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# Senate

State of Minnesota

TO: Members of the LCC Subcommittee on Data Practices

FROM: Priyanka Premo, Senate Counsel (651/296-3317)

DATE: September 4, 2019

RE: Comparing SC5562-3 with current statutory treatment of law enforcement data collected using body cameras and automated license plate readers

At a July 24, 2019 meeting of this subcommittee, Senator Clausen requested further information regarding the treatment of law enforcement data collected using certain surveillance technologies. The chart below compares the current law on portable recording systems (commonly known as “body cameras”) and automated license plate readers with the provisions governing UAV data in SC5562-3.

Please note that this chart does not address in-squad vehicle cameras (“SVCs” or “dash cams”) because there is not a statutory framework specific to SVCs. Instead, SVC data is governed by the general law enforcement data statute, section 13.82. Specifically, SVC data is considered “criminal investigative data” under section 13.82, subdivision 7.

	<b>UAVs, SC5562-3</b>	<b>Body Cameras, 13.825</b>	<b>ALPRs, 13.824</b>
<b>General data classification</b>	Private or nonpublic	Private or nonpublic	Private or nonpublic
<b>Public access to data</b>	If disclosure will aid in the law enforcement process, promote public safety, or dispel widespread rumor or unrest (“public benefit exception” under 13.82, subd. 15.)	Public benefit exception (13.82, subd. 15.)  Data involving an officer who discharges a firearm while on duty or uses force resulting in substantial bodily harm  Certain personnel data related to disciplinary actions  Upon data subject’s request that data be made public	Data described under 13.82 provisions governing: arrest data, request for service data, or response or incident data

	<b>UAVs, SC5562-3</b>	<b>Body Cameras, 13.825</b>	<b>ALPRs, 13.824</b>
<b>Retention</b>	Must be destroyed within 7 days, unless it is active criminal investigative data	<p>Must be maintained for at least 90 days and then destroyed under routine retention schedule</p> <p>Must be retained for at least a year if data involves an officer who discharges a firearm while on duty, uses force resulting in substantial bodily harm, or is the subject of a formal complaint</p> <p>Data subject may request continued retention</p>	<p>Must be destroyed within 60 days, unless it is active criminal investigative data</p> <p>Defendant may request continued retention</p> <p>A Safe at Home participant may request destruction sooner</p>