

**Minnesota Statutes Governing Data Classification and Sharing**

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Description of State Statute, State Rule, or other Rule	Citation	Reproduction of State Statute, State Rule or other Rule	Prohibits or Allows Sharing
Government Data Practices - Definitions	Minn. Stat. § 13.02, subds. 3, 3a, 4, 5, 8, 8a, 9, 12, 13, 14, 15	<p>Subd. 3. <b>Confidential data on individuals.</b>                      "Confidential data on individuals" are data made not public by statute or federal law applicable to the data and are inaccessible to the individual subject of those data.</p> <p>Subd. 3a. <b>Criminal justice agencies.</b>                      "Criminal justice agencies" means all state and local prosecution authorities, all state and local law enforcement agencies, the Sentencing Guidelines Commission, the Bureau of Criminal Apprehension, the Department of Corrections, and all probation officers who are not part of the judiciary.</p> <p>Subd. 4. <b>Data not on individuals.</b>                      "Data not on individuals" are all government data that are not data on individuals.</p> <p>Subd. 5. <b>Data on individuals.</b>                      "Data on individuals" means all government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual.</p> <p>Subd. 8. <b>Individual.</b>                      "Individual" means a natural person. In the case of a minor or an incapacitated person as defined in section 524.5-102, subdivision 6, "individual" includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.</p> <p>Subd. 8a. <b>Not public data.</b>                      "Not public data" are any government data classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.</p>	N/A

		<p><b>Subd. 9. Nonpublic data.</b>  "Nonpublic data" are data not on individuals made by statute or federal law applicable to the data: (a) not accessible to the public; and (b) accessible to the subject, if any, of the data.</p> <p><b>Subd. 12. Private data on individuals.</b>  "Private data on individuals" are data made by statute or federal law applicable to the data: (a) not public; and (b) accessible to the individual subject of those data.</p> <p><b>Subd. 13. Protected nonpublic data.</b>  "Protected nonpublic data" are data not on individuals made by statute or federal law applicable to the data (a) not public and (b) not accessible to the subject of the data.</p> <p><b>Subd. 14. Public data not on individuals.</b>  "Public data not on individuals" are data accessible to the public pursuant to section 13.03.</p> <p><b>Subd. 15. Public data on individuals.</b>  "Public data on individuals" are data accessible to the public in accordance with the provisions of section 13.03.</p>	
Government Data Practices – Access to Government Data	Minn. Stat. § 13.03, subs. 1, 4, 6, 9, & 11.	<p><b>Subd. 1. Public data.</b>  All government data collected, created, received, maintained or disseminated by a government entity shall be public unless classified by statute, or temporary classification pursuant to section 13.06, or federal law, as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential. The responsible authority in every government entity shall keep records containing government data in such an arrangement and condition as to make them easily accessible for convenient use. Photographic, photostatic, microphotographic, or microfilmed records shall be considered as accessible for convenient use regardless of the size of such records.</p> <p><b>Subd. 4. Change in classification of data; effect of dissemination among agencies.</b></p> <p>(a) The classification of a government entity's data shall change if it is required to do so to comply with either judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving entity.</p> <p>(b) If data on individuals are classified as both private and confidential by this chapter, or any other statute or federal law, the data are private.</p> <p>(c) To the extent that government data are disseminated to a government entity by another government entity, the data disseminated shall have the same classification at the entity receiving them as they had at the entity providing them.</p> <p>(d) If a government entity disseminates data to another government entity, a classification provided for by law at the entity receiving the data does not affect the classification of the data at the</p>	Allows.

		<p>entity that disseminates the data.</p> <p>(e) To the extent that judicial branch data are disseminated to government entities by the judicial branch, the data disseminated shall have the same level of accessibility at the government entity receiving them as they had at the judicial branch entity providing them. If the data have a specific classification in state statute or federal law, the government entity must maintain the data according to the specific classification.</p> <p><b>Subd. 6. Discoverability of not public data.</b></p> <p>If a government entity opposes discovery of government data or release of data pursuant to court order on the grounds that the data are classified as not public, the party that seeks access to the data may bring before the appropriate presiding judicial officer, arbitrator, or administrative law judge an action to compel discovery or an action in the nature of an action to compel discovery.</p> <p>The presiding officer shall first decide whether the data are discoverable or releasable pursuant to the rules of evidence and of criminal, civil, or administrative procedure appropriate to the action.</p> <p>If the data are discoverable the presiding officer shall decide whether the benefit to the party seeking access to the data outweighs any harm to the confidentiality interests of the entity maintaining the data, or of any person who has provided the data or who is the subject of the data, or to the privacy interest of an individual identified in the data. In making the decision, the presiding officer shall consider whether notice to the subject of the data is warranted and, if warranted, what type of notice must be given. The presiding officer may fashion and issue any protective orders necessary to assure proper handling of the data by the parties. If the data are a videotape of a child victim or alleged victim alleging, explaining, denying, or describing an act of physical or sexual abuse, the presiding officer shall consider the provisions of section 611A.90, subdivision 2, paragraph (b).</p> <p><b>Subd. 9. Effect of changes in classification of data.</b></p> <p>Unless otherwise expressly provided by a particular statute, the classification of data is determined by the law applicable to the data at the time a request for access to the data is made, regardless of the data's classification at the time it was collected, created, or received.</p> <p><b>Subd. 11. Treatment of data classified as not public; public meetings.</b></p> <p>Not public data may be discussed at a meeting open to the public to the extent provided in section 13D.05.</p>	<p>Allows discoverability of not public data with court permission.</p> <p>Allows at a public meeting.</p>
Government Data Practices - Rights of the Subject	Minn. Stat. § 13.04, subds. 1-3	<p><b>Subd. 1. Type of data.</b></p> <p>The rights of individuals on whom the data is stored or to be stored shall be as set forth in this section.</p>	

		<p><b>Subd. 2. Tennesen warning.</b></p> <p>An individual asked to supply private or confidential data concerning the individual shall be informed of: (a) the purpose and intended use of the requested data within the collecting government entity; (b) whether the individual may refuse or is legally required to supply the requested data; (c) any known consequence arising from supplying or refusing to supply private or confidential data; and (d) the identity of other persons or entities authorized by state or federal law to receive the data. This requirement shall not apply when an individual is asked to supply investigative data, pursuant to section 13.82, subdivision 7, to a law enforcement officer.</p> <p><b>Subd. 3. Access to data by individual.</b></p> <p>Upon request to a responsible authority or designee, an individual shall be informed whether the individual is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data on individuals shall be shown the data without any charge and, if desired, shall be informed of the content and meaning of that data. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to that individual for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created. The responsible authority or designee shall provide copies of the private or public data upon request by the individual subject of the data. The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies.</p> <p>The responsible authority or designee shall comply immediately, if possible, with any request made pursuant to this subdivision, or within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible.</p>	<p>Allows the subject of the data to view public or private data.</p>
<p>Government Data Practices – Duties of Responsible Authority</p>	<p>Minn. Stat. § 13.05, subds. 4, 9</p>	<p><b>Subd. 4. Limitations on collection and use of data.</b></p> <p>Private or confidential data on an individual shall not be collected, stored, used, or disseminated by government entities for any purposes other than those stated to the individual at the time of collection in accordance with section 13.04, except as provided in this subdivision.</p> <p>(a) Data collected prior to August 1, 1975, and which have not been treated as public data, may be used, stored, and disseminated for the purposes for which the data was originally collected or for purposes which are specifically approved by the commissioner as necessary to public health, safety, or welfare.</p> <p>(b) Private or confidential data may be used and disseminated to individuals or entities specifically authorized access to that data by state, local, or federal law enacted or promulgated after the collection of the data.</p>	<p>Prohibited with the listed exceptions.</p>

		<p>(c) Private or confidential data may be used and disseminated to individuals or entities subsequent to the collection of the data when the responsible authority maintaining the data has requested approval for a new or different use or dissemination of the data and that request has been specifically approved by the commissioner as necessary to carry out a function assigned by law.</p> <p>(d) Private data may be used by and disseminated to any person or entity if the individual subject or subjects of the data have given their informed consent. Whether a data subject has given informed consent shall be determined by rules of the commissioner.</p> <p>The responsible authority may require a person requesting copies of data under this paragraph to pay the actual costs of making and certifying the copies.</p> <p>(e) Private or confidential data on an individual may be discussed at a meeting open to the public to the extent provided in section 13D.05.</p> <p><b>Subd. 9. Intergovernmental access of data.</b></p> <p>A responsible authority shall allow another responsible authority access to data classified as not public only when the access is authorized or required by statute or federal law. An entity that supplies government data under this subdivision may require the requesting entity to pay the actual cost of supplying the data.</p>	
Government Data Practices – Data on Decedents	Minn. Stat. § 13.10	<p><b>Subd. 1. Definitions.</b></p> <p>As used in this chapter:</p> <p>(a) "Confidential data on decedents" are data which, prior to the death of the data subject, were classified by statute, federal law, or temporary classification as confidential data.</p> <p>(b) "Private data on decedents" are data which, prior to the death of the data subject, were classified by statute, federal law, or temporary classification as private data.</p> <p>(c) "Representative of the decedent" is the personal representative of the estate of the decedent during the period of administration, or if no personal representative has been appointed or after discharge of the personal representative, the surviving spouse, any child of the decedent, or, if there is no surviving spouse or children, the parents of the decedent.</p> <p><b>Subd. 2. Classification of data on decedents.</b></p> <p>Upon the death of the data subject, private data and confidential data shall become, respectively, private data on decedents and confidential data on decedents. Private data on decedents and confidential data on decedents shall become public when ten years have elapsed from the actual or presumed death of the individual and 30 years have elapsed from the creation of the data. For purposes of this subdivision, an individual is presumed to be dead if either 90 years elapsed since the creation of the data or 90 years have elapsed since the individual's birth, whichever is</p>	Allows after time specified in this section or court action specified in subd. 4.

		<p>earlier, except that an individual is not presumed to be dead if readily available data indicate that the individual is still living.</p> <p><b>Subd. 3.Rights.</b></p> <p>Rights conferred by this chapter on individuals who are the subjects of private or confidential data shall, in the case of private data on decedents or confidential data on decedents, be exercised by the representative of the decedent. Nonpublic data concerning a decedent, created or collected after death, are accessible by the representative of the decedent. Nothing in this section may be construed to prevent access to appropriate data by a trustee appointed in a wrongful death action.</p> <p><b>Subd. 4.Court review.</b></p> <p>Any person may bring an action in the district court located in the county where the data is being maintained or, in the case of data maintained by a state agency, in any county, to authorize release of private data on decedents or confidential data on decedents. Individuals clearly identified in the data or the representative of the decedent may be given notice if doing so does not cause an undue delay in hearing the matter and, in any event, shall have standing in the court action. The responsible authority for the data being sought or any interested person may provide information regarding the possible harm or benefit from granting the request. The data in dispute shall be examined by the court in camera. The court may order all or part of the data to be released to the public or to the person bringing the action. In deciding whether or not to release the data, the court shall consider whether the harm to the surviving spouse, children, or next of kin of the decedent, the harm to any other individual identified in the data, or the harm to the public outweighs the benefit to the person bringing the action or the benefit of the public. The court shall make a written statement of findings in support of its decision.</p> <p><b>Subd. 5.Adoption records.</b></p> <p>Notwithstanding any provision of this chapter, adoption records shall be treated as provided in sections 259.53, 259.61, 259.79, and 259.83 to 259.89.</p> <p><b>Subd. 6.Retention of data.</b></p> <p>Nothing in this section may be construed to require retention of government data, including private data on decedents or confidential data on decedents, for periods of time other than those established by the procedures provided in section 138.17, or any other statute.</p>	
Education Data Coded Elsewhere	Minn. Stat. § 13.319, subs. 1, 3, & 8.	<p><b>Subd. 1.Scope.</b></p> <p>The sections referred to in this section are codified outside this chapter. Those sections classify education data as other than public, place restrictions on access to government data, or involve data sharing.</p>	

		<p><b>Subd. 3. Program services.</b> Data on individuals receiving services under certain programs administered by the Department of Education are classified under section 119A.50, subdivision 2.</p> <p><b>Subd. 8. Teacher and administration programs.</b> Section 122A.18, subdivision 1, governs data sharing between the Department of Education and the Boards of Teaching and School Administrators for program approval and improvement for education programs.</p>	<p>Prohibits.</p> <p>Allows.</p>
Educational Data – Definitions and Classifications	Minn. Stat. § 13.32	<p><b>Subd. 1. Definitions.</b> As used in this section:</p> <p>(a) "Educational data" means data on individuals maintained by a public educational agency or institution or by a person acting for the agency or institution which relates to a student.</p> <p>Records of instructional personnel which are in the sole possession of the maker thereof and are not accessible or revealed to any other individual except a substitute teacher, and are destroyed at the end of the school year, shall not be deemed to be government data.</p> <p>Records of a law enforcement unit of a public educational agency or institution which are maintained apart from education data and are maintained solely for law enforcement purposes, and are not disclosed to individuals other than law enforcement officials of the jurisdiction are not educational data; provided, that education records maintained by the educational agency or institution are not disclosed to the personnel of the law enforcement unit. The University of Minnesota police department is a law enforcement agency for purposes of section 13.82 and other sections of Minnesota Statutes dealing with law enforcement records. Records of organizations providing security services to a public educational agency or institution must be administered consistent with section 13.861.</p> <p>Records relating to a student who is employed by a public educational agency or institution which are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose are classified pursuant to section 13.43.</p> <p>(b) "Juvenile justice system" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.</p> <p>(c) "Student" means an individual currently or formerly enrolled or registered, applicants for enrollment or registration at a public educational agency or institution, or individuals who receive shared time educational services from a public agency or institution.</p>	

		<p>(d) "Substitute teacher" means an individual who performs on a temporary basis the duties of the individual who made the record, but does not include an individual who permanently succeeds to the position of the maker of the record.</p> <p><b>Subd. 2. Student health and census data; data on parents.</b></p> <p>(a) Health data concerning students, including but not limited to, data concerning immunizations, notations of special physical or mental problems and records of school nurses are educational data. Access by parents to student health data shall be pursuant to section 13.02, subdivision 8.</p> <p>(b) Pupil census data, including emergency information and family information are educational data.</p> <p>(c) Data concerning parents are private data on individuals but may be treated as directory information if the same procedures that are used by a school district to designate student data as directory information under subdivision 5 are followed.</p> <p><b>Subd. 3. Private data; when disclosure is permitted.</b></p> <p>Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:</p> <p>(a) pursuant to section 13.05;</p> <p>(b) pursuant to a valid court order;</p> <p>(c) pursuant to a statute specifically authorizing access to the private data;</p> <p>(d) to disclose information in health, including mental health, and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code of Federal Regulations, title 34, section 99.36;</p> <p>(e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;</p> <p>(f) to appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;</p> <p>(g) when disclosure is required for institutions that participate in a program under title IV of the Higher Education Act, United States Code, title 20, section 1092;</p>	<p>Allows (with limitations set out in subd. 3).</p>
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		<p>(h) to the appropriate school district officials to the extent necessary under subdivision 6, annually to indicate the extent and content of remedial instruction, including the results of assessment testing and academic performance at a postsecondary institution during the previous academic year by a student who graduated from a Minnesota school district within two years before receiving the remedial instruction;</p> <p>(i) to appropriate authorities as provided in United States Code, title 20, section 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the system to effectively serve, prior to adjudication, the student whose records are released; provided that the authorities to whom the data are released submit a written request for the data that certifies that the data will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student and the request and a record of the release are maintained in the student's file;</p> <p>(j) to volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;</p> <p>(k) to provide student recruiting information, from educational data held by colleges and universities, as required by and subject to Code of Federal Regulations, title 32, section 216;</p> <p>(l) to the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;</p> <p>(m) with respect to Social Security numbers of students in the adult basic education system, to Minnesota State Colleges and Universities and the Department of Employment and Economic Development for the purpose and in the manner described in section 124D.52, subdivision 7;</p> <p>(n) to the commissioner of education for purposes of an assessment or investigation of a report of alleged maltreatment of a student as mandated by section 626.556. Upon request by the commissioner of education, data that are relevant to a report of maltreatment and are from charter school and school district investigations of alleged maltreatment of a student must be disclosed to the commissioner, including, but not limited to, the following:</p> <ol style="list-style-type: none"> <li>(1) information regarding the student alleged to have been maltreated;</li> <li>(2) information regarding student and employee witnesses;</li> <li>(3) information regarding the alleged perpetrator; and</li> <li>(4) what corrective or protective action was taken, if any, by the school facility in response to a report of maltreatment by an employee or agent of the school or school district;</li> </ol>	
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		<p>(o) when the disclosure is of the final results of a disciplinary proceeding on a charge of a crime of violence or nonforcible sex offense to the extent authorized under United States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title 34, sections 99.31 (a)(13) and (14);</p> <p>(p) when the disclosure is information provided to the institution under United States Code, title 42, section 14071, concerning registered sex offenders to the extent authorized under United States Code, title 20, section 1232g(b)(7); or</p> <p>(q) when the disclosure is to a parent of a student at an institution of postsecondary education regarding the student's violation of any federal, state, or local law or of any rule or policy of the institution, governing the use or possession of alcohol or of a controlled substance, to the extent authorized under United States Code, title 20, section 1232g(i), and Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution has an information release form signed by the student authorizing disclosure to a parent. The institution must notify parents and students about the purpose and availability of the information release forms. At a minimum, the institution must distribute the information release forms at parent and student orientation meetings.</p> <p><b>Subd. 4. Student's access to private data.</b></p> <p>A student shall not have the right of access to private data provided in section 13.04, subdivision 3, as to financial records and statements of the student's parents or any information contained therein.</p> <p><b>Subd. 4a. Nonpublic school students.</b></p> <p>Data collected by a public school on a child or parent of a child, whose identity must be reported pursuant to section 120A.24, is private data which:</p> <p>(1) shall not be designated directory information pursuant to subdivision 5 unless prior written consent is given by the child's parent or guardian; and</p> <p>(2) may be disclosed only pursuant to subdivision 3, clause (a), (b), (c), or (f).</p> <p>This provision does not apply to students who receive shared time educational services from a public agency or institution.</p> <p><b>Subd. 5. Directory information.</b></p> <p>Information designated as directory information pursuant to the provisions of United States Code, title 20, section 1232g and Code of Federal Regulations, title 34, section 99.37 which are in effect on January 1, 2007, is public data on individuals. When conducting the directory information designation and notice process required by federal law, an educational agency or institution shall give parents and students notice of the right to refuse to let the agency or institution designate any or all</p>	<p>Prohibits.</p> <p>Allows (with limitations set out in subd. 3(a), (b), (c), or (f)).</p> <p>Allows.</p>
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		<p>data about the student as directory information. This notice may be given by any means reasonably likely to inform the parents and students of the right.</p> <p><b>Subd. 5a. Military recruitment.</b></p> <p>A secondary institution shall release to military recruiting officers the names, addresses, and home telephone numbers of students in grades 11 and 12 within 60 days after the date of the request, except as otherwise provided by this subdivision. A secondary institution shall give parents and students notice of the right to refuse release of this data to military recruiting officers. Notice may be given by any means reasonably likely to inform the parents and students of the right. Data released to military recruiting officers under this subdivision:</p> <p>(1) may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military; and</p> <p>(2) shall not be further disseminated to any other person except personnel of the recruiting services of the armed forces.</p> <p><b>Subd. 6. Admissions forms; remedial instruction.</b></p> <p>(a) Minnesota postsecondary education institutions, for purposes of reporting and research, may collect on the 1986-1987 admissions form, and disseminate to any public educational agency or institution the following data on individuals: student sex, ethnic background, age, and disabilities. The data shall not be required of any individual and shall not be used for purposes of determining the person's admission to an institution.</p> <p>(b) A school district that receives information under subdivision 3, paragraph (h) from a postsecondary institution about an identifiable student shall maintain the data as educational data and use that data to conduct studies to improve instruction. Public postsecondary systems annually shall provide summary data to the Department of Education indicating the extent and content of the remedial instruction received in each system during the prior academic year by, and the results of assessment testing and the academic performance of, students who graduated from a Minnesota school district within two years before receiving the remedial instruction. The department shall evaluate the data and annually report its findings to the education committees of the legislature.</p> <p>(c) This section supersedes any inconsistent provision of law.</p> <p><b>Subd. 7. Uses of data.</b></p> <p>School officials who receive data on juveniles, as authorized under section 260B.171, may use and share that data as provided in section 121A.75. A school district, its agents, and employees who use and share this data in good faith are immune from civil or criminal liability that might otherwise</p>	<p>Allows access to military recruiters for limited purposes.</p> <p>Allows post-secondary institutions to collect and share data with limitations.</p> <p>Allows if shared in good faith.</p>
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		<p>result from their actions.</p> <p><b>Subd. 8. Access by juvenile justice system.</b></p> <p>(a) Upon request, the following education data shall be disclosed under subdivision 3, clause (i), to the juvenile justice system: a student's full name, home address, telephone number, date of birth; a student's school schedule, daily attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers.</p> <p>(b) In addition, the existence of the following data about a student may be disclosed under subdivision 3, clause (i):</p> <ol style="list-style-type: none"> <li>(1) use of a controlled substance, alcohol, or tobacco;</li> <li>(2) assaultive or threatening conduct that could result in dismissal from school under section 121A.45, subdivision 2, clause (b) or (c);</li> <li>(3) possession or use of weapons or look-alike weapons;</li> <li>(4) theft; or</li> <li>(5) vandalism or other damage to property.</li> </ol> <p>Any request for access to data under this paragraph must contain an explanation of why access to the data is necessary to serve the student.</p> <p>(c) A principal or chief administrative officer of a school who receives a request to disclose information about a student to the juvenile justice system under paragraph (b) shall, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information before disclosing the information. If the student's parent or guardian notifies the principal or chief administrative officer within ten days of receiving the certified notice that the parent or guardian objects to the disclosure, the principal or chief administrative officer must not disclose the information. The principal or chief administrative officer must inform the requesting member of the juvenile justice system of the objection.</p> <p>(d) A principal or chief administrative officer is not required to create data under this subdivision. Information provided in response to a data request under paragraph (b) shall indicate only whether the data described in paragraph (b) exist. The principal or chief administrative officer is not authorized under paragraph (b) to disclose the actual data or other information contained in the student's education record. A principal or chief administrative officer is not required to provide data that are protected by court order. A principal or chief administrative officer must respond to a data request within 14 days if no objection is received from the parent or guardian.</p>	<p>Allows (with limitations).  <u>See also</u> Minn. Dept. of Admin IPAD Advisory Opinions 97-050 and 03-029.</p>
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		<p>(e) Nothing in this subdivision shall limit the disclosure of educational data pursuant to court order.</p> <p>(f) A school district, its agents, and employees who provide data in good faith under this subdivision are not liable for compensatory or exemplary damages or an award of attorney fees in an action under section 13.08, or other law, or for a penalty under section 13.09.</p> <p>(g) Section 13.03, subdivision 4, applies to data that are shared under this subdivision with a government entity. If data are shared with a member of the juvenile justice system who is not a government entity, the person receiving the shared data must treat the data consistent with the requirements of this chapter applicable to a government entity.</p> <p>(h) A member of the juvenile justice system who falsely certifies a request for data under this section is subject to the penalties under section 13.09.</p> <p><b>Subd. 9.Forms.</b></p> <p>To make a data request under subdivision 8, paragraph (b), a member of the juvenile justice system must use the following form:</p> <p style="text-align: center;">REQUEST FOR INFORMATION Family Educational Rights and Privacy Act/ Minnesota Government Data Practices Act</p> <p>DATE/TIME OF REQUEST</p> <p>TO: (Superintendent of school district or chief administrative officer of school)</p> <p>FROM:  (Requester's name/agency)</p> <p>STUDENT:</p> <p>BASIS FOR REQUEST</p> <p>... Juvenile delinquency investigation/prosecution</p> <p>... Child protection assessment/investigation</p> <p>... Investigation/filing of CHIPS or delinquency petition</p> <p>REASON FOR REQUEST (requester must describe why information regarding existence of the data marked below is necessary to effectively serve the student)</p>	<p>Allows using the request form provided in this section.</p>
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		<p>RESPONSE TO REQUEST</p> <p>The school must indicate whether it has data on the student that document any activity or behavior marked by the requester.</p> <p>INFORMATION REQUESTED (mark all that apply)</p> <p><b>Indicate whether you have data that document the student's:</b></p> <p>..... use of a controlled substance, alcohol, or tobacco</p> <p>..... assaultive or threatening conduct as defined in Minnesota Statutes, section 13.32, subdivision 8</p> <p>..... possession or use of weapons or look-alike weapons</p> <p>..... theft</p> <p>..... vandalism and damage to property</p> <p>CERTIFICATION: The undersigned certifies that the undersigned is a member of the juvenile justice system. The requested data are needed by the juvenile justice system so it may effectively serve, prior to adjudication, the student whose records are released. The undersigned will not disclose the information received to any other party, except as provided under state law, without prior written consent as required by Code of Federal Regulations, title 34, section 99.38(b). The undersigned further certifies that the undersigned understands that by signing this request, the undersigned is subject to the penalties in Minnesota Statutes, section 13.09.</p> <p>Signature/Title</p>	
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		<p><b>Subd. 10. Education records; child with disability.</b></p> <p>Nothing in this chapter shall be construed as limiting the frequency of inspection of the educational records of a child with a disability by the child's parent or guardian or by the child upon the child reaching the age of majority. An agency or institution may not charge a fee to search for or to retrieve the educational records. An agency or institution that receives a request for copies of the educational records of a child with a disability may charge a fee that reflects the costs of reproducing the records except when to do so would impair the ability of the child's parent or guardian, or the child who has reached the age of majority, to exercise their right to inspect and review those records.</p> <p><b>Subd. 10a. Access to student records; school conferences.</b></p> <p>(a) A parent or guardian of a student may designate an individual, defined under paragraph (c), to participate in a school conference involving the child of the parent or guardian. The parent or guardian must provide the school with prior written consent allowing the significant individual to participate in the conference and to receive any data on the child of the consenting parent or guardian that are necessary and relevant to the conference discussions. The consenting parent or guardian may withdraw consent, in writing, at any time.</p> <p>(b) A school may accept the following form, or another consent to release student data form, as sufficient to meet the requirements of this subdivision:</p> <p style="text-align: center;"><b>"CONSENT TO PARTICIPATE IN CONFERENCES AND RECEIVE STUDENT DATA</b></p> <p>I, ..... (Name of parent or guardian), as parent or guardian of ..... (Name of child), consent to allow ..... (Name of an individual) to participate in school conferences and receive student data relating to the above-named child, consistent with Minnesota Statutes, section 13.32, subdivision 10a. I understand that I may withdraw my consent, upon written request, at any time.</p> <p>(Signature of parent or guardian)</p> <p>(Date)"</p> <p>(c) For purposes of this section, "an individual" means one additional adult designated by a child's parent or guardian to attend school-related activities and conferences.</p>	<p>Allows.</p> <p>Allows with the written consent of the parent or guardian.</p>
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		<p><b>Subd. 11. Data sharing; improving instruction.</b></p> <p>The following educational data may be shared between the Department of Education and the Minnesota Office of Higher Education as authorized by Code of Federal Regulations, title 34, section 99.31 (a)(6), to analyze instruction in school districts for purposes of improvement:</p> <p>(1) attendance data, including name of school or institution, school district, year or term of attendance, and term type;</p> <p>(2) student demographic and enrollment data;</p> <p>(3) academic performance and testing data; and</p> <p>(4) special academic services received by a student.</p> <p>Any analysis of or report on the data must contain only summary data.</p>	Allows.
Prekindergarten – Grade 12 Educational Data Coded Elsewhere	Minn. Stat. § 13.321, subds. 1, 4, 7-8.	<p><b>Subd. 1. Scope.</b></p> <p>The sections referred to in subdivisions 2 to 10 are codified outside this chapter. Those sections classify prekindergarten to grade 12 educational data as other than public, place restrictions on access to government data, or involve data sharing.</p> <p><b>Subd. 4. Student rights, responsibilities, and behavior.</b></p> <p>(a) <b>Immunization data.</b> Data sharing involving immunization records is governed by section 121A.15, subdivision 7.</p> <p>(b) <b>Developmental screening.</b> Data collected in early childhood developmental screening programs are classified under section 121A.18.</p> <p>(c) <b>Exclusions and expulsions.</b> Data sharing involving exclusions and expulsions is classified under section 121A.53.</p> <p><b>Subd. 7. Education programs.</b></p> <p>(a) <b>School readiness program.</b> Data on a child participating in a school readiness program are classified under section 124D.15, subdivision 9.</p> <p>(b) [Renumbered 13.461, subd 31]</p> <p>(c) <b>Performance tracking system.</b> Data sharing related to the performance tracking system is governed by section 124D.52.</p> <p><b>Subd. 8. Special education.</b></p> <p>(a) <b>Third-party payment.</b> Disclosure of student data to health plan companies is governed by section 125A.21, subdivision 7.</p>	<p>Prohibits.</p> <p>Prohibits.</p> <p>Allows only when the access is authorized or</p>



		<p>(b) <b>Agency access.</b> Agency access to data about a child with a disability is governed by section 125A.23.</p> <p>(c) <b>Interagency early intervention committees.</b> Data sharing involving interagency early intervention committees is governed by sections 125A.027, subdivision 1, and 125A.30.</p>	required by statute or federal law.
Government Data Practices – Public Health Data	Minn. Stat. § 13.3805	<p>Subd. 1.<b>Health data generally.</b></p> <p>(a) <b>Definitions.</b> As used in this subdivision:</p> <p>(1) "Commissioner" means the commissioner of health.</p> <p>(2) "Health data" are data on individuals created, collected, received, or maintained by the Department of Health, political subdivisions, or statewide systems relating to the identification, description, prevention, and control of disease or as part of an epidemiologic investigation the commissioner designates as necessary to analyze, describe, or protect the public health.</p> <p>(b) <b>Data on individuals.</b> (1) Health data are private data on individuals. Notwithstanding section 13.05, subdivision 9, health data may not be disclosed except as provided in this subdivision and section 13.04.</p> <p>(2) The commissioner or a local board of health as defined in section 145A.02, subdivision 2, may disclose health data to the data subject's physician as necessary to locate or identify a case, carrier, or suspect case, to establish a diagnosis, to provide treatment, to identify persons at risk of illness, or to conduct an epidemiologic investigation.</p> <p>(3) With the approval of the commissioner, health data may be disclosed to the extent necessary to assist the commissioner to locate or identify a case, carrier, or suspect case, to alert persons who may be threatened by illness as evidenced by epidemiologic data, to control or prevent the spread of serious disease, or to diminish an imminent threat to the public health.</p> <p>(c) <b>Health summary data.</b> Summary data derived from data collected under section 145.413 may be provided under section 13.05, subdivision 7.</p> <p>Subd. 2.<b>Huntington's Disease data.</b></p> <p>All data created, collected, received, or maintained by the commissioner of health on individuals relating to genetic counseling services for Huntington's Disease provided by the Department of Health are private data on individuals. The data may be permanently transferred from the department to the Hennepin County Medical Center, and once transferred, shall continue to be classified as private data on individuals.</p> <p>Subd. 3.<b>Office of Health Facility Complaints; investigative data.</b></p> <p>Except for investigative data under section 626.556, all investigative data maintained by the</p>	<p>Prohibits unless requested by the subject, or to the commissioner to the extent needed to prevent public harm.</p> <p>Prohibits.</p> <p>Prohibits if classified; allows if</p>

		<p>Department of Health's Office of Health Facility Complaints are subject to provisions of and classified pursuant to section 626.557, subdivision 12b, paragraphs (b) to (d). Notwithstanding sections 626.556, subdivision 11, and 626.557, subdivision 12b, paragraph (b), data identifying an individual substantiated as the perpetrator are public data. For purposes of this subdivision, an individual is substantiated as the perpetrator if the commissioner of health determines that the individual is the perpetrator and the determination of the commissioner is upheld after the individual either exercises applicable administrative appeal rights or fails to exercise these rights within the time allowed by law.</p> <p><b>Subd. 4. Drinking water testing data.</b></p> <p>Data maintained by the Department of Health or community public water systems that identify the address of the testing site and the name, address, and telephone number of residential homeowners of each specific site that is tested for lead and copper as required by the federal Safe Drinking Water Act, the United States Environmental Protection Agency's lead and copper rule, and the department's drinking water protection program are private data on individuals or nonpublic data.</p>	<p>public.</p> <p>Allows (with limitations set out in Minn. Stat. § 13.03, subd. 6.)</p>
<p>Disclosure of Welfare Data</p>	<p>Minn. Stat. § 13.46, subds. 1, 2(a) clauses 1-7, 9ii, 10.</p>	<p><b>Subd. 1. Definitions.</b></p> <p>As used in this section:</p> <p>(a) "Individual" means an individual according to section 13.02, subdivision 8, but does not include a vendor of services.</p> <p>(b) "Program" includes all programs for which authority is vested in a component of the welfare system according to statute or federal law, including, but not limited to, the aid to families with dependent children program formerly codified in sections 256.72 to 256.87, Minnesota family investment program, temporary assistance for needy families program, medical assistance, general assistance, general assistance medical care, child care assistance program, and child support collections.</p> <p>(c) "Welfare system" includes the Department of Human Services, local social services agencies, county welfare agencies, private licensing agencies, the public authority responsible for child support enforcement, human services boards, community mental health center boards, state hospitals, state nursing homes, the ombudsman for mental health and developmental disabilities, and persons, agencies, institutions, organizations, and other entities under contract to any of the above agencies to the extent specified in the contract.</p> <p>(d) "Mental health data" means data on individual clients and patients of community mental health centers, established under section 245.62, mental health divisions of counties and other providers under contract to deliver mental health services, or the ombudsman for mental health and developmental disabilities.</p> <p>(e) "Fugitive felon" means a person who has been convicted of a felony and who has escaped</p>	

		<p>from confinement or violated the terms of probation or parole for that offense.</p> <p>(f) "Private licensing agency" means an agency licensed by the commissioner of human services under chapter 245A to perform the duties under section 245A.16.</p> <p><b>Subd. 2.General.</b></p> <p>(a) Data on individuals collected, maintained, used, or disseminated by the welfare system are private data on individuals, and shall not be disclosed except:</p> <p>(1) according to section 13.05;</p> <p>(2) according to court order;</p> <p>(3) according to a statute specifically authorizing access to the private data;</p> <p>(4) to an agent of the welfare system and an investigator acting on behalf of a county, the state, or the federal government, including a law enforcement person or attorney in the investigation or prosecution of a criminal, civil, or administrative proceeding relating to the administration of a program;</p> <p>(5) to personnel of the welfare system who require the data to verify an individual's identity; determine eligibility, amount of assistance, and the need to provide services to an individual or family across programs; evaluate the effectiveness of programs; assess parental contribution amounts; and investigate suspected fraud;</p> <p>(6) to administer federal funds or programs;</p> <p>(7) between personnel of the welfare system working in the same program;</p> <p>(9) between the Department of Human Services, the Department of Employment and Economic Development, and when applicable, the Department of Education, for the following purposes:</p> <p>(ii) to administer any rehabilitation program or child care assistance program, whether alone or in conjunction with the welfare system;</p> <p>(10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;</p>	Allows (sets out various limitations).
Data Sharing Within Counties	Minn. Stat. § 13.468	County welfare, human services, corrections, public health, and veterans service units within a county may inform each other as to whether an individual or family currently is being served by the county unit, without the consent of the subject of the data. Data that may be shared are limited to the following: the name, telephone number, and last known address of the data subject; and the identification and contact information regarding personnel of the county unit responsible for working with the individual or family. If further information is necessary for the county unit to carry out its	Allows (with limitations).

		duties, each county unit may share additional data if the unit is authorized by state statute or federal law to do so or the individual gives written, informed consent.	
Comprehensive Law Enforcement Data – Definitions and Requests for Data	Minn. Stat. § 13.82, subds. 1, 2(j), 3, 6-9, 17(b), (d), (g), & (h), 24.	<p><b>Subd. 1.Application.</b></p> <p>This section shall apply to agencies which carry on a law enforcement function, including but not limited to municipal police departments, county sheriff departments, fire departments, the Bureau of Criminal Apprehension, the Minnesota State Patrol, the Board of Peace Officer Standards and Training, the Department of Commerce, and county human service agency client and provider fraud investigation, prevention, and control units operated or supervised by the Department of Human Services.</p> <p><b>Subd. 2.Arrest data.</b></p> <p>The following data created or collected by law enforcement agencies which document any actions taken by them to cite, arrest, incarcerate or otherwise substantially deprive an adult individual of liberty shall be public at all times in the originating agency:</p> <p>(j) the name, age, sex and last known address of an adult person or the age and sex of any juvenile person cited, arrested, incarcerated or otherwise substantially deprived of liberty;</p> <p><b>Subd. 3.Request for service data.</b></p> <p>The following data created or collected by law enforcement agencies which document requests by the public for law enforcement services shall be public government data:</p> <p>(a) the nature of the request or the activity complained of;</p> <p>(b) the name and address of the individual making the request unless the identity of the individual qualifies for protection under subdivision 17;</p> <p>(c) the time and date of the request or complaint; and</p> <p>(d) the response initiated and the response or incident report number.</p> <p><b>Subd. 6.Response or incident data.</b></p> <p>The following data created or collected by law enforcement agencies which document the agency's response to a request for service including, but not limited to, responses to traffic accidents, or which describe actions taken by the agency on its own initiative shall be public government data:</p> <p>(a) date, time and place of the action;</p> <p>(b) agencies, units of agencies and individual agency personnel participating in the action unless the identities of agency personnel qualify for protection under subdivision 17;</p> <p>(c) any resistance encountered by the agency;</p>	<p>Allows.</p> <p>Allows.</p> <p>Allows.</p>

		<p>(d) any pursuit engaged in by the agency;</p> <p>(e) whether any weapons were used by the agency or other individuals;</p> <p>(f) a brief factual reconstruction of events associated with the action;</p> <p>(g) names and addresses of witnesses to the agency action or the incident unless the identity of any witness qualifies for protection under subdivision 17;</p> <p>(h) names and addresses of any victims or casualties unless the identities of those individuals qualify for protection under subdivision 17;</p> <p>(i) the name and location of the health care facility to which victims or casualties were taken;</p> <p>(j) response or incident report number;</p> <p>(k) dates of birth of the parties involved in a traffic accident;</p> <p>(l) whether the parties involved were wearing seat belts; and</p> <p>(m) the alcohol concentration of each driver.</p> <p><b>Subd. 7.Criminal investigative data.</b></p> <p>Except for the data defined in subdivisions 2, 3, and 6, investigative data collected or created by a law enforcement agency in order to prepare a case against a person, whether known or unknown, for the commission of a crime or other offense for which the agency has primary investigative responsibility are confidential or protected nonpublic while the investigation is active. Inactive investigative data are public unless the release of the data would jeopardize another ongoing investigation or would reveal the identity of individuals protected under subdivision 17. Photographs which are part of inactive investigative files and which are clearly offensive to common sensibilities are classified as private or nonpublic data, provided that the existence of the photographs shall be disclosed to any person requesting access to the inactive investigative file. An investigation becomes inactive upon the occurrence of any of the following events:</p> <p>(a) a decision by the agency or appropriate prosecutorial authority not to pursue the case;</p> <p>(b) expiration of the time to bring a charge or file a complaint under the applicable statute of limitations, or 30 years after the commission of the offense, whichever comes earliest; or</p> <p>(c) exhaustion of or expiration of all rights of appeal by a person convicted on the basis of the investigative data.</p> <p>Any investigative data presented as evidence in court shall be public. Data determined to be inactive under clause (a) may become active if the agency or appropriate prosecutorial authority</p>	<p>Generally allows inactive criminal investigation data. Allows active criminal investigation data with court order.</p>
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		<p>decides to renew the investigation.</p> <p>During the time when an investigation is active, any person may bring an action in the district court located in the county where the data are being maintained to authorize disclosure of investigative data. The court may order that all or part of the data relating to a particular investigation be released to the public or to the person bringing the action. In making the determination as to whether investigative data shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the agency or to any person identified in the data. The data in dispute shall be examined by the court in camera.</p> <p><b>Subd. 8. Child abuse identity data.</b></p> <p>Active or inactive investigative data that identify a victim of child abuse or neglect reported under section 626.556 are private data on individuals. Active or inactive investigative data that identify a reporter of child abuse or neglect under section 626.556 are confidential data on individuals, unless the subject of the report compels disclosure under section 626.556, subdivision 11.</p> <p><b>Subd. 9. Inactive child abuse data.</b></p> <p>Investigative data that become inactive under subdivision 7, clause (a) or (b), and that relate to the alleged abuse or neglect of a child by a person responsible for the child's care, as defined in section 626.556, subdivision 2, are private data.</p> <p><b>Subd. 17. Protection of identities.</b></p> <p>A law enforcement agency or a law enforcement dispatching agency working under direction of a law enforcement agency shall withhold public access to data on individuals to protect the identity of individuals in the following circumstances:</p> <p>(b) when access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or of a violation of section 617.246, subdivision 2;</p> <p>(d) when access to the data would reveal the identity of a victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the agency reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual;</p> <p>(g) when access to the data would reveal the identity of a juvenile witness and the agency reasonably determines that the subject matter of the investigation justifies protecting the identity of the witness; or</p> <p>(h) when access to the data would reveal the identity of a mandated reporter under section 609.456, 626.556, or 626.557.</p>	<p>Allows only if disclosure is compelled by the subject.</p> <p>Allows (with limitations set out in Minn. Stat. § 13.03, subd. 6.)</p> <p>Lists circumstances in which public access to data is prohibited.</p>
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		<p>Data concerning individuals whose identities are protected by this subdivision are private data about those individuals. Law enforcement agencies shall establish procedures to acquire the data and make the decisions necessary to protect the identity of individuals described in clauses (c), (d), (f), and (g).</p> <p><b>Subd. 24. Exchanges of information.</b></p> <p>Nothing in this chapter prohibits the exchange of information by law enforcement agencies provided the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing an investigation, except not public personnel data and data governed by section 13.045.</p>	Allows with limitations.
Court Services Data	Minn. Stat. § 13.84	<p><b>Subd. 1. Definition.</b></p> <p>As used in this section "court services data" means data that are created, collected, used or maintained by a court services department, parole or probation authority, correctional agency, or by an agent designated by the court to perform studies or other duties and that are on individuals who are or were defendants, parolees or probationers of a district court, participants in diversion programs, petitioners or respondents to a family court, or juveniles adjudicated delinquent and committed, detained prior to a court hearing or hearings, or found to be dependent or neglected and placed under the supervision of the court.</p> <p><b>Subd. 2. General.</b></p> <p>Unless the data is summary data or a statute, including sections 609.115 and 257.70, specifically provides a different classification, the following court services data are classified as private pursuant to section 13.02, subdivision 12:</p> <p>(a) Court services data on individuals gathered at the request of a district court to determine the need for any treatment, rehabilitation, counseling, or any other need of a defendant, parolee, probationer, or participant in a diversion program, and used by the court to assist in assigning an appropriate sentence or other disposition in a case;</p> <p>(b) Court services data on petitioners or respondents to a family court gathered at the request of the court for purposes of, but not limited to, individual, family, marriage, chemical dependency and marriage dissolution adjustment counseling, including recommendations to the court as to the custody of minor children in marriage dissolution cases;</p> <p>(c) Court services data on individuals gathered by psychologists in the course of providing the court or its staff with psychological evaluations or in the course of counseling individual clients referred by the court for the purpose of assisting them with personal conflicts or difficulties.</p>	Allows with limitations set out in subd. 5.

		<p><b>Subd. 3. Third-party information.</b></p> <p>Whenever, in the course of gathering the private data specified above, a psychologist, probation officer or other agent of the court is directed by the court to obtain data on individual defendants, parolees, probationers, or petitioners or respondents in a family court, and the source of that data provides the data only upon the condition of its being held confidential, that data and the identity of the source shall be confidential data on individuals, pursuant to section 13.02, subdivision 3.</p> <p><b>Subd. 4. Probation data.</b></p> <p>Progress reports and other reports and recommendations provided at the request of the court by parole or probation officers for the purpose of determining the appropriate legal action or disposition regarding an individual on probation are confidential data on individuals.</p> <p><b>Subd. 5. Disclosure.</b></p> <p>Private or confidential court services data shall not be disclosed except:</p> <ul style="list-style-type: none"> <li>(a) pursuant to section 13.05;</li> <li>(b) pursuant to a statute specifically authorizing disclosure of court services data;</li> <li>(c) with the written permission of the source of confidential data;</li> <li>(d) to the court services department, parole or probation authority or state or local correctional agency or facility having statutorily granted supervision over the individual subject of the data;</li> <li>(e) pursuant to subdivision 6; or</li> <li>(f) pursuant to a valid court order.</li> </ul> <p><b>Subd. 6. Public benefit data.</b></p> <p>(a) The responsible authority or its designee of a parole or probation authority or correctional agency may release private or confidential court services data related to:</p> <ul style="list-style-type: none"> <li>(1) criminal acts to any law enforcement agency, if necessary for law enforcement purposes; and</li> <li>(2) criminal acts or delinquent acts to the victims of criminal or delinquent acts to the extent that the data are necessary for the victim to assert the victim's legal right to restitution.</li> </ul> <p>(b) A parole or probation authority, a correctional agency, or agencies that provide correctional services under contract to a correctional agency may release to a law enforcement agency the following data on defendants, parolees, or probationers: current address, dates of entrance to and departure from agency programs, and dates and times of any absences, both authorized and unauthorized, from a correctional program.</p>	<p>Allows with limitations set out in subd. 5.</p> <p>Allows with limitations set out in subd. 5.</p> <p>Allows.</p>
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		<p>(c) The responsible authority or its designee of a juvenile correctional agency may release private or confidential court services data to a victim of a delinquent act to the extent the data are necessary to enable the victim to assert the victim's right to request notice of release under section 611A.06. The data that may be released include only the name, home address, and placement site of a juvenile who has been placed in a juvenile correctional facility as a result of a delinquent act.</p> <p><b>Subd. 7. Public data.</b> The following court services data on adult individuals is public:</p> <p>(a) name, age, date of birth, sex, occupation and the fact that an individual is a parolee, probationer or participant in a diversion program, and if so, at what location;</p> <p>(b) the offense for which the individual was placed under supervision;</p> <p>(c) the dates supervision began and ended and the duration of supervision;</p> <p>(d) court services data which was public in a court or other agency which originated the data;</p> <p>(e) arrest and detention orders, orders for parole or probation revocation and the reasons for revocation;</p> <p>(f) the conditions of parole, probation or participation and the extent to which those conditions have been or are being met;</p> <p>(g) identities of agencies, units within agencies and individuals providing supervision; and</p> <p>(h) the legal basis for any change in supervision and the date, time and locations associated with the change.</p> <p><b>Subd. 8. Limitation.</b> Nothing in this section shall limit public access to data made public by section 13.82.</p> <p><b>Subd. 9. Child abuse data; release to child protective services.</b> A court services agency may release private or confidential data on an active case involving assessment or investigation of actions that are defined as sexual abuse, physical abuse, or neglect under section 626.556 to a local welfare agency if:</p> <p>(1) the local welfare agency has an active case involving a common client or clients who are the subject of the data; and</p> <p>(2) the data are necessary for the local welfare agency to effectively process the agency's case, including investigating or performing other duties relating to the case required by law.</p>	<p>Allows.</p> <p>Allows.</p>
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		<p>Court services data disclosed under this subdivision may be used only for purposes of the active case described in clause (1) and may not be further disclosed to any other person or agency, except as authorized by law.</p>	
<p>Corrections and Detention Data – private or confidential unless a court specifies otherwise.</p>	<p>Minn. Stat. § 13.85, subds. 2-4</p>	<p><b>Subd. 2. Corrections and detention private data.</b></p> <p>Unless the data are summary data or arrest data, or a statute specifically provides a different classification, corrections and detention data on individuals are classified as private pursuant to section 13.02, subdivision 12, to the extent that the release of the data would either (a) disclose medical, psychological, or financial information, or personal information not related to their lawful confinement or detention or (b) endanger an individual's life.</p> <p><b>Subd. 3. Corrections and detention confidential data.</b></p> <p>Corrections and detention data are confidential, pursuant to section 13.02, subdivision 3, to the extent that release of the data would: (a) endanger an individual's life, (b) endanger the effectiveness of an investigation authorized by statute and relating to the enforcement of rules or law, (c) identify a confidential informant, or (d) clearly endanger the security of any institution or its population.</p> <p><b>Subd. 4. Corrections and detention public data.</b></p> <p>After any presentation to a court, any data made private or confidential by this section shall be public to the extent reflected in court records.</p>	<p>Allows with court order pursuant to subd. 4.</p> <p>Allows with court order pursuant to subd. 4.</p>
<p>Criminal Justice Data Coded Elsewhere</p>	<p>Minn. Stat. § 13.871, subds. 1, 6(a)-(k), (n)-(q).</p>	<p><b>Subdivision 1. Scope.</b></p> <p>The sections referred to in this section are codified outside this chapter. Those sections classify criminal justice data as other than public, place restrictions on access to government data, or involve data sharing.</p> <p><b>Subd. 6. Training; investigation; apprehension; reports.</b></p> <p>(a) <b>Reports of gunshot wounds.</b> Disclosure of the name of a person making a report under section 626.52, subdivision 2, is governed by section 626.53.</p> <p>(b) <b>Child abuse report records.</b> Data contained in child abuse report records are classified under section 626.556.</p> <p>(c) <b>Interstate data exchange.</b> Disclosure of child abuse reports to agencies of another state is classified under section 626.556, subdivision 10g.</p> <p>(d) <b>Release to family court services.</b> Release of child abuse data to a court services agency is authorized under section 626.556, subdivision 10h.</p> <p>(e) <b>Release of data to mandated reporters.</b> Release of child abuse data to mandated reporters who have an ongoing responsibility for the health, education, or welfare of a child affected by the</p>	<p>Allows (with limitations).</p>

		<p>data is authorized under section 626.556, subdivision 10j.</p> <p>(f) <b>Release of child abuse assessment or investigative records to other counties.</b> Release of child abuse investigative records to local welfare agencies is authorized under section 626.556, subdivision 10k.</p> <p>(g) <b>Classifying and sharing records and reports of child abuse.</b> The classification of child abuse data and the sharing of records and reports of child abuse by and between local welfare agencies and law enforcement agencies are governed under section 626.556, subdivision 11.</p> <p>(h) <b>Disclosure of information not required in certain cases.</b> Disclosure of certain data obtained from interviewing a minor is governed by section 626.556, subdivision 11a.</p> <p>(i) <b>Data received from law enforcement.</b> Classifying child abuse data received by certain agencies from law enforcement agencies is governed under section 626.556, subdivision 11b.</p> <p>(j) <b>Disclosure in child fatality cases.</b> Disclosure of information relating to a child fatality is governed under section 626.556, subdivision 11d.</p> <p>(k) <b>Reports of prenatal exposure to controlled substances.</b> Data on persons making reports under section 626.5561 are classified under section 626.5561, subdivision 3.</p> <p>(n) <b>Child protection team.</b> Data acquired by a case consultation committee or subcommittee of a child protection team are classified by section 626.558, subdivision 3.</p> <p>(o) <b>Child maltreatment reports peer review panel.</b> Sharing data of cases reviewed by the panel is governed under section 626.5593, subdivision 2.</p> <p>(p) <b>Peace officer discipline procedures.</b> Access by an officer under investigation to the investigating agency's investigative report on the officer is governed by section 626.89, subdivision 6.</p> <p>(q) <b>Racial profiling study data.</b> Racial profiling study data is governed by Minnesota Statutes 2006, section 626.951.</p>	
<p>Juvenile Justice Data Coded Elsewhere</p>	<p>Minn. Stat. § 13.875, subds. 2, 4</p>	<p>Subd. 2. <b>Peace officers, court services, and corrections records of juveniles.</b>  Inspection and maintenance of juvenile records held by police and the commissioner of corrections and disclosure to school officials of court services data on juveniles adjudicated delinquent are governed by section 260B.171.</p> <p>Subd. 4. <b>Court records.</b>  Court records of dispositions involving placement outside this state are classified under section 260B.235, subdivision 8.</p>	<p>For both subds. 2 and 4, allows (with limitations set out in Minn. Stat. § 13.03, subd. 6.)</p>

<p>The judiciary is not governed in this chapter.</p>	<p>Minn. Stat. § 13.90</p>	<p><b>Subd. 1. Definition.</b>  For purposes of this section, "judiciary" means any office, officer, department, division, board, commission, committee, or agency of the courts of this state, whether or not of record, including but not limited to the Board of Law Examiners, the Lawyer's Professional Responsibility Board, the Board of Judicial Standards, the Lawyer's Trust Account Board, the State Law Library, the State Court Administrator's Office, the District Court Administrator's Office, and the Office of the Court Administrator.</p> <p><b>Subd. 2. Exemption.</b>  The judiciary is not governed by this chapter. Access to data of the judiciary is governed by rules adopted by the Supreme Court.</p>	<p>N/A</p>
<p>Meetings Having Data Classified as Not Public</p>	<p>Minn. Stat. § 13D.05, subds. 1-2</p>	<p><b>Subd. 1. General principles.</b>  (a) Except as provided in this chapter, meetings may not be closed to discuss data that are not public data.  (b) Data that are not public data may be discussed at a meeting subject to this chapter without liability or penalty, if the disclosure relates to a matter within the scope of the public body's authority and is reasonably necessary to conduct the business or agenda item before the public body.  (c) Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.  (d) All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the expense of the public body. Unless otherwise provided by law, the recordings must be preserved for at least three years after the date of the meeting.</p> <p><b>Subd. 2. When meeting must be closed.</b>  (a) Any portion of a meeting must be closed if expressly required by other law or if the following types of data are discussed:  (1) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;  (2) active investigative data as defined in section 13.82, subdivision 7, or internal affairs data relating to allegations of law enforcement personnel misconduct collected or created by a state agency, statewide system, or political subdivision;  (3) educational data, health data, medical data, welfare data, or mental health data that are not public data under section 13.32, 13.3805, subdivision 1, 13.384, or 13.46, subdivision 2 or 7; or  (4) an individual's medical records governed by sections 144.291 to 144.298.</p>	<p>Allows.</p> <p>Allows.</p>

		(b) A public body shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting.	
Head Start Data	Minn. Stat. § 119A.50, subds. 1-2	<p><b>Subd. 1. Department of Education.</b></p> <p>The Department of Education is the state agency responsible for administering the Head Start program. The commissioner of education shall allocate funds according to the formula in section 119A.52 to public or private nonprofit agencies for the purpose of providing supplemental funds for the federal Head Start program.</p> <p><b>Subd. 2. Data classification.</b></p> <p>Data collected on individuals from which the identity of any individual receiving services may be determined are private data on individuals as defined in section 13.02.</p>	Prohibits.
Student Data Use	Minn. Stat. § 121A.18	Data on individuals collected in screening programs established pursuant to section 121A.17 is private, as defined by section 13.02, subdivision 12. Individual and summary data must be reported to the district by the health provider who performs the screening services, for the purposes of developing appropriate educational programs to meet the individual needs of children and designing appropriate health education programs for the district. No data on an individual shall be disclosed to the district without the consent of that individual's parent or guardian.	Allows with parent or guardian permission.
School Pre-assessment Teams	Minn. Stat. § 121A.26	<p>Every public school, and every nonpublic school that participates in a school district chemical abuse program shall establish a chemical abuse preassessment team. The preassessment team must be composed of classroom teachers, administrators, and to the extent they exist in each school, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and other appropriate professional staff. The superintendents or their designees shall designate the team members in the public schools. The preassessment team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.</p> <p>Within 45 days after receiving an individual reported case, the preassessment team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse. Data may be disclosed without consent in health and safety emergencies pursuant to section 13.32 and applicable federal law and regulations.</p> <p>Notwithstanding section 138.163, destruction of records identifying individual students shall be governed by this section. If the preassessment team decides not to provide a student and, in the case</p>	Allows within preassessment team.

		of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the preassessment team about the student shall be destroyed not later than six months after the determination is made. If the preassessment team decides to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the preassessment team about the student shall be destroyed not later than six months after the student is no longer enrolled in the district.	
Receipt and Sharing of Student Records	Minn. Stat. § 121A.75, subds. 2-3	<p><b>Subd. 2. Disposition orders.</b></p> <p>(a) On receipt of a disposition order under section 260B.171, subdivision 3, the superintendent of the student's school district or chief administrative officer of the student's school must immediately transmit the order to the principal of the school where the student is in attendance. The principal must place the disposition order in the student's permanent education record. The principal must also immediately notify any counselor directly supervising or reporting on the behavior or progress of the student. In addition, the principal must immediately notify any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, and volunteers who are in direct contact with the student, if they determine these individuals need the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. When provided in the disposition order, the notice given under this paragraph by the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information.</p> <p>(b) Information received under this subdivision is private data on individuals as defined in section 13.32 and is received for the limited purpose of serving the educational needs of the student and protecting students or staff. The data may not be further disseminated by the teacher, counselor, staff member, administrator, substitute, or volunteer, except as necessary to serve the student, to protect students or staff, or as otherwise required by law, and only to the following persons:</p> <ol style="list-style-type: none"> <li>(1) the student; or</li> <li>(2) the student's parent or guardian.</li> </ol> <p>(c) If a student is removed from school as part of the disposition order, the superintendent of the student's school district or chief administrative officer of the student's school must maintain the copy of the order in a secure file and shall notify the principal when the student is returned to school. If the student is returned to a different school district or school, the student's probation officer must send a copy of the disposition order to the superintendent of the new school district or the chief</p>	Allows for limited purposes.

		<p>administrative officer of the new school.</p> <p>(d) The disposition order must be included if the student's permanent education record is released to another school district or educational entity to which the student is transferring under section 120A.22, subdivision 7.</p> <p>(e) Notwithstanding section 138.17, a disposition order received under section 260B.171, subdivision 3, paragraph (a), must be destroyed when the student graduates from school or at the end of the school year in which the student reaches age 23, whichever is earlier. A disposition order received under section 260B.171, subdivision 3, paragraph (b), must be destroyed when the student is discharged from probation.</p> <p><b>Subd. 3. Peace officer records of children.</b></p> <p>(a) A law enforcement agency must transmit the notice required by section 260B.171, subdivision 5, to the superintendent of the student's school district who must immediately transmit the notice to the principal of the school the student attends, or to the principal of the school the student attends if there is no superintendent. The principal must place the notice in the student's educational record. The principal must immediately notify any teacher, counselor, or administrator directly supervising the student who the principal believes needs the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, or volunteers who are in direct contact with the student if the principal determines these individuals need the data to work with the juvenile in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. When provided in the peace officer notice, the notice from the principal must identify the student and describe the alleged offense.</p> <p>(b) Data received under this subdivision are private data on individuals under section 13.32 and are received for the limited purpose of serving the student's educational needs and protecting students or staff. The teacher, counselor, staff member, administrator, substitute, or volunteer must not further disseminate the data, except to communicate with the student or the student's parent or guardian as needed to serve the student, protect students or staff, or as otherwise required by law.</p> <p>(c) The principal must include the notice in the student's educational record as required by section 120A.22, subdivision 7.</p> <p>(d) If the county attorney determines not to proceed with a petition alleging any offense in section 260B.171, subdivision 3, paragraph (a), clauses (1) to (3), or directs the student into a diversion or mediation program, the county attorney must notify the superintendent of the student's school district who must immediately transmit the notice to the principal of the school the student attends, or to the principal of the school that the student attends if there is no superintendent. The</p>	<p>Allows for limited purposes.</p>
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		<p>notice must contain the name of the student and a summary of the resolution of the case. Notwithstanding section 138.17, the principal must delete the peace officer's report and notice from the student's educational record and destroy the data and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received data from the peace officer notice.</p> <p>(e) If the juvenile court makes a decision on a petition that alleges any offense in section 260B.171, subdivision 3, paragraph (a), clauses (1) to (3), and the decision affects a student and is not a disposition order, the court must notify the superintendent of the student's school district who must immediately transmit the notice to the principal of the school the student attends, or to the principal of the school that the student attends if there is no superintendent, of the decision. Notwithstanding section 138.17, the principal must delete the peace officer's report and notice from the student's educational record and destroy the data and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received data from the peace officer notice.</p> <p>(f) In addition to the data destruction requirements of this subdivision, a principal must comply with the requirements of section 120A.22, subdivision 7.</p>	
<p>Interagency Early Intervention Committee Responsibilities</p>	<p>Minn. Stat. § 125A.027</p>	<p><b>Subd. 1. Additional duties.</b></p> <p>(a) The governing boards of the interagency early intervention committees are responsible for developing and implementing interagency policies and procedures to coordinate services at the local level for children with disabilities ages three to 21 under guidelines established by the state interagency committee under section 125A.023, subdivision 4. Consistent with the requirements in this section and section 125A.023, the governing boards of the interagency early intervention committees shall organize as a joint powers board under section 471.59 or enter into an interagency agreement that establishes a governance structure.</p> <p>(b) The governing board of each interagency early intervention committee as defined in section 125A.30, paragraph (a), which may include a juvenile justice professional, shall:</p> <p>(1) identify and assist in removing state and federal barriers to local coordination of services provided to children with disabilities;</p> <p>(2) identify adequate, equitable, and flexible use of funding by local agencies for these services;</p> <p>(3) implement policies that ensure a comprehensive and coordinated system of all state and local agency services, including multidisciplinary assessment practices, for children with disabilities ages three to 21;</p> <p>(4) use a standardized written plan for providing services to a child with disabilities developed under section 125A.023;</p>	<p>N/A</p>



		<p>(5) access the coordinated dispute resolution system and incorporate the guidelines for coordinating services at the local level, consistent with section 125A.023;</p> <p>(6) use the evaluation process to measure the success of the local interagency effort in improving the quality and coordination of services to children with disabilities ages three to 21 consistent with section 125A.023;</p> <p>(7) develop a transitional plan for children moving from the interagency early childhood intervention system under sections 125A.259 to 125A.48 into the interagency intervention service system under this section;</p> <p>(8) coordinate services and facilitate payment for services from public and private institutions, agencies, and health plan companies; and</p> <p>(9) share needed information consistent with state and federal data practices requirements.</p> <p><b>Subd. 2. Appropriate and necessary services.</b></p> <p>(a) Parents, physicians, other health care professionals including school nurses, and education and human services providers jointly must determine appropriate and necessary services for eligible children with disabilities ages three to 21. The services provided to the child under this section must conform with the child's standardized written plan. The governing board of an interagency early intervention committee must provide those services contained in a child's individualized education program and those services for which a legal obligation exists.</p> <p>(b) Nothing in this section or section 125A.023 increases or decreases the obligation of the state, county, regional agency, local school district, or local agency or organization to pay for education, health care, or social services.</p> <p>(c) A health plan may not exclude any medically necessary covered service solely because the service is or could be identified in a child's individual family service plan, individualized education program, a plan established under section 504 of the federal Rehabilitation Act of 1973, or a student's individual health plan. This paragraph reaffirms the obligation of a health plan company to provide or pay for certain medically necessary covered services, and encourages a health plan company to coordinate this care with any other providers of similar services. Also, a health plan company may not exclude from a health plan any medically necessary covered service such as an assessment or physical examination solely because the resulting information may be used for an individualized education program or a standardized written plan.</p> <p><b>Subd. 3. Implementation timeline.</b></p> <p>By July 1, 2000, the individual interagency intervention plan must be available and by January 1, 2001, all governing boards of interagency early intervention committees statewide must implement a</p>	
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		<p>coordinated service system for children up to age five with disabilities consistent with the requirements of this section and section 125A.023 and the evaluation results from the demonstration projects under section 125A.023, subdivision 5. Children with disabilities up to the age of 21 shall be eligible for coordinated services and their eligibility to receive such services under this section shall be phased in over a four-year period as follows:</p> <ul style="list-style-type: none"> <li>(1) July 1, 2001, children up to age nine become eligible;</li> <li>(2) July 1, 2002, children up to age 14 become eligible; and</li> <li>(3) July 1, 2003, children up to age 21 become eligible.</li> </ul> <p><b>Subd. 4. Responsibilities of school and county boards.</b></p> <p>(a) It is the joint responsibility of school and county boards to coordinate, provide, and pay for appropriate services, and to facilitate payment for services from public and private sources. Appropriate service for children eligible under section 125A.02 and receiving service from two or more public agencies of which one is the public school must be determined in consultation with parents, physicians, and other education, medical health, and human services providers. The services provided must be in conformity with an Individual Interagency Intervention Plan (IIIP) for each eligible child ages 3 to 21.</p> <p>(b) Appropriate services include those services listed on a child's IIIP. These services are those that are required to be documented on a plan under federal and state law or rule.</p> <p>(c) School and county boards shall coordinate interagency services. Service responsibilities for eligible children, ages 3 to 21, shall be established in interagency agreements or joint powers board agreements. In addition, interagency agreements or joint powers board agreements shall be developed to establish agency responsibility that assures that coordinated interagency services are coordinated, provided, and paid for, and that payment is facilitated from public and private sources. School boards must provide, pay for, and facilitate payment for special education services as required under sections 125A.03 and 125A.06. County boards must provide, pay for, and facilitate payment for those programs over which they have service and fiscal responsibility as referenced in section 125A.023, subdivision 3, paragraph (d), clause (1).</p>	
<p>Agency Access to Nonpublic Data – Assistance of the Commissioner of the Minnesota Department of Administration</p>	<p>Minn. Stat. § 125A.23</p>	<p>The commissioner of administration must prepare a form and disseminate guidelines for state agencies, political subdivisions, and other responsible authorities to use to enable a responsible authority to allow another responsible authority access to data about a child with a disability that is classified as not public. The form and guidelines must be consistent with section 13.05, subdivision 9, and federal law, and are not subject to the rulemaking requirements under chapter 14.</p>	<p>N/A</p>

<p>Interagency Early Intervention Committees</p>	<p>Minn. Stat. § 125A.30</p>	<p>(a) A school district, group of districts, or special education cooperative, in cooperation with the health and human service agencies located in the county or counties in which the district or cooperative is located, must establish an Interagency Early Intervention Committee for children with disabilities under age five and their families under this section, and for children with disabilities ages three to 22 consistent with the requirements under sections 125A.023 and 125A.027. Committees must include representatives of local health, education, and county human service agencies, county boards, school boards, early childhood family education programs, Head Start, parents of young children with disabilities under age 12, child care resource and referral agencies, school readiness programs, current service providers, and agencies that serve families experiencing homelessness, and may also include representatives from other private or public agencies and school nurses. The committee must elect a chair from among its members and must meet at least quarterly.</p> <p>(b) The committee must develop and implement interagency policies and procedures concerning the following ongoing duties:</p> <p>(1) develop public awareness systems designed to inform potential recipient families, especially parents with premature infants, or infants with other physical risk factors associated with learning or development complications, of available programs and services;</p> <p>(2) to reduce families' need for future services, and especially parents with premature infants, or infants with other physical risk factors associated with learning or development complications, implement interagency child find systems designed to actively seek out, identify, and refer infants and young children with, or at risk of, disabilities, including a child under the age of three who: (i) is the subject of a substantiated case of abuse or neglect or (ii) is identified as directly affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure;</p> <p>(3) establish and evaluate the identification, referral, screening, evaluation, child- and family-directed assessment systems, procedural safeguard process, and community learning systems to recommend, where necessary, alterations and improvements;</p> <p>(4) assure the development of individualized family service plans for all eligible infants and toddlers with disabilities from birth through age two, and their families, and individualized education programs and individual service plans when necessary to appropriately serve children with disabilities, age three and older, and their families and recommend assignment of financial responsibilities to the appropriate agencies;</p> <p>(5) implement a process for assuring that services involve cooperating agencies at all steps leading to individualized programs;</p> <p>(6) facilitate the development of a transition plan in the individual family service plan by the time a child is two years and nine months old;</p>	<p>N/A</p>
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		<p>(7) identify the current services and funding being provided within the community for children with disabilities under age five and their families;</p> <p>(8) develop a plan for the allocation and expenditure of federal early intervention funds under United States Code, title 20, section 1471 et seq. (Part C, Public Law 108-446) and United States Code, title 20, section 631, et seq. (Chapter I, Public Law 89-313); and</p> <p>(9) develop a policy that is consistent with section 13.05, subdivision 9, and federal law to enable a member of an interagency early intervention committee to allow another member access to data classified as not public.</p> <p>(c) The local committee shall also participate in needs assessments and program planning activities conducted by local social service, health and education agencies for young children with disabilities and their families.</p>	
Peace Officer Records of Children	Minn. Stat. § 260B.171 (Subdivision 9 is effective January 1, 2014 and applies to juvenile delinquency cases filed on or after that date.)	<p><b>Subd. 1. Records required to be kept.</b></p> <p>(a) The juvenile court judge shall keep such minutes and in such manner as the court deems necessary and proper. Except as provided in paragraph (b), the court shall keep and maintain records pertaining to delinquent adjudications until the person reaches the age of 28 years and shall release the records on an individual to another juvenile court that has jurisdiction of the juvenile, to a requesting adult court for purposes of sentencing, or to an adult court or juvenile court as required by the right of confrontation of either the United States Constitution or the Minnesota Constitution. The juvenile court shall provide, upon the request of any other juvenile court, copies of the records concerning adjudications involving the particular child. The court also may provide copies of records concerning delinquency adjudications, on request, to law enforcement agencies, probation officers, and corrections agents if the court finds that providing these records serves public safety or is in the best interests of the child. Juvenile court delinquency proceeding records of adjudications, court transcripts, and delinquency petitions, including any probable cause attachments that have been filed or police officer reports relating to a petition, must be released to requesting law enforcement agencies and prosecuting authorities for purposes of investigating and prosecuting violations of section 609.229, provided that psychological or mental health reports may not be included with those records. The agency receiving the records may release the records only as permitted under this section or authorized by law.</p> <p>The court shall also keep an index in which files pertaining to juvenile matters shall be indexed under the name of the child. After the name of each file shall be shown the file number and, if ordered by the court, the book and page of the register in which the documents pertaining to such file are listed. The court shall also keep a register properly indexed in which shall be listed under the name of the child all documents filed pertaining to the child and in the order filed. The list shall show the name of the document and the date of filing thereof. The juvenile court legal records shall be deposited in files and shall include the petition, summons, notice, findings, orders, decrees, judgments, and motions and such other matters as the court deems necessary and proper. Unless otherwise provided by law, all court records shall be open at all reasonable times to the inspection of any child to whom the records relate,</p>	

		<p>and to the child's parent and guardian.</p> <p>(b) The court shall retain records of the court finding that a juvenile committed an act that would be a felony- or gross misdemeanor level offense until the offender reaches the age of 28. If the offender commits a felony as an adult, or the court convicts a child as an extended jurisdiction juvenile, the court shall retain the juvenile records for as long as the records would have been retained if the offender had been an adult at the time of the juvenile offense. This paragraph does not apply unless the juvenile was provided counsel as required by section 260B.163, subdivision 2.</p> <p><b>Subd. 2. Record of findings.</b></p> <p>(a) The juvenile court shall forward to the Bureau of Criminal Apprehension the following data in juvenile petitions involving felony- or gross misdemeanor-level offenses:</p> <ol style="list-style-type: none"> <li>(1) the name and birthdate of the juvenile, including any of the juvenile's known aliases or street names;</li> <li>(2) the act for which the juvenile was petitioned and date of the offense; and</li> <li>(3) the date and county where the petition was filed.</li> </ol> <p>(b) Upon completion of the court proceedings, the court shall forward the court's finding and case disposition to the bureau. The court shall specify whether:</p> <ol style="list-style-type: none"> <li>(1) the juvenile was referred to a diversion program;</li> <li>(2) the petition was dismissed, continued for dismissal, or continued without adjudication; or</li> <li>(3) the juvenile was adjudicated delinquent.</li> </ol> <p>(c) The juvenile court shall forward to the bureau, the Sentencing Guidelines Commission, and the Department of Corrections the following data on individuals convicted as extended jurisdiction juveniles:</p> <ol style="list-style-type: none"> <li>(1) the name and birthdate of the offender, including any of the juvenile's known aliases or street names;</li> <li>(2) the crime committed by the offender and the date of the crime;</li> <li>(3) the date and county of the conviction; and</li> <li>(4) the case disposition.</li> </ol> <p>The court shall notify the bureau, the Sentencing Guidelines Commission, and the Department of Corrections whenever it executes an extended jurisdiction juvenile's adult sentence under section 260B.130, subdivision 5.</p> <p>(d) The juvenile court shall forward to the statewide supervision system described in section 241.065 the following data in juvenile petitions for individuals under supervision by probation agencies</p>	
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		<p>or in an out-of-home placement:</p> <ul style="list-style-type: none"> <li>(1) the name, address, birth date, race, and gender of the juvenile, including any of the juvenile's known aliases or street names;</li> <li>(2) the act for which the juvenile was petitioned and date of offense;</li> <li>(3) the date and county where the petition was filed;</li> <li>(4) county, date of court action, and court file number of any adjudication or continuance;</li> <li>(5) the case disposition, including any conditions of supervision; and</li> <li>(6) the discharge or closing date and reason for the case under supervision.</li> </ul> <p>(e) The bureau, Sentencing Guidelines Commission, and the Department of Corrections shall retain the extended jurisdiction juvenile data for as long as the data would have been retained if the offender had been an adult at the time of the offense. Data retained on individuals under this subdivision are private data under section 13.02, except that extended jurisdiction juvenile data becomes public data under section 13.87, subdivision 2, when the juvenile court notifies the bureau that the individual's adult sentence has been executed under section 260B.130, subdivision 5.</p> <p><b>Subd. 3. Disposition order; copy to school.</b></p> <p>(a) If a juvenile is enrolled in school, the juvenile's probation officer shall ensure that either a mailed notice or an electronic copy of the court's disposition order be transmitted to the superintendent of the juvenile's school district or the chief administrative officer of the juvenile's school if the juvenile has been adjudicated delinquent for committing an act on the school's property or an act:</p> <ul style="list-style-type: none"> <li>(1) that would be a violation of section 609.185 (first-degree murder); 609.19 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree manslaughter); 609.205 (second-degree manslaughter); 609.21 (criminal vehicular homicide and injury); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.3451 (fifth-degree criminal sexual conduct); 609.498 (tampering with a witness); 609.561 (first-degree arson); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or 609.749 (stalking), if committed by an adult;</li> <li>(2) that would be a violation of section 152.021 (first-degree controlled substance crime); 152.022 (second-degree controlled substance crime); 152.023 (third-degree controlled substance crime); 152.024 (fourth-degree controlled substance crime); 152.025 (fifth-degree controlled substance crime); 152.0261 (importing a controlled substance); 152.0262 (possession of substances with intent to manufacture methamphetamine); or 152.027 (other controlled substance offenses), if committed by an</li> </ul>	
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		<p>adult; or</p> <p>(3) that involved the possession or use of a dangerous weapon as defined in section 609.02, subdivision 6.</p> <p>When a disposition order is transmitted under this subdivision, the probation officer shall notify the juvenile's parent or legal guardian that the disposition order has been shared with the juvenile's school.</p> <p>(b) In addition, the juvenile's probation officer may transmit a copy of the court's disposition order to the superintendent of the juvenile's school district or the chief administrative officer of the juvenile's school if the juvenile has been adjudicated delinquent for offenses not listed in paragraph (a) and placed on probation. The probation officer shall notify the superintendent or chief administrative officer when the juvenile is discharged from probation.</p> <p>(c) The disposition order must be accompanied by a notice to the school that the school may obtain additional information from the juvenile's probation officer with the consent of the juvenile or the juvenile's parents, as applicable. The disposition order must be maintained, shared, or released only as provided in section 121A.75.</p> <p>(d) The juvenile's probation officer shall maintain a record of disposition orders released under this subdivision and the basis for the release.</p> <p>(e) No later than September 1, 2002, the criminal and juvenile justice information policy group, in consultation with representatives of probation officers and educators, shall prepare standard forms for use by juvenile probation officers in forwarding information to schools under this subdivision and in maintaining a record of the information that is released. The group shall provide a copy of any forms or procedures developed under this paragraph to the legislature by January 15, 2003.</p> <p>(f) As used in this subdivision, "school" means a charter school or a school as defined in section 120A.22, subdivision 4, except a home school.</p> <p><b>Subd. 4. Public inspection of records.</b></p> <p>(a) Legal records arising from proceedings or portions of proceedings that are public under section 260B.163, subdivision 1, are open to public inspection.</p> <p>(b) Except as otherwise provided by this section, none of the records of the juvenile court and none of the records relating to an appeal from a nonpublic juvenile court proceeding, except the written appellate opinion, shall be open to public inspection or their contents disclosed except:</p> <p>(1) by order of a court; or</p> <p>(2) as required by chapter 245C or sections 245A.04, 611A.03, 611A.04, 611A.06, and 629.73.</p> <p>(c) The victim of any alleged delinquent act may, upon the victim's request, obtain the following information, unless it reasonably appears that the request is prompted by a desire on the part of the</p>	
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	<p>requester to engage in unlawful activities:</p> <p>(1) the name and age of the juvenile;</p> <p>(2) the act for which the juvenile was petitioned and date of the offense; and</p> <p>(3) the disposition, including, but not limited to, dismissal of the petition, diversion, probation and conditions of probation, detention, fines, or restitution.</p> <p>(d) The records of juvenile probation officers and county home schools are records of the court for the purposes of this subdivision. Court services data relating to delinquent acts that are contained in records of the juvenile court may be released as allowed under section 13.84, subdivision 6. This subdivision applies to all proceedings under this chapter, including appeals from orders of the juvenile court, except that this subdivision does not apply to proceedings under section 260B.335 or 260B.425 when the proceeding involves an adult defendant. The court shall maintain the confidentiality of adoption files and records in accordance with the provisions of laws relating to adoptions. In juvenile court proceedings any report or social history furnished to the court shall be open to inspection by the attorneys of record and the guardian ad litem a reasonable time before it is used in connection with any proceeding before the court.</p> <p>(e) When a judge of a juvenile court, or duly authorized agent of the court, determines under a proceeding under this chapter that a child has violated a state or local law, ordinance, or regulation pertaining to the operation of a motor vehicle on streets and highways, except parking violations, the judge or agent shall immediately report the violation to the commissioner of public safety. The report must be made on a form provided by the Department of Public Safety and must contain the information required under section 169.95.</p> <p>(f) A county attorney may give a law enforcement agency that referred a delinquency matter to the county attorney a summary of the results of that referral, including the details of any juvenile court disposition.</p> <p><b>Subd. 5. Peace officer records of children.</b></p> <p>(a) Except for records relating to an offense where proceedings are public under section 260B.163, subdivision 1, peace officers' records of children who are or may be delinquent or who may be engaged in criminal acts shall be kept separate from records of persons 18 years of age or older and are private data but shall be disseminated: (1) by order of the juvenile court, (2) as required by section 121A.28, (3) as authorized under section 13.82, subdivision 2, (4) to the child or the child's parent or guardian unless disclosure of a record would interfere with an ongoing investigation, (5) to the Minnesota crime victims reparations board as required by section 611A.56, subdivision 2, clause (6), for the purpose of processing claims for crime victims reparations, or (6) as otherwise provided in this subdivision. Except as provided in paragraph (c), no photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have violated section 169A.20. Peace officers' records containing data about children who are victims of crimes or witnesses</p>	<p>Allows with court order.</p>
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		<p>to crimes must be administered consistent with section 13.82, subdivisions 2, 3, 6, and 17. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.</p> <p>In the case of computerized records maintained about juveniles by peace officers, the requirement of this subdivision that records about juveniles must be kept separate from adult records does not mean that a law enforcement agency must keep its records concerning juveniles on a separate computer system. Law enforcement agencies may keep juvenile records on the same computer as adult records and may use a common index to access both juvenile and adult records so long as the agency has in place procedures that keep juvenile records in a separate place in computer storage and that comply with the special data retention and other requirements associated with protecting data on juveniles.</p> <p>(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary for law enforcement purposes.</p> <p>(c) A photograph may be taken of a child taken into custody pursuant to section 260B.175, subdivision 1, clause (b), provided that the photograph must be destroyed when the child reaches the age of 19 years. The commissioner of corrections may photograph juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles authorized by this paragraph may be used only for institution management purposes, case supervision by parole agents, and to assist law enforcement agencies to apprehend juvenile offenders. The commissioner shall maintain photographs of juveniles in the same manner as juvenile court records and names under this section.</p> <p>(d) Traffic investigation reports are open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. Identifying information on juveniles who are parties to traffic accidents may be disclosed as authorized under section 13.82, subdivision 6, and accident reports required under section 169.09 may be released under section 169.09, subdivision 13, unless the information would identify a juvenile who was taken into custody or who is suspected of committing an offense that would be a crime if committed by an adult, or would associate a juvenile with the offense, and the offense is not an adult court traffic offense under section 260B.225.</p> <p>(e) The head of a law enforcement agency or a person specifically given the duty by the head of the law enforcement agency shall notify the superintendent or chief administrative officer of a juvenile's school of an incident occurring within the agency's jurisdiction if:</p> <p>(1) the agency has probable cause to believe that the juvenile has committed an offense that would be a crime if committed as an adult, that the victim of the offense is a student or staff member of the school, and that notice to the school is reasonably necessary for the protection of the victim; or</p> <p>(2) the agency has probable cause to believe that the juvenile has committed an offense described in subdivision 3, paragraph (a), clauses (1) to (3), that would be a crime if committed by an adult, regardless of whether the victim is a student or staff member of the school.</p> <p>A law enforcement agency is not required to notify the school under this paragraph if the agency determines that notice would jeopardize an ongoing investigation. For purposes of this paragraph,</p>	
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		<p>"school" means a public or private elementary, middle, secondary, or charter school.</p> <p>(f) In any county in which the county attorney operates or authorizes the operation of a juvenile prepetition or pretrial diversion program, a law enforcement agency or county attorney's office may provide the juvenile diversion program with data concerning a juvenile who is a participant in or is being considered for participation in the program.</p> <p>(g) Upon request of a local social services agency, peace officer records of children who are or may be delinquent or who may be engaged in criminal acts may be disseminated to the agency to promote the best interests of the subject of the data.</p> <p>(h) Upon written request, the prosecuting authority shall release investigative data collected by a law enforcement agency to the victim of a criminal act or alleged criminal act or to the victim's legal representative, except as otherwise provided by this paragraph. Data shall not be released if:</p> <ul style="list-style-type: none"> <li>(1) the release to the individual subject of the data would be prohibited under section 13.821; or</li> <li>(2) the prosecuting authority reasonably believes: <ul style="list-style-type: none"> <li>(i) that the release of that data will interfere with the investigation; or</li> <li>(ii) that the request is prompted by a desire on the part of the requester to engage in unlawful activities.</li> </ul> </li> </ul> <p><b>Subd. 6. Attorney access to records.</b></p> <p>An attorney representing a child, parent, or guardian ad litem in a proceeding under this chapter shall be given access to records, local social services agency files, and reports which form the basis of any recommendation made to the court. An attorney does not have access under this subdivision to the identity of a person who made a report under section 626.556. The court may issue protective orders to prohibit an attorney from sharing a specified record or portion of a record with a client other than a guardian ad litem.</p> <p><b>Subd. 7. Court record released to prosecutor.</b></p> <p>If a prosecutor has probable cause to believe that a person has committed a gross misdemeanor violation of section 169A.20, and that a prior juvenile court adjudication forms, in part, the basis for the current violation, the prosecutor may file an application with the court having jurisdiction over the criminal matter attesting to this probable cause determination and seeking the relevant juvenile court records. The court shall transfer the application to the juvenile court where the requested records are maintained, and the juvenile court shall release to the prosecutor any records relating to the person's prior juvenile traffic adjudication, including a transcript, if any, of the court's advisory of the right to counsel and the person's exercise or waiver of that right.</p> <p><b>Subd. 8. Further release of records.</b></p> <p>A person who receives access to juvenile court or peace officer records of children that are not</p>	
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		<p>accessible to the public may not release or disclose the records to any other person except as authorized by law. This subdivision does not apply to the child who is the subject of the records or the child's parent or guardian.</p> <p>Subd. 9. <b>Electronic case records.</b> There shall be no direct public access to juvenile delinquency records maintained in electronic format in court information systems related to juvenile court proceedings that are public under section 260B.163, subdivision 1, except, unless the juvenile and the prosecutor agree otherwise, in cases where: (1) the prosecutor filed a motion for certification;(2) the prosecutor designated or requested that the proceeding be designated an extended jurisdiction juvenile prosecution; or(3) the juvenile has been adjudicated delinquent of a crime of violence as defined in section 624.712, subdivision 5, and not codified in chapter 152.</p>	<p>Prohibits unless the criteria set out in this subdivision are met.</p>
<p>Juvenile Safety and Placement - Records</p>	<p>Minn. Stat. § 260C.171, subds. 2 - 5</p>	<p>Subd. 2.<b>Public inspection of records.</b></p> <p>(a) The records from proceedings or portions of proceedings involving a child in need of protection or services, permanency, or termination of parental rights are accessible to the public as authorized by the Minnesota Rules of Juvenile Protection Procedure.</p> <p>(b) None of the records relating to an appeal from a nonpublic juvenile court proceeding, except the written appellate opinion, shall be open to public inspection or their contents disclosed except by order of a court.</p> <p>(c) The records of juvenile probation officers are records of the court for the purposes of this subdivision. This subdivision applies to all proceedings under this chapter, including appeals from orders of the juvenile court. The court shall maintain the confidentiality of adoption files and records in accordance with the provisions of laws relating to adoptions. In juvenile court proceedings any report or social history furnished to the court shall be open to inspection by the attorneys of record and the guardian ad litem a reasonable time before it is used in connection with any proceeding before the court.</p> <p>Subd. 3.<b>Attorney access to records.</b></p> <p>An attorney representing a child, parent, or guardian ad litem in a proceeding under this chapter shall be given access to records, responsible social services agency files, and reports which form the basis of any recommendation made to the court. An attorney does not have access under this subdivision to the identity of a person who made a report under section 626.556. The court may issue protective orders to prohibit an attorney from sharing a specified record or portion of a record with a client other than a guardian ad litem.</p> <p>Subd. 4.<b>County attorney referral of child in need of protection or services.</b></p> <p>In a county in which the county attorney refers children who are in need of protection or</p>	<p>Allows.</p> <p>Allows with court order.</p> <p>Allows to attorney.</p> <p>Allows to county attorney.</p>

		<p>services to community programs, the county attorney may provide a community program with data on a child who is a participant or being considered for participation in the program.</p> <p><b>Subd. 5. Further release of records.</b></p> <p>A person who receives access to juvenile court or peace officer records of children that are not accessible to the public may not release or disclose the records to any other person except as authorized by law. This subdivision does not apply to the child who is the subject of the records or the child's parent or guardian.</p> <p><b>Subd. 6. Notice to school.</b></p> <p>(a) As used in this subdivision, the following terms have the meanings given. "Chemical substance," "methamphetamine paraphernalia," and "methamphetamine waste products" have the meanings given in section 152.137, subdivision 1. "School" means a charter school or a school as defined in section 120A.22, subdivision 4, except a home school.</p> <p>(b) If a child has been taken into protective custody after being found in an area where methamphetamine was being manufactured or attempted to be manufactured or where any chemical substances, methamphetamine paraphernalia, or methamphetamine waste products were stored, and the child is enrolled in school, the officer who took the child into custody shall notify the chief administrative officer of the child's school of this fact.</p>	<p>Allows as authorized by law.</p> <p>Allows officer to notify school</p>
<p>Joint Exercise of Powers Agreement</p>	<p>Minn. Stat. § 471.59, subds. 1-11 (Changes in <u>strikeout</u> and <u>underline</u> are effective 1/1/14)</p>	<p><b>Subd. 1. Agreement.</b></p> <p>Two or more governmental units, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised. The agreement may provide for the exercise of such powers by one or more of the participating governmental units on behalf of the other participating units. The term "governmental unit" as used in this section includes every city, county, town, school district, independent nonprofit firefighting corporation, other political subdivision of this or another state, another state, federally recognized Indian tribe, the University of Minnesota, the Minnesota Historical Society, nonprofit hospitals licensed under sections 144.50 to 144.56, rehabilitation facilities and extended employment providers that are certified by the commissioner of employment and economic development, <del>day training and habilitation services licensed under sections 245B.01 to 245B.08,</del> <u>day and supported employment services licensed under chapter 245D,</u> and any agency of the state of Minnesota or the United States, and includes any instrumentality of a governmental unit. For the purpose of this section, an instrumentality of a governmental unit means an instrumentality having independent policy-making and appropriating authority.</p>	<p>N/A</p>

		<p><b>Subd. 1a. Liability.</b></p> <p>(a) A governmental unit participating in a joint venture or joint enterprise, including participation in a cooperative activity undertaken pursuant to this section or other law, is not liable for the acts or omissions of another governmental unit participating in the joint venture or joint enterprise, unless the participating governmental unit has agreed in writing to be responsible for the acts or omissions of another participating governmental unit.</p> <p>(b) For purposes of determining total liability for damages, the participating governmental units and the joint board, if one is established, are considered a single governmental unit and the total liability for the participating governmental units and the joint board, if established, shall not exceed the limits on governmental liability for a single governmental unit as specified in section 3.736 or 466.04, subdivision 1, or as waived or extended by the joint board or all participating governmental units under section 3.736, subdivision 8; 466.06; or 471.981. This paragraph does not protect a governmental unit from liability for its own independent acts or omissions not directly related to the joint activity.</p> <p>(c) If a participating governmental unit has procured or extended insurance coverage pursuant to section 3.736, subdivision 8; 466.06; or 471.981 in excess of the limits on governmental liability under section 3.736 or 466.04, subdivision 1, covering participation in the joint venture or joint enterprise, the procurement of that insurance constitutes a waiver of the limits of governmental liability for that governmental unit to the extent that valid and collectable insurance or self-insurance, including, where applicable, proceeds from the Minnesota Guarantee Fund, exceeds those limits and covers that governmental unit's liability for the claim, if any.</p> <p><b>Subd. 2. Agreement to state purpose.</b></p> <p>Such agreement shall state the purpose of the agreement or the power to be exercised and it shall provide for the method by which the purpose sought shall be accomplished or the manner in which the power shall be exercised. When the agreement provides for use of a joint board, the board shall be representative of the parties to the agreement. A joint board that is formed for educational purposes may conduct public meetings via interactive television if the board complies with chapter 13D in each location where board members are present. Irrespective of the number, composition, terms, or qualifications of its members, such board is deemed to comply with statutory or charter provisions for a board for the exercise by any one of the parties of the power which is the subject of the agreement.</p> <p><b>Subd. 3. Disbursement of funds.</b></p> <p>The parties to such agreement may provide for disbursements from public funds to carry out the purposes of the agreement. Funds may be paid to and disbursed by such agency as may be agreed upon, but the method of disbursement shall agree as far as practicable with the method provided by</p>	
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	<p>law for the disbursement of funds by the parties to the agreement. Contracts let and purchases made under the agreement shall conform to the requirements applicable to contracts and purchases of any one of the parties, as specified in the agreement. Strict accountability of all funds and report of all receipts and disbursements shall be provided for.</p> <p><b>Subd. 4. Termination of agreement.</b> Such agreement may be continued for a definite term or until rescinded or terminated in accordance with its terms.</p> <p><b>Subd. 5. Shall provide for distribution of property.</b> Such agreement shall provide for the disposition of any property acquired as the result of such joint or cooperative exercise of powers, and the return of any surplus moneys in proportion to contributions of the several contracting parties after the purpose of the agreement has been completed.</p> <p><b>Subd. 6. Residence requirement.</b> Residence requirements for holding office in any governmental unit shall not apply to any officer appointed to carry out any such agreement.</p> <p><b>Subd. 7. Not to affect other acts.</b> This section does not dispense with procedural requirements of any other act providing for the joint or cooperative exercise of any governmental power.</p> <p><b>Subd. 8. Services performed by county, commonality of powers.</b> Notwithstanding the provisions of subdivision 1 requiring commonality of powers between parties to any agreement the board of county commissioners of any county may by resolution enter into agreements with any other governmental unit as defined in subdivision 1 to perform on behalf of that unit any service or function which that unit would be authorized to provide for itself.</p> <p><b>Subd. 9. Exercise of power.</b> For the purposes of the development, coordination, presentation and evaluation of training programs for local government officials, governmental units may exercise their powers under this section in conjunction with organizations representing governmental units and local government officials.</p> <p><b>Subd. 10. Services performed by governmental units; commonality of powers.</b> Notwithstanding the provisions of subdivision 1 requiring commonality of powers between parties to any agreement, the governing body of any governmental unit as defined in subdivision 1 may enter into agreements with any other governmental unit to perform on behalf of that unit any service or function which the governmental unit providing the service or function is authorized to</p>	
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		<p>provide for itself. If the agreement has the effect of eliminating or replacing a public employee who is part of a collective bargaining agreement represented by an exclusive representative, and there is no provision in the collective bargaining agreement detailing the effect of the action on the affected public employee, negotiations on the effects to the employee of the job elimination or restructuring must be conducted between the exclusive representative and the employer.</p> <p><b>Subd. 11. Joint powers board.</b></p> <p>(a) Two or more governmental units, through action of their governing bodies, by adoption of a joint powers agreement that complies with the provisions of subdivisions 1 to 5, may establish a joint board to issue bonds or obligations under any law by which any of the governmental units establishing the joint board may independently issue bonds or obligations and may use the proceeds of the bonds or obligations to carry out the purposes of the law under which the bonds or obligations are issued. A joint board established under this section may issue obligations and other forms of indebtedness only in accordance with express authority granted by the action of the governing bodies of the governmental units that established the joint board. Except as provided in paragraphs (b) and (c), the joint board established under this subdivision must be composed solely of members of the governing bodies of the governmental unit that established the joint board. A joint board established under this subdivision may not pledge the full faith and credit or taxing power of any of the governmental units that established the joint board. The obligations or other forms of indebtedness must be obligations of the joint board issued on behalf of the governmental units creating the joint board. The obligations or other forms of indebtedness must be issued in the same manner and subject to the same conditions and limitations that would apply if the obligations were issued or indebtedness incurred by one of the governmental units that established the joint board, provided that any reference to a governmental unit in the statute, law, or charter provision authorizing the issuance of the bonds or the incurring of the indebtedness is considered a reference to the joint board.</p> <p>(b) Notwithstanding paragraph (a), one school district, one county, and one public health entity, through action of their governing bodies, may establish a joint board to establish and govern a family services collaborative under section 124D.23. The school district, county, and public health entity may include other governmental entities at their discretion. The membership of a board established under this paragraph, in addition to members of the governing bodies of the participating governmental units, must include the representation required by section 124D.23, subdivision 1, paragraph (a), selected in accordance with section 124D.23, subdivision 1, paragraph (c).</p> <p>(c) Notwithstanding paragraph (a), counties, school districts, and mental health entities, through action of their governing bodies, may establish a joint board to establish and govern a children's mental health collaborative under sections 245.491 to 245.495, or a collaborative established by the merger of a children's mental health collaborative and a family services collaborative under section 124D.23. The county, school district, and mental health entities may include other entities at their</p>	
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		discretion. The membership of a board established under this paragraph, in addition to members of the governing bodies of the participating governmental units, must include the representation provided by section 245.493, subdivision 1.	
Gunshot Wounds Caused by Sport of Hunting or Shooting	Minn. Stat. § 626.553, subd. 1	<p><b>Subd. 1.Report; wounds; investigation.</b></p> <p>Upon receipt of the report required in sections 626.52 and 626.53, the sheriff or chief of police receiving the report shall determine the general cause of the wound, and upon determining that the wound was caused by an action connected with the occupation or sport of hunting or shooting the sheriff or chief of police shall immediately conduct a detailed investigation into the facts surrounding the incident or occurrence which occasioned the injury or death reported. The investigating officer shall report the findings of the investigation to the commissioner of natural resources on forms provided by the commissioner for this purpose.</p>	Allows access to the commissioner of natural resources.
Mandatory Reporting of Maltreatment of Minors	Minn. Stat. § 626.556, subs. 7(d); 10(d), 10(h); 10b; 10d; 10e(e); 10g; 11-11d(b)-(f). (Effective 1/1/14, "chapter 245B" in Subdivision 10d(a) will change to "chapter 245D")	<p><b>Subd. 7.Report.</b></p> <p>(d) A written copy of a report maintained by personnel of agencies, other than welfare or law enforcement agencies, which are subject to chapter 13 shall be confidential. An individual subject of the report may obtain access to the original report as provided by subdivision 11.</p> <p><b>Subd. 10.Duties of local welfare agency and local law enforcement agency upon receipt of report.</b></p> <p>(d) When the local welfare, local law enforcement agency, or the agency responsible for assessing or investigating a report of maltreatment determines that an interview should take place on school property, written notification of intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property. For interviews conducted by the local welfare agency, the notification shall be signed by the chair of the local social services agency or the chair's designee. The notification shall be private data on individuals subject to the provisions of this paragraph. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded, unless a school employee or agent is alleged to have maltreated the child. Until that time, the local welfare or law enforcement agency or the agency responsible for assessing or investigating a report of maltreatment shall be solely responsible for any disclosures regarding the nature of the assessment or investigation.</p> <p>Except where the alleged offender is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after</p>	



		<p>the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Where the school fails to comply with the provisions of this paragraph, the juvenile court may order the school to comply. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.</p> <p>(h) The local welfare agency responsible for conducting a family assessment or investigation shall collect available and relevant information to determine child safety, risk of subsequent child maltreatment, and family strengths and needs and share not public information with an Indian's tribal social services agency without violating any law of the state that may otherwise impose duties of confidentiality on the local welfare agency in order to implement the tribal state agreement. The local welfare agency or the agency responsible for investigating the report shall collect available and relevant information to ascertain whether maltreatment occurred and whether protective services are needed. Information collected includes, when relevant, information with regard to the person reporting the alleged maltreatment, including the nature of the reporter's relationship to the child and to the alleged offender, and the basis of the reporter's knowledge for the report; the child allegedly being maltreated; the alleged offender; the child's caretaker; and other collateral sources having relevant information related to the alleged maltreatment. The local welfare agency or the agency responsible for investigating the report may make a determination of no maltreatment early in an investigation, and close the case and retain immunity, if the collected information shows no basis for a full investigation.</p> <p>Information relevant to the assessment or investigation must be asked for, and may include:</p> <p>(1) the child's sex and age, prior reports of maltreatment, information relating to developmental functioning, credibility of the child's statement, and whether the information provided under this clause is consistent with other information collected during the course of the assessment or investigation;</p> <p>(2) the alleged offender's age, a record check for prior reports of maltreatment, and criminal charges and convictions. The local welfare agency or the agency responsible for assessing or investigating the report must provide the alleged offender with an opportunity to make a statement. The alleged offender may submit supporting documentation relevant to the assessment or investigation;</p> <p>(3) collateral source information regarding the alleged maltreatment and care of the child. Collateral information includes, when relevant: (i) a medical examination of the child; (ii) prior medical records relating to the alleged maltreatment or the care of the child maintained by any facility, clinic, or health care professional and an interview with the treating professionals; and (iii) interviews with the child's caretakers, including the child's parent, guardian, foster parent, child care provider, teachers, counselors, family members, relatives, and other persons who may have knowledge regarding the alleged maltreatment and the care of the child; and</p> <p>(4) information on the existence of domestic abuse and violence in the home of the child, and substance abuse.</p>	<p>Allows (with limitations).</p>
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		<p>Nothing in this paragraph precludes the local welfare agency, the local law enforcement agency, or the agency responsible for assessing or investigating the report from collecting other relevant information necessary to conduct the assessment or investigation. Notwithstanding sections 13.384 or 144.291 to 144.298, the local welfare agency has access to medical data and records for purposes of clause (3). Notwithstanding the data's classification in the possession of any other agency, data acquired by the local welfare agency or the agency responsible for assessing or investigating the report during the course of the assessment or investigation are private data on individuals and must be maintained in accordance with subdivision 11. Data of the commissioner of education collected or maintained during and for the purpose of an investigation of alleged maltreatment in a school are governed by this section, notwithstanding the data's classification as educational, licensing, or personnel data under chapter 13.</p> <p>In conducting an assessment or investigation involving a school facility as defined in subdivision 2, paragraph (i), the commissioner of education shall collect investigative reports and data that are relevant to a report of maltreatment and are from local law enforcement and the school facility.</p> <p><b>Subd. 10b. Duties of commissioner; neglect or abuse in facility.</b></p> <p>(a) This section applies to the commissioners of human services, health, and education. The commissioner of the agency responsible for assessing or investigating the report shall immediately assess or investigate if the report alleges that:</p> <p>(1) a child who is in the care of a facility as defined in subdivision 2 is neglected, physically abused, sexually abused, or is the victim of maltreatment in a facility by an individual in that facility, or has been so neglected or abused, or been the victim of maltreatment in a facility by an individual in that facility within the three years preceding the report; or</p> <p>(2) a child was neglected, physically abused, sexually abused, or is the victim of maltreatment in a facility by an individual in a facility defined in subdivision 2, while in the care of that facility within the three years preceding the report.</p> <p>The commissioner of the agency responsible for assessing or investigating the report shall arrange for the transmittal to the commissioner of reports received by local agencies and may delegate to a local welfare agency the duty to investigate reports. In conducting an investigation under this section, the commissioner has the powers and duties specified for local welfare agencies under this section. The commissioner of the agency responsible for assessing or investigating the report or local welfare agency may interview any children who are or have been in the care of a facility under investigation and their parents, guardians, or legal custodians.</p> <p>(b) Prior to any interview, the commissioner of the agency responsible for assessing or investigating the report or local welfare agency shall notify the parent, guardian, or legal custodian of a child who will be interviewed in the manner provided for in subdivision 10d, paragraph (a). If reasonable efforts to reach the parent, guardian, or legal custodian of a child in an out-of-home placement have failed, the child may be interviewed if there is reason to believe the interview is necessary to protect the child or other children in the facility. The commissioner of the agency</p>	
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	<p>responsible for assessing or investigating the report or local agency must provide the information required in this subdivision to the parent, guardian, or legal custodian of a child interviewed without parental notification as soon as possible after the interview. When the investigation is completed, any parent, guardian, or legal custodian notified under this subdivision shall receive the written memorandum provided for in subdivision 10d, paragraph (c).</p> <p>(c) In conducting investigations under this subdivision the commissioner or local welfare agency shall obtain access to information consistent with subdivision 10, paragraphs (h), (i), and (j). In conducting assessments or investigations under this subdivision, the commissioner of education shall obtain access to reports and investigative data that are relevant to a report of maltreatment and are in the possession of a school facility as defined in subdivision 2, paragraph (i), notwithstanding the classification of the data as educational or personnel data under chapter 13. This includes, but is not limited to, school investigative reports, information concerning the conduct of school personnel alleged to have committed maltreatment of students, information about witnesses, and any protective or corrective action taken by the school facility regarding the school personnel alleged to have committed maltreatment.</p> <p>(d) The commissioner may request assistance from the local social services agency.</p> <p><b>Subd. 10d. Notification of neglect or abuse in facility.</b></p> <p>(a) When a report is received that alleges neglect, physical abuse, sexual abuse, or maltreatment of a child while in the care of a licensed or unlicensed day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed according to sections 144.50 to 144.58; 241.021; or 245A.01 to 245A.16; or chapter 245B, or a school as defined in sections 120A.05, subdivisions 9, 11, and 13; and 124D.10; or a nonlicensed personal care provider organization as defined in section 256B.04, subdivision 16, and 256B.0625, subdivision 19a, the commissioner of the agency responsible for assessing or investigating the report or local welfare agency investigating the report shall provide the following information to the parent, guardian, or legal custodian of a child alleged to have been neglected, physically abused, sexually abused, or the victim of maltreatment of a child in the facility: the name of the facility; the fact that a report alleging neglect, physical abuse, sexual abuse, or maltreatment of a child in the facility has been received; the nature of the alleged neglect, physical abuse, sexual abuse, or maltreatment of a child in the facility; that the agency is conducting an assessment or investigation; any protective or corrective measures being taken pending the outcome of the investigation; and that a written memorandum will be provided when the investigation is completed.</p> <p>(b) The commissioner of the agency responsible for assessing or investigating the report or local welfare agency may also provide the information in paragraph (a) to the parent, guardian, or legal custodian of any other child in the facility if the investigative agency knows or has reason to believe the alleged neglect, physical abuse, sexual abuse, or maltreatment of a child in the facility has occurred. In determining whether to exercise this authority, the commissioner of the agency responsible for assessing or investigating the report or local welfare agency shall consider the seriousness of the</p>	<p>Allows access to the commissioner and local welfare agency.</p> <p>Allows with limitations as specified in this section.</p>
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		<p>the court that the report was false and that there is evidence that the report was made in bad faith. This subdivision does not alter disclosure responsibilities or obligations under the Rules of Criminal Procedure.</p> <p>(b) Upon request of the legislative auditor, data on individuals maintained under this section must be released to the legislative auditor in order for the auditor to fulfill the auditor's duties under section 3.971. The auditor shall maintain the data in accordance with chapter 13.</p> <p>(c) The commissioner of education must be provided with all requested data that are relevant to a report of maltreatment and are in possession of a school facility as defined in subdivision 2, paragraph (i), when the data is requested pursuant to an assessment or investigation of a maltreatment report of a student in a school. If the commissioner of education makes a determination of maltreatment involving an individual performing work within a school facility who is licensed by a board or other agency, the commissioner shall provide necessary and relevant information to the licensing entity to enable the entity to fulfill its statutory duties. Notwithstanding section 13.03, subdivision 4, data received by a licensing entity under this paragraph are governed by section 13.41 or other applicable law governing data of the receiving entity, except that this section applies to the classification of and access to data on the reporter of the maltreatment.</p> <p><b>Subd. 11a. Disclosure of information not required in certain cases.</b></p> <p>When interviewing a minor under subdivision 10, an individual does not include the parent or guardian of the minor for purposes of section 13.04, subdivision 2, when the parent or guardian is the alleged perpetrator of the abuse or neglect.</p> <p><b>Subd. 11b. Data received from law enforcement.</b></p> <p>Active law enforcement investigative data received by a local welfare agency or agency responsible for assessing or investigating the report under this section are confidential data on individuals. When this data become inactive in the law enforcement agency, the data are private data on individuals.</p> <p><b>Subd. 11c. Welfare, court services agency, and school records maintained.</b></p> <p>Notwithstanding sections 138.163 and 138.17, records maintained or records derived from reports of abuse by local welfare agencies, agencies responsible for assessing or investigating the report, court services agencies, or schools under this section shall be destroyed as provided in paragraphs (a) to (d) by the responsible authority.</p> <p>(a) For family assessment cases and cases where an investigation results in no determination of maltreatment or the need for child protective services, the assessment or investigation records must be maintained for a period of four years. Records under this paragraph may not be used for employment,</p>	<p>Prohibits when active; allows when private (with limitations set out in 13.03, subd. 6).</p>
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		<p>background checks, or purposes other than to assist in future risk and safety assessments.</p> <p>(b) All records relating to reports which, upon investigation, indicate either maltreatment or a need for child protective services shall be maintained for at least ten years after the date of the final entry in the case record.</p> <p>(c) All records regarding a report of maltreatment, including any notification of intent to interview which was received by a school under subdivision 10, paragraph (d), shall be destroyed by the school when ordered to do so by the agency conducting the assessment or investigation. The agency shall order the destruction of the notification when other records relating to the report under investigation or assessment are destroyed under this subdivision.</p> <p>(d) Private or confidential data released to a court services agency under subdivision 10h must be destroyed by the court services agency when ordered to do so by the local welfare agency that released the data. The local welfare agency or agency responsible for assessing or investigating the report shall order destruction of the data when other records relating to the assessment or investigation are destroyed under this subdivision.</p> <p><b>Subd. 11d. Disclosure in child fatality or near-fatality cases.</b></p> <p>(b) Notwithstanding any other provision of law and subject to this subdivision, a public agency shall disclose to the public, upon request, the findings and information related to a child fatality or near fatality if:</p> <p>(1) a person is criminally charged with having caused the child fatality or near fatality; or</p> <p>(2) a county attorney certifies that a person would have been charged with having caused the child fatality or near fatality but for that person's death.</p> <p>(c) Findings and information disclosed under this subdivision consist of a written summary that includes any of the following information the agency is able to provide:</p> <p>(1) the dates, outcomes, and results of any actions taken or services rendered;</p> <p>(2) the results of any review of the state child mortality review panel, a local child mortality review panel, a local community child protection team, or any public agency; and</p> <p>(3) confirmation of the receipt of all reports, accepted or not accepted, by the local welfare agency for assessment of suspected child abuse, neglect, or maltreatment, including confirmation that investigations were conducted, the results of the investigations, a description of the conduct of the most recent investigation and the services rendered, and a statement of the basis for the agency's determination.</p> <p>(d) Nothing in this subdivision authorizes access to the private data in the custody of a local social services agency, or the disclosure to the public of the records or content of any psychiatric, psychological, or therapeutic evaluations, or the disclosure of information that would reveal the</p>	<p>Allows unless prohibited by law.</p> <p>Prohibits.</p>
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		<p>identities of persons who provided information related to suspected abuse, neglect, or maltreatment of the child.</p> <p>(e) A person whose request is denied may apply to the appropriate court for an order compelling disclosure of all or part of the findings and information of the public agency. The application must set forth, with reasonable particularity, factors supporting the application. The court has jurisdiction to issue these orders. Actions under this section must be set down for immediate hearing, and subsequent proceedings in those actions must be given priority by the appellate courts.</p> <p>(f) A public agency or its employees acting in good faith in disclosing or declining to disclose information under this section are immune from criminal or civil liability that might otherwise be incurred or imposed for that action.</p>	<p>Allows petition to compel disclosure.</p>
<p>Multidisciplinary Child Protection Team</p>	<p>Minn. Stat. § 626.558</p>	<p><b>Subd. 1. Establishment of team.</b></p> <p>A county shall establish a multidisciplinary child protection team that may include, but not be limited to, the director of the local welfare agency or designees, the county attorney or designees, the county sheriff or designees, representatives of health and education, representatives of mental health or other appropriate human service or community-based agencies, and parent groups. As used in this section, a "community-based agency" may include, but is not limited to, schools, social service agencies, family service and mental health collaboratives, early childhood and family education programs, Head Start, or other agencies serving children and families. A member of the team must be designated as the lead person of the team responsible for the planning process to develop standards for its activities with battered women's and domestic abuse programs and services.</p> <p><b>Subd. 2. Duties of team.</b></p> <p>A multidisciplinary child protection team may provide public and professional education, develop resources for prevention, intervention, and treatment, and provide case consultation to the local welfare agency or other interested community-based agencies. The community-based agencies may request case consultation from the multidisciplinary child protection team regarding a child or family for whom the community-based agency is providing services. As used in this section, "case consultation" means a case review process in which recommendations are made concerning services to be provided to the identified children and family. Case consultation may be performed by a committee or subcommittee of members representing human services, including mental health and chemical dependency; law enforcement, including probation and parole; the county attorney; health care; education; community-based agencies and other necessary agencies; and persons directly involved in an individual case as designated by other members performing case consultation.</p>	



		<p><b>Subd. 2a. Sexually exploited youth outreach program.</b></p> <p>A multidisciplinary child protection team may assist the local welfare agency, local law enforcement agency, or an appropriate private organization in developing a program of outreach services for sexually exploited youth, including homeless, runaway, and truant youth who are at risk of sexual exploitation. For the purposes of this subdivision, at least one representative of a youth intervention program or, where this type of program is unavailable, one representative of a nonprofit agency serving youth in crisis, shall be appointed to and serve on the multidisciplinary child protection team in addition to the standing members of the team. These services may include counseling, medical care, short-term shelter, alternative living arrangements, and drop-in centers. A juvenile's receipt of intervention services under this subdivision may not be conditioned upon the juvenile providing any evidence or testimony.</p> <p><b>Subd. 3. Information sharing.</b></p> <p>(a) The local welfare agency may make available to the case consultation committee or subcommittee, all records collected and maintained by the agency under section 626.556 and in connection with case consultation. A case consultation committee or subcommittee member may share information acquired in the member's professional capacity with the committee or subcommittee to assist in case consultation.</p> <p>(b) Case consultation committee or subcommittee members must annually sign a data sharing agreement, approved by the commissioner of human services, assuring compliance with chapter 13. Not public data, as defined by section 13.02, subdivision 8a, may be shared with members appointed to the committee or subcommittee in connection with an individual case when the members have signed the data sharing agreement.</p> <p>(c) All data acquired by the case consultation committee or subcommittee in exercising case consultation duties, are confidential as defined in section 13.02, subdivision 3, and shall not be disclosed except to the extent necessary to perform case consultation, and shall not be subject to subpoena or discovery.</p> <p>(d) No members of a case consultation committee or subcommittee meeting shall disclose what transpired at a case consultation meeting, except to the extent necessary to carry out the case consultation plan. The proceedings and records of the case consultation meeting are not subject to discovery, and may not be introduced into evidence in any civil or criminal action against a professional or local welfare agency arising out of the matter or matters which are the subject of consideration of the case consultation meeting. Information, documents, or records otherwise available from original sources are not immune from discovery or use in any civil or criminal action merely because they were presented during a case consultation meeting. Any person who presented information before the consultation committee or subcommittee or who is a member shall not be</p>	<p>Allows within the team.</p>
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		prevented from testifying as to matters within the person's knowledge. However, in a civil or criminal proceeding a person shall not be questioned about the person's presentation of information before the case consultation committee or subcommittee or about opinions formed as a result of the case consultation meetings.	
<b>Minnesota Administrative Rules – Data Practices</b> Rules can be retrieved in their entirety at <a href="https://www.revisor.mn.gov/rules/?id=1205">https://www.revisor.mn.gov/rules/?id=1205</a> .			
Access to Private Data	Minn. Admin. Rule 1205.0400	<p><b>Subp. 1. General.</b> Pursuant to Minnesota Statutes, sections 13.02, subdivision 12; and 13.05, the responsible authority shall comply with the following rules concerning access to private data.</p> <p><b>Subp. 2. Who may see private data.</b> Access to private data shall be available only to the following: the subject of such data, as limited by any applicable statute or federal law; individuals within the entity whose work assignments reasonably require access; entities and agencies as determined by the responsible authority who are authorized by statute, including Minnesota Statutes, section 13.05, subdivision 4, or federal law to gain access to that specific data; and entities or individuals given access by the express written direction of the data subject.</p> <p><b>Subp. 3. Access procedure.</b> The responsible authority shall establish written procedures to assure that access is gained only by those parties identified in subpart 2.</p> <p>In those procedures, the responsible authority shall provide for reasonable measures to assure, in those instances where an individual who seeks to gain access to private data asserts that he or she is the subject of that data or the authorized representative of the data subject, that the individual making the assertion is in fact the subject of the data or the authorized representative of the data subject. Examples of such reasonable measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>A. requiring the person seeking to gain access to appear at the offices of the entity to gain such access or, in lieu of a personal appearance, requiring the signature of any data subject who is unable to appear at the offices of the entity; and</li> <li>B. requiring the person to provide reasonable identification.</li> </ul>	Allows (with limitations).

		<p><b>Subp. 4. Time limits.</b> The responsible authority may limit the time that access is available to the data subject to the normal working hours of the agency.</p> <p><b>Subp. 5. Fees.</b> The responsible authority shall not charge the data subject any fee in those instances where the data subject only desires to view private data. The responsible authority may charge the data subject a reasonable fee for providing copies of private data.</p> <p>In determining the amount of the reasonable fee, the responsible authority shall be guided by the criteria set out in part 1205.0300 concerning access to public data.</p>	
<p>Access to Private Data Concerning Data Subjects Who Are Minors.</p>	<p>Minn. Admin. Rule 1205.0500</p>	<p><b>Subp. 1. General.</b> Pursuant to Minnesota Statutes, sections 13.02, subdivisions 8 and 12; and 13.05, the responsible authority shall comply with the following rules concerning access. In addition to the particular requirements of this part, access to private data concerning a minor data subject shall be subject to the requirements of part 1205.0400 concerning access to all private data.</p> <p><b>Subp. 2. Who may see private data concerning minors.</b> Access to private data concerning minors shall be available only to the following:</p> <ul style="list-style-type: none"> <li>A. Those parties identified as having access to private data under part 1205.0400, subpart 2.</li> <li>B. Subject to the provisions of Minnesota Statutes, section 13.02, subdivision 8, any other applicable statute, and the exception set out at subpart 3, item A, the parents of the minor data subject. For purposes of this part, the responsible authority shall presume the parent has the authority to exercise the rights inherent in the act unless the responsible authority has been provided with evidence that there is a state law or court order governing such matters as divorce, separation, or custody, or a legally binding instrument which provides to the contrary.</li> </ul> <p><b>Subp. 3. Access procedures for parents.</b> Pursuant to the provisions of Minnesota Statutes, section 13.02, subdivision 8, the responsible authority shall establish procedures to provide access by the parents of a minor data subject to private data concerning that minor, subject to the following:</p> <ul style="list-style-type: none"> <li>A. The responsible authority may deny parental access to private data when the minor, who is the subject of that data, requests that the responsible authority deny such access. The</li> </ul>	<p>Allows (with limitations).</p>

		<p>responsible authority shall provide minors from whom the entity collects private or confidential data with a notification that the minor individual has the right to request that parental access to private data be denied. The responsible authority may require the minor data subject to submit a written request that the data be withheld. The written request shall set forth the reasons for denying parental access and shall be signed by the minor.</p> <p>B. Upon receipt of such a request, the responsible authority shall determine if honoring the request to deny parental access would be in the best interest of the minor data subject. In making the determination, the responsible authority shall be guided by at least the following:</p> <ul style="list-style-type: none"> <li>(1) whether the minor is of sufficient age and maturity to be able to explain the reasons for and to understand the consequences of the request to deny access;</li> <li>(2) whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;</li> <li>(3) whether there is ground for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;</li> <li>(4) whether the data in question is of such a nature that disclosure of it to the parent could lead to physical or emotional harm to the minor data subject; and</li> <li>(5) whether the data concerns medical, dental, or other health services provided pursuant to Minnesota Statutes, sections 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize the health of the minor.</li> </ul> <p><b>Subp. 4. Parents' access to educational records.</b> The responsible authority shall not deny access by parents to data that is considered an "education record," as that term is defined in Code of Federal Regulations, title 45, part 99, section 99.3, unless the minor to whom the data pertains is enrolled as a full-time student in a postsecondary educational institution or the student has attained the age of 18. As of the date of the adoption of these rules, the term "education records" was defined by Code of Federal Regulations, title 45, part 99, section 99.3 as follows:</p> <ul style="list-style-type: none"> <li>(a) "Education records" means those records which: <ul style="list-style-type: none"> <li>(1) are directly related to a student; and</li> <li>(2) are maintained by an educational agency or institution or by a party acting for the agency or</li> </ul> </li> </ul>	
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		<p>institution.</p> <p>(b) The term does not include:</p> <p>(1) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:</p> <p>(i) are in the sole possession of the maker thereof; and</p> <p>(ii) are not accessible or revealed to any other individual except a substitute. For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record, and does not refer to an individual who permanently succeeds the maker of the record in his or her position.</p> <p>(2) Records of a law enforcement unit of an educational agency or institution which are:</p> <p>(i) maintained apart from the records described in paragraph (a) of this definition;</p> <p>(ii) maintained solely for law enforcement purposes; and</p> <p>(iii) not disclosed to individuals other than law enforcement officials of the same jurisdiction; provided that education records maintained by the educational agency or institution are not disclosed to the personnel of the law enforcement unit.</p> <p>(3)(i) Records relating to an individual who is employed by an educational agency or institution which:</p> <p>(A) are made and maintained in the normal course of business;</p> <p>(B) relate exclusively to the individual in that individual's capacity as an employee; and</p> <p>(C) are not available for use for any other purpose.</p> <p>(ii) This paragraph does not apply to records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student.</p> <p>(4) Records relating to an eligible student which are:</p> <p>(i) created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity;</p> <p>(ii) created, maintained, or used only in connection with the provision of treatment to the student; and</p> <p>(iii) not disclosed to anyone other than individuals providing the treatment; provided that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities</p>	
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		<p>or activities which are part of the program of instruction at the educational agency or institution.</p> <p>(5) Records of an educational agency or institution which contain only information relating to a person after that person was no longer a student at the educational agency or institution. An example would be information collected by an educational agency or institution pertaining to the accomplishments of its alumni.</p> <p><b>Subp. 5. Denying access without a request from a minor.</b> Without a request from a minor, the responsible authority may deny parental access to private data on a minor, pursuant to the provisions of Minnesota Statutes, sections 144.291 to 144.298 or any other statute or federal law that allows or requires the responsible authority the authority to do so, if such state statute or federal law provides standards which limit the exercise of the discretion of the responsible authority.</p>	
<p><b>Minnesota Rules of Juvenile Protection Procedure</b>  The Rules can be retrieved in their entirety at: <a href="https://www.revisor.mn.gov/court_rules/rule.php?name=jurjpp-toh">https://www.revisor.mn.gov/court_rules/rule.php?name=jurjpp-toh</a>.</p>			
Access to Juvenile Protection Case Records – Presumption of Access to Records	Minn. Juv. Prot. Rule 8.01	<p>Except as otherwise provided in this Rule, all juvenile protection case records relating to juvenile protection matters, as those terms are defined in Rule 2.01, are presumed to be accessible to any party and any member of the public for inspection, copying, or release. Records or information to which access is restricted under Rule 8.04 shall not be redacted prior to transmission to the clerk of appellate courts. If a party or a member of the public requests access to the juvenile protection case record during the appeal, the portion of the case record requested shall be returned to the trial court to be redacted pursuant to Rule 8.04 before access shall be allowed. The Minnesota Court of Appeals or the Minnesota Supreme Court shall deny access to the case records during the appeal if providing access would unduly delay the conclusion of the appeal. An order prohibiting access to the court file, or any record in such file, shall be accessible to the public.</p>	Allows.
Access to Juvenile Protection Case Records – Records Not Accessible to the Public or Parties	Minn. Juv. Prot. Rule 8.04	<p>The following records (a) - (m) in the court file are not accessible to the public. Unless otherwise ordered by the court, parties shall have access for inspection and copying to all records in the court file, except records (b), (d), and (e) listed below.</p> <p>(a) official transcript of testimony taken during portions of proceedings that are closed by the presiding judge;</p> <p>(b) audio tapes or video tapes of a child alleging or describing physical abuse, sexual abuse, or neglect of any child;</p> <p>(c) victims' statements;</p>	Allows parties access to some documents; prohibits some documents unless ordered by the court.

		<p>(d) portions of juvenile protection case records that identify reporters of abuse or neglect;</p> <p>(e) HIV test results;</p> <p>(f) medical records, chemical dependency evaluations and records, psychological evaluations and records, and psychiatric evaluations and records;</p> <p>(g) sexual offender treatment program reports;</p> <p>(h) portions of photographs that identify a child;</p> <p>(i) application for ex parte emergency protective custody orders, and any resulting orders, until the hearing where all parties have an opportunity to be heard on the custody issue, provided that, if the order is requested in a Child in Need of Protection or Services (CHIPS) petition, only that portion of the petition that requests the order shall be deemed to be the application for purposes of this section (i);</p> <p>(j) records or portions of records that specifically identify a minor victim of an alleged or adjudicated sexual assault;</p> <p>(k) notice of pending court proceedings provided to an Indian tribe by the responsible social services agency pursuant to 25 U.S.C., section 1912 (the Indian Child Welfare Act);</p> <p>(l) records or portions of records which the court in exceptional circumstances has deemed inaccessible to the public; and</p> <p>(m) records or portions of records that identify the name, address, home, or location of any shelter care or foster care facility in which a child is placed pursuant to emergency protective care placement, foster care placement, pre-adoptive placement, adoptive placement, or any other type of court ordered placement.</p>	
<p><b>Minnesota Rules of Juvenile Delinquency Procedure – Records</b>  The rules can be retrieved in their entirety at <a href="https://www.revisor.mn.gov/court_rules/rule.php?type=ju&amp;subtype=rjdp&amp;id=30">https://www.revisor.mn.gov/court_rules/rule.php?type=ju&amp;subtype=rjdp&amp;id=30</a>.</p>			
Juvenile Court Records - Defined	Minn. Juv. Del. Rule 30.01	<p><b>Subd. 1. Records Defined.</b> Juvenile court records include:</p> <p>(A) all documents filed with the court;</p> <p>(B) all documents maintained by the court;</p> <p>(C) all reporter's notes and tapes, electronic recordings and transcripts of hearings and trials; and</p> <p>(D) as relates to delinquency matters, all documents maintained by juvenile probation</p>	N/A

		<p>officers, county home schools and county detention agencies.</p> <p><b>Subd. 2. Duration of Maintaining Records.</b> The juvenile court shall maintain records as required by Minnesota Statute.</p>	
Availability of Juvenile Court record	Minn. Juv. Del. Rule 30.02	<p><b>Subd. 1. By Statute or Rule.</b> Juvenile Court records shall be available for inspection, copying and release as required by statute or these rules. Access to all reporter's tapes and electronic recordings shall be governed by the Rules of Public Access to Records of the Judicial Branch.</p> <p><b>Subd. 2. No Order Required.</b> (A) <i>Court and Court Personnel.</i> Juvenile court records shall be available to the court and court personnel without a court order.</p> <p>(B) <i>Child's Counsel, Guardian Ad Litem, and Counsel for the Child's Parent(s), Legal Guardian, or Legal Custodian.</i> Juvenile court records of the child shall be available for inspection, copying and release to the following without court order:</p> <p>(1) the child's counsel and guardian ad litem appointed in the delinquency proceeding;</p> <p>(2) counsel for the child's parent(s), legal guardian or legal custodian subject to restrictions on copying and release imposed by the court.</p> <p>(C) <i>Prosecuting Attorney.</i> Juvenile court records shall be available for inspection, copying or release to the prosecuting attorney.</p> <p>(D) <i>Other.</i> The juvenile court shall forward data to agencies and others as required by Minnesota Statute.</p> <p><b>Subd. 3. Court Order Required.</b> (A) <i>Person(s) with Custody or Supervision of the Child, and Others.</i> The court may order juvenile court records to be made available for inspection, copying, disclosure or release, subject to such conditions as the court may direct, to:</p> <p>(1) a representative of a state or private agency providing supervision or having custody of the child under order of the court; or</p> <p>(2) any individual for whom such record is needed to assist or to supervise the child in fulfilling a court order; or</p> <p>(3) any other person having a legitimate interest in the child or in the operation of the court.</p> <p>(B) <i>Public.</i> A court order is required before any inspection, copying, disclosure or release</p>	<p>Allows.</p> <p>Allows without court order but with some limitations.</p> <p>Allows only with court order.</p>



		<p>to the public of the record of a child. Before any court order is made the court must find that inspection, copying, disclosure or release is:</p> <ul style="list-style-type: none"> <li>(1) in the best interests of the child; or</li> <li>(2) in the interests of public safety; or</li> <li>(3) necessary for the functioning of the juvenile court system.</li> </ul> <p>(C) <i>Disclosure Prohibited.</i> The record of the child shall not be inspected, copied, disclosed or released to any present or prospective employer of the child or the military services.</p> <p>(D) <i>Disclosure Limited.</i> The inspection, copying, disclosure, or release of the juvenile records listed below is limited pursuant to the identified Rules of Juvenile Delinquency Procedure:</p> <ul style="list-style-type: none"> <li>(1) predisposition report (Rule 15.03, subd. 4);</li> <li>(2) juvenile certification study (Rule 18.04, subd. 4);</li> <li>(3) extended jurisdiction juvenile study (Rule 19.03, subd. 4); and</li> <li>(4) competency examination (Rule 20.02, subd. 5).</li> </ul>	
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**Rules of Public Access to Records of the Judicial Branch**  
The rules can be retrieved in their entirety at [https://www.revisor.mn.gov/court\\_rules/rule.php?name=ra-toh](https://www.revisor.mn.gov/court_rules/rule.php?name=ra-toh).

General Policy of the Rules	Minn. Access to Rec. Rule 2	Records of all courts and court administrators in the state of Minnesota are presumed to be open to any member of the public for inspection or copying at all times during the regular office hours of the custodian of the records. Some records, however, are not accessible to the public, at least in the absence of a court order, and these exceptions to the general policy are set out in Rules 4, 5, 6, and 8.	Allows.
Accessibility to Case Records – Juvenile and Race Records	Minn. Access to Rec. Rule 4, subd. 1(d)-(e)	<p><b>Subd. 1. Accessibility.</b>  All case records are accessible to the public except the following:</p> <p>(d) <b>Juvenile Appeal Cases.</b>  Case records arising from an appeal from juvenile court proceedings that are not open to the public, except the appellate court's written opinion or unless otherwise provided by rule or order of the appellate court.</p> <p>(e) <b>Race Records.</b>  The contents of completed race census forms obtained from participants in criminal, traffic, juvenile and other matters, and the contents of race data fields in any judicial branch computerized</p>	Allows, except for the exceptions listed, which are prohibited unless ordered by the court.

		<p>information system, except that:</p> <p>(1) the records may be disclosed in bulk format if the recipient of the records:</p> <p>(A) executes a nondisclosure agreement in a form approved by the state court administrator in which the recipient of the records agrees not to disclose to any third party any information in the records from which either the identity of any participant or other characteristic that could uniquely identify any participant is ascertainable; and</p> <p>(B) obtains an order from the Supreme Court authorizing the disclosure;</p> <p>(2) A juror's race may be disclosed to the parties or their attorneys as part of the juror profile information unless otherwise provided by law or court rule.</p> <p>Nothing in this section (e) shall prevent public access to source documents such as complaints or petitions that are otherwise accessible to the public.</p>	
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Final Version of the Legal Analysis Committee of the Information and Data Sharing Project of August 16, 2013