

HOUSE RESEARCH

Bill Summary

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Overview

In 2013, the Minnesota Supreme Court issued a ruling in *Helmberger v. Johnson Controls, Inc.*, 839 N.W.2d 527 (Minn. 2013). The case involved a dispute over a newspaper's access to a subcontract related to a school construction project. The contract between the school district and the general contractor failed to include the data practices terms required under current law, which would have specified that the contractor was subject to the Data Practices Act. Because those terms were not included, the court held that the contractor was not obligated to comply with the requirements of the Data Practices Act for work performed under the contract.

This bill would, effectively, pre-empt application of the court's ruling to future cases by providing that a private contractor performing a government function under a contract is subject to the Data Practices Act regardless of whether those specific terms are included in the contract.

Section

- 1** **Privatization.** Modifies language in existing law requiring that contracts entered into by a government entity with a private person to perform a government function include a notice that the Data Practices Act applies to the private person in performing the contract.

The bill also includes a new provision specifying that the Data Practices Act would apply to the private contractor regardless of whether the required notice is actually included in the contract.