

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 4239

(SENATE AUTHORS: MATHEWS)

DATE
03/23/2022

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Introduction and first reading
Referred to Civil Law and Data Practices Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to government data practices; creating general data audit trail requirements
1.3 for not public data; amending Minnesota Statutes 2020, section 13.05, by adding
a subdivision.

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

1.6 Section 1. Minnesota Statutes 2020, section 13.05, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 5a. **Audit trail required.** (a) The responsible authority shall establish procedures
1.9 to ensure that all actions in which not public data are created, received, changed, accessed,
1.10 shared, or disseminated are recorded in a data audit trail. In addition, an audit trail must
1.11 record:

1.12 (1) the date of the action;

1.13 (2) the identity of the person interacting with the data;

1.14 (3) for data received from another government entity or person, the identity of the sending
1.15 government entity or person; and

1.16 (4) for data shared or disseminated outside the government entity, the identity of the
1.17 receiving government entity or person.

1.18 (b) Data contained in an audit trail shall have the same classification as the underlying
1.19 data tracked by the audit trail.

1.20 (c) Notwithstanding section 138.17, an audit trail must be retained for not less than ten
1.21 years or until the underlying data tracked by the audit trail is destroyed pursuant to the
1.22 government entity's approved records retention schedule.

- 2.1 (d) This subdivision is intended to create general requirements for government entities.
- 2.2 It is not intended to conflict with and does not supersede other particular audit trail
- 2.3 requirements in state law. Any conflict between this subdivision and other particular audit
- 2.4 trail requirements in state law shall be resolved pursuant to section 645.26, subdivision 1.
- 2.5 **EFFECTIVE DATE.** This section is effective beginning August 1, 2023.