

## DRAFT 12/05/13

A bill for an act relating to public safety; classifying traveling law enforcement data under the Data Practices Act; proposing coding for new law in Minnesota Statutes, chapter 13.

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

### Section 1. 13.824 TRAVELING LAW ENFORCEMENT DATA

Subdivision 1. **Definitions.** (a) "Traveling law enforcement data" is data that has been received by a government entity subject to Chapter 13 that was originally created, collected or maintained by a state, county, local, or tribal law enforcement agency not subject to Chapter 13. Traveling law enforcement data does not include data originally created or collected by a government entity subject to Chapter 13.

Subd. 2. **Classification.** (a) Traveling law enforcement data that was classified by statute or rule as the equivalent of "public" data in the jurisdiction in which it originated, at the time it was received by a government entity subject to Chapter 13, is classified as public data.

(b) Traveling law enforcement data that was classified by statute or rule as the equivalent of "not public" data in the jurisdiction in which it originated, at the time it was received by a government entity subject to Chapter 13, is classified as "confidential" or "protected nonpublic" data for a period of one year from the date of its receipt by a government entity. After one year, such data shall become public data unless it has become active "criminal investigative data" before that time.

Subd. 3. **Record of data.** (a) Upon the receipt of traveling law enforcement data, a government entity shall inquire about the classification status of the data in the jurisdiction in which it originated, and shall make a record of such classification status.

(b) A government entity that receives traveling law enforcement data shall keep a public record of such data that shall include the date of receipt, a description of the data, the classification status of the data in its originating jurisdiction at the time it was received, and information regarding the disposition of the data as of one year from the date of its receipt.

Subd. 4. **Audits.** At least once every biennium, the Legislative Auditor shall conduct audits of traveling law enforcement data for compliance with this section. The Legislative Auditor shall conduct audits and prepare reports in a manner that protects the confidentiality and sensitivity of data that holds a "not public" classification at the time of the audit. By at least October 1 of each biennium, the Legislative Auditor shall submit a public report of the results of the

audit to the Legislature. The reports shall contain, at minimum, information regarding whether traveling law enforcement data received during the biennium and subsequently classified as active criminal investigative data has been properly classified under the provisions of this chapter.

Subd. 5. **Retention.** The retention of traveling law enforcement data shall be governed by *(cite appropriate provisions of Chapter 138, Minnesota Statutes.)*

**EFFECTIVE DATE.** This section is effective *(INSERT)*.