

MINNESOTA COALITION ON GOVERNMENT INFORMATION

Cloud data language options

October 7, 2019

OPTION 1

13.16 CLOUD DATA

Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings given them.

“Cloud data” is data stored on a computer, computer network, or similar that

1) is possessed, controlled, and/or owned by a third party;

2) is accessible to a government entity through telecommunications technology, an internet connection, or other electronic process.

A “right of access” is established by:

1) an express or implied contract or agreement between a third party and a government entity, or;

2) a consensual act undertaken by a third party that permits data to be accessible to a designated government entity.

Subdivision 2. **Access to cloud data by government entity.** If a government entity has a right of access to cloud data, it has collected, received and/or maintained government data.

Subdivision 3. **Limitation on scope.** This section does not exclusively define the receipt, collection, or maintenance of electronic and/or computer-based data by a government entity.

OPTION 2

13.05 DUTIES OF RESPONSIBLE AUTHORITY

Subd. 14. **Use of third party computer capabilities.** Use by a government entity of any third party's computer capabilities makes the data that has been received or otherwise captured by the devices, processes, or employees of the government entity “government data” subject to this chapter.

NOTE - These options represent two different approaches, and will require further refinement.