § 3.971, subd. 9 or the legislative auditor. The section also directs the commissioner of management and budget to develop a policy for this process to apply across state agencies. Effective July 1, 2025. 2025 Minn. Laws, Ch. 39, Art. 2, § 23.

**Prohibited action against a state employee for information disclosure.** Minn. Stat. § 181.932, subd. 1, was amended to prohibit an employer from committing certain acts of discipline or retaliation against a state employee for communicating information in good faith relating to “state programs, services, or financing, including but not limited to fraud or misuse within state programs, services, or financing” to the following: (1) a legislator or the legislative auditor; (2) a constitutional officer; (3) an employer; (4) any governmental body; or (5) a law enforcement official. The protected disclosures do not authorize the employee to disclosure data otherwise protected by law. Effective July 1, 2025. 2025 Minn. Laws, Ch. 39, Art. 2, § 57.

## **JUDICIAL DATA PRIVACY AND PERSONAL INFORMATION IN REAL PROPERTY RECORDS**

**Judicial official data; personal information.** Minn. Stat. § 13.991, was amended to insert a cross-reference to a new section 480.50 that allows the personal information of a judicial official contained in real property records to be kept private. Effective January 1, 2026. 2025 Minn. Laws, Ch. 35, Art. 9, § 6.

**Dissemination of Personal Information; Definitions.** Minn. Stat. § 480.40, subd. 1, was amended to add additional groups of persons for inclusion in the definition of a “judicial official,” including retired Minnesota Supreme Court justices and current and retired judges and current employees of the Department of Human Services Appeals Division. Additionally, a definition for “real property records” that contains a cross reference to the new section 480.50, subd. 1 was added. Effective January 1, 2026. 2025 Minn. Laws, Ch. 35, Art. 9, § 10.

**Dissemination of personal information; exceptions.** Minn. Stat. § 480.40, subd. 3, was amended to insert a cross-reference to a new section 480.50. Also, an exception, which does not apply to information in real property records, was added for the display of a property address on a real estate or mapping platform when the address is not disclosed or displayed with either ownership, occupancy, or other personal information of a judicial official. Effective January 1, 2026. 2025 Minn. Laws, Ch. 35, Art. 9, § 11.

**Removal of personal information; exception.** Minn. Stat. § 480.45, subd 2, was amended to clarify that an existing exception for real property records is now governed by new section 480.50. Effective January 1, 2026. 2025 Minn. Laws, Ch. 35, Art. 9, § 12.

**Personal information in real property records.** A new section, Minn. Stat. § 480.50, was added to allow the personal information of a judicial official contained in real property records to be classified as and kept private. Subdivision 1 defines key terms and contains cross-reference definitions to sections of chapter 13 (Minnesota Government Data Practices Act) and to section 480.40 (personal information of judicial officers). Subdivision 2 classifies personal information of all judicial officials collected, created, or maintained in real property records as private data if notice procedures in subdivision 3 are followed. Subdivision 3 provides a procedure for judicial officials to notify keepers of real property records that the judicial official wishes the personal information in those records be classified and kept as private under subdivision 2. Subdivision 4 sets forth specific access requirements and exceptions for the property records of a judicial official that are classified as private. For example, a county recorder may disclose personal information for the purpose of administering assessment and tax laws. Subdivision 5 sets forth specific access requirements for when the property records of a judicial official that are classified as private are subject to a title examination or requested by certain specified persons. Subdivision 6 allows for a county recorder or any other government entity to charge fees (capped at \$75) for certain documents or procedures authorized under this section. Effective January 1, 2026. 2025 Minn. Laws, Ch. 35, Art. 9, § 13.

## **DATA PRACTICES**

**Request for Access to Data.** Minn. Stat. § 13.03, subd. 3, was amended to allow the responsible authority at a government entity to suspend responding to the data practices request, if after five (5) business days of being notified the data is available, the requesting person does not inspect or collect the requested data that has already been prepared for the requesting person. This suspension will cease once the requesting person inspects or collects and pays for the data that have been produced. Effective July 1, 2025. Minn. Laws, Ch. 35, Art. 9, § 1.

**Rights of data subjects; procedure when data is not accurate or complete.** Minn. Stat. § 13.04, subd 4, was amended to add a new paragraph (f) that grants a responsible authority at a government entity the discretion and ability to submit private data to the commissioner of administration as part of responding to a data subject’s appeal of the determination that data are accurate and complete. The government data submitted to the commissioner of administration retains the same classification that the data had when maintained by the government entity. The commissioner of administration may disclose private data contained within the appeal record to the Office of Administrative Hearings. Subdivision 4 also was amended to add a new paragraph (i) to note that data maintained by the commissioner of administration that the responsible authority has completed, corrected, or destroyed as the result of an informal resolution process in paragraph (d) or by order of the commissioner of administration are private data on individuals. Effective July 1, 2025. Minn. Laws, Ch. 39, Art. 2, § 15.

**Data sharing (MNsure).** Minn. Stat. § 62V.06, subd 5, was amended to allow MNsure data classified as private or nonpublic to be shared with or disseminated to Revenue, as necessary, to implement the reinsurance credit under section 297I.20. Effective January 1, 2029. 2025 Minn. Laws, 1st Spec. Sess., Ch. 4, Art. 6, § 11.

**Disclosure to the commissioner of human services.** Minn. Stat. § 270B.14, subd. 1, was amended to strike authorization for the commissioner of revenue to disclose return information to the commissioner of human services related to the child support enforcement program and related to “the identity, whereabouts, employment, income, and property” of persons alleged to owe child support obligations. Subdivision 1 was also amended to strike authorization for the commissioner of revenue to disclose information to the commissioner of human services to verify whether applicants or recipients for the Minnesota family investment program, the Supplemental Nutrition Assistance Program, and child care assistance have claimed certain refundable tax credits or a property tax refund and the amount credited or refunded. Effective August 1, 2025. 2025 Minn. Laws, Ch. 21, § 68.

**Disclosure to commissioner of children, youth, and families.** Minn. Stat. § 270B.14, was amended to add a new subdivision 24 that grants authorization for the commissioner of revenue to disclose return information upon request of the commissioner of children, youth, and families related to the child support enforcement program and related to “the identity, whereabouts, employment, income, and property” of persons alleged to owe child support obligations. Subdivision 24 also authorizes the commissioner of revenue to disclose information to the commissioner of children, youth, and families to verify whether applicants or recipients for the Minnesota family investment program, the Supplemental Nutrition Assistance Program, and child care assistance have claimed certain refundable tax credits or a property tax refund and the amount credited or refunded. Effective August 1, 2025. 2025 Minn. Laws, Ch. 21, § 69.

**Background check; access to federal tax information.** Minn. Stat. § 299C.76, subd. 1, was amended to include the Department of Human Services in the definition of “requesting agency” at paragraph (e) for purposes of allowing the Bureau of Criminal of Apprehension to process background checks prior to employees of requesting agencies receiving access to federal tax information. Effective August 1, 2025. 2025 Minn. Laws, Ch. 21, § 70.

## WORKER MISCLASSIFICATION

**Misclassification fraud impact report.** Minn. Stat. § 181.725, was amended to add a new subdivision 4(b) to require the commissioners of revenue, employment and economic development, and labor and industry to analyze “the costs of misclassification to illustrate how misclassification impacts misclassified workers, government programs, and tax collections.” Subdivision 4(b), paragraph (b) requires the commissioner of labor and industry to report on the analysis beginning January 15, 2027, and every six years thereafter, and allows for contracting with “external experts or an independent third party to conduct a study, develop a report, and perform other functions.” Paragraph (c) enumerates the minimum required criteria to be included in the analysis and report, including the impact of misclassification on “state income tax collection.” Paragraph (d) requires the commissioners of revenue and employment and economic development to provide specific information to the commissioner of labor and industry for purposes of the analysis and report. Paragraph (e) requires the commissioners of revenue, employment and economic development, and labor and industry to submit a budget request, for the cost to complete follow-up reports, to the legislature beginning on January 15, 2031 and every six years thereafter. Effective July 1, 2025. 2025 Minn. Laws, 1st Spec. Sess., Ch. 6, Art. 5, § 9.