



- 2.20 elements, when either the name or the data elements is not  
2.21 encrypted:
- 2.22 (1) Social Security number;  
2.23 (2) driver's license number or Minnesota identification  
2.24 card number; or  
2.25 (3) account number or credit or debit card number, in  
2.26 combination with any required security code, access code, or  
2.27 password that would permit access to an individual's financial  
2.28 account.
- 2.29 (f) For purposes of this section, "personal information"  
2.30 does not include publicly available information that is lawfully  
2.31 made available to the general public from federal, state, or  
2.32 local government records.
- 2.33 (g) For purposes of this section, "notice" may be provided  
2.34 by one of the following methods:
- 2.35 (1) written notice to the most recent available address the  
2.36 person or business has in its records;
- 3.1 (2) electronic notice, if the notice provided is consistent  
3.2 with the provisions regarding electronic records and signatures  
3.3 in United States Code, title 15, section 7001; or
- 3.4 (3) substitute notice, if the person or business  
3.5 demonstrates that the cost of providing notice would exceed  
3.6 \$250,000, or that the affected class of subject persons to be  
3.7 notified exceeds 500,000, or the person or business does not  
3.8 have sufficient contact information. Substitute notice must  
3.9 consist of all of the following:
- 3.10 (i) e-mail notice when the person or business has an e-mail  
3.11 address for the subject persons;
- 3.12 (ii) conspicuous posting of the notice on the Web site page  
3.13 of the person or business, if the person or business maintains  
3.14 one; and
- 3.15 (iii) notification to major statewide media.
- 3.16 (h) Notwithstanding paragraph (g), a person or business  
3.17 that maintains its own notification procedures as part of an  
3.18 information security policy for the treatment of personal  
3.19 information and is otherwise consistent with the timing  
3.20 requirements of this section, shall be deemed to be in  
3.21 compliance with the notification requirements of this section if  
3.22 the person or business notifies subject persons in accordance  
3.23 with its policies in the event of a breach of security of the  
3.24 system.
- 3.25 Subd. 2. [COORDINATION WITH CONSUMER REPORTING AGENCIES.]  
3.26 If a person discovers circumstances requiring notification under  
3.27 this section of more than 500 persons at one time, the person  
3.28 shall also notify, within 48 hours, all consumer reporting  
3.29 agencies that compile and maintain files on consumers on a  
3.30 nationwide basis, as defined by United States Code, title 15,  
3.31 section 1681a, of the timing, distribution, and content of the  
3.32 notices.
- 3.33 Subd. 3. [WAIVER PROHIBITED.] Any waiver of the provisions  
3.34 of this section is contrary to public policy and is void and  
3.35 unenforceable.
- 3.36 Subd. 4. [EXEMPTION.] This section does not apply to any  
4.1 "financial institution" as defined by United States Code, title  
4.2 15, section 6809(3), and to entities subject to the federal  
4.3 privacy and security regulations adopted under the federal  
4.4 Health Insurance Portability and Accountability Act of 1996,  
4.5 Public Law 104-191.
- 4.6 Subd. 5. [SECURITY ASSESSMENTS.] Each government entity  
4.7 shall conduct a comprehensive security assessment of any

- 4.8 personal information maintained by the government entity.
- 4.9 Subd. 6. [REMEDIES AND ENFORCEMENT.] The attorney general
- 4.10 shall enforce this section under section 8.31.
- 4.11 Sec. 2. [EFFECTIVE DATE.]
- 4.12 Section 1 is effective January 1, 2006.

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