

H.F. No. XXX – Prohibition on government entities seeking or obtaining reverse-location or reverse-keyword information

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Overview

H.F. XXX (Feist) is a bill draft before the Legislative Commission on Data Practices and Personal Data Privacy. The bill draft prohibits government entities from seeking or obtaining reverse-location or reverse-keyword information and authorizes an individual to bring a civil action against a government entity who violates the prohibition.

Summary

Section 1. Private rights of action; reverse location data. This section amends the Minnesota Government Data Practices Act. This section authorizes any person whose name or other identifying information was obtained by a government entity in violation of **section 2** to bring a civil action against the government entity and recover: statutory damages or actual damages (whichever is greater); injunctive or declaratory relief; attorney’s fees and costs, if the plaintiff prevails; and any other relief the court deems necessary. The government entity who committed the violation must notify the person whose information is the subject of the violation that they may bring a civil action under this section.

Section 2. Reverse-location request; court order; admissibility.

Subdivision 1. Definitions. Defines “government entity,” “reverse-keyword court order,” “reverse-keyword request,” “reverse-location court order,” and “reverse-location request.”

Subd. 2. Prohibition on reverse-location requests. Prohibits government entities from seeking a reserve-location or reserve-keyword court order; seeking or obtaining any data obtaining through a reverse-location or reverse-keyword court order; making a reverse-location or reverse-keyword request; seeking or obtaining data through a reverse-location or reverse-keyword request; or seeking the assistance of a federal agency or government entity of another state to perform an act or obtain information that is otherwise prohibited by this

subdivision. Prohibits a court from issuing a reverse-keyword or reverse-location court order except in the event of a sudden natural disaster.

Subd. 3. Evidence derived from reserve-location data. Provides that evidence obtained in violation of this section is inadmissible in a criminal, civil, administrative, or other proceeding, except as proof of a violation of this section.