

2015 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2133

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Missouri River Room, State Capitol

SB 2133
1/15/2015
Job # 21998

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 44-04-18.21 of the North Dakota Century Code, relating to exempting addresses and telephone numbers of students and individuals communicating with public entities from open records requirements.

Minutes:

Attachments 1-2

Chairman Dever: Opened the hearing on SB 2133.

Chris Wilson, NDUS General Council: See Attachment #1 for testimony in support of the bill.

(6:36) **Senator Flakoll:** Can you give us examples of what you are referring to in regards to other employees?

Chris Wilson: A lot of times we get public records requests for employees and there is a whole variety of people that want peoples contact information. We can say that they can't have personal information but we are allowed to give their work address, phone number, and e mail information. Sometimes employees are involved in situations that make them unpopular with certain members of the public and private life is to be private.

Senator Flakoll: How about outside the university system? Are there other agencies that have similar laws that you are aware of or is that something outside your base of knowledge?

Chris Wilson: This applies to state employees across all of the state agencies. Their contact information is retractable; it is exempt under public records laws, but their name isn't. The only group of people, whose contact information isn't exempt, as far as I can tell, is the students .edu e mail addresses. My .edu e mail address as a public employee is not exempt because it is the e mail address that I use for my work purposes. The distinction here between me and a student is that we give the student an .edu address for their personal e mail address and they use it for the entirety of their college career and it is not just for work purposes or school purposes.

Senator Flakoll: When do they shut that e mail off for the student?

Chris Wilson: There is a time period that the e mail addresses no longer functions. I do not know the exact time period.

Vice Chairman Poolman: I work for Bismarck Public Schools, and we too give our students a bps.org e mail address. I received the sheet to opt out of public information and did not sign it; does that mean that because I did not opt my kids out that their e mail addresses open records as well?

Chris Wilson: I am not familiar with minor issues in the DPI. Post-secondary students are not minors and I am not sure if there is a separate exemption.

Chairman Dever: We had an issue a few sessions ago where there was a bill to allow teachers to use those e mail addresses to lobby their legislators. That may not directly relate, but we killed that bill because they were using e mails that others do not have access to.

Chris Wilson: This proposed exemption applies only to institutions that are governed by the State Board of Higher Education. Unfortunately, it would not deal with that situation.

Chairman Dever: Then it also would not apply to private colleges.

Chris Wilson: No, but they are not subject to public records laws.

Chairman Dever: You said in your testimony that once the contact information is in the possession of the requestor, students may be subject to unsolicited or unwanted commercial and political communications. If we pass this bill, isn't everyone in the state going to want this exemption?

Chris Wilson: The difference is that very few people would qualify the same way that students qualify, in that they use their .edu (their state run address) e mail for personal purposes. The rest of us use our state provided e mail for business.

Chairman Dever: So in this bill we are exempting the e mail, home address, mailing address, and telephone number?

Chris Wilson: Yes. During the fall of 2014 there was some public consternation related to the use by certain political groups, but it is not just political groups. It is also commercial marketers marketing to students all sorts of stuff. It just seems to us that it is not appropriate when a student goes to an institution of higher education that they open themselves up for this world of solicitation simply by being a student in ND.

Chairman Dever: It might also be argued that students should be educated when they go to the polls.

Chris Wilson: Yes, to the same extent that any other person is. One could argue that sending it out to a whole variety of state e mail addresses might be problematic under the practices act because of the fact that it is a state run e mail address, but that is not my concern. My concern is trying to avoid the issue. If a student wants to go sign up on their g mail account or user .edu address to sign up for whatever political group they want to be involved with, that would be their voluntary act for which they could have permission to do. We just want to treat the

students the same way as other people are being treated with their other e mail accounts. We just want them to have the right to choose.

Chairman Dever: The DOT sells contact information. Voting lists are public information. Aren't these things all kind of intertwined?

Chris Wilson: I am not familiar with their scenario, so I cannot speak to that. From our point of view it seemed more akin to the personal information of our employees than business information.

Chairman Dever: You can go to the DOT and buy a list of every driver's license holder between the ages of 18 and 22 or another group if you want.

(15:38) Murry Sagsveen, Chief of Staff, NDUS: See attachment # 2 for testimony in support of the bill as well as a proposed amendment.

(16:43) Senator Davison: It says the electronic mail addresses. If someone puts both their .edu address and their personal address into the record or however they sign up for school, are both e mail addresses shared or is it just the .edu addresses?

Chris Wilson: Right now we only provide the .edu addresses. Under the current statute, for the people who provide their contact information to state agencies for purposes of communication with the state agencies, since they provided the e mail to us for purposes of communication, that qualifies under the current law. They did not provide to us the .edu address, we provided it to them. So therefore it does not fit within that statute and that is what we are trying to fix with this one.

Senator Davison: Are they required to use the .edu address at the college?

Chris Wilson: Yes, at NDSU and I believe all of the institutions, the .edu address e mail is the official means of communication with the student.

Senator Davison: Are all students required to have the e mail?

Chris Wilson: Yes, it is the official means of notice.

Chairman Dever: So students don't have a choice. They are required to accept the e mail address and use it.

Chris Wilson: Yes, when they register they get the .edu address.

Senator Flakoll: Are you participating in the federal e rate for technology?

Chris Wilson: I do not know.

Senator Flakoll: (Gives an example of K-12 not allowing political ads due to it being a violation of e rate) Not sure if it would apply in this situation.

Chris Wilson: I am just not familiar with the e rate that you mentioned. State employees are governed by the Corrupt Practices Act. It generally says that you cannot use state resources for political purposes. Political purposes, as defined by that statute, means speaking for or against a candidate or a ballot position.

Murry Sagsveen: There is a State Board of Higher Education policy that they cannot use state resources for political purposes.

Senator Cook: Do your amendments change the bill at all?

Murry Sagsveen: I believe it clarifies the intent of the bill originally intended. When the bill was slightly changed after it was proposed, we think the amendments would be a better way to approach that issue.

Senator Cook: I am confused how a prefilled bill gets changed before it is introduced.

Murry Sagsveen: So am I. There was editing to the bill that I think the editor thought it made it easier to read and we believe it changed the context or the substance a little bit.

Senator Cook: Do you know who that editor was?

Murry Sagsveen: No.

Senator Cook: The drafter in council will change a prefilled bill from an agency?

Murry Sagsveen: I think the change was intended to be non- substantive.

Senator Cook: I think so too. I assume it was Anita Thomas and we could talk to her and find out her rationale as to making the changes.

Chairman Dever: It appears to me that one difference that in your amendment it says the electronic mail addresses - that could apply to their personal address as well.

Murry Sagsveen: I am not suggesting that there was any intent there. It was a slight change that may have changed the context a little bit.

Senator Flakoll: Does this prevent students from getting blast text messages?

Chris Wilson: It doesn't allow them to get the e mails from the institutions.

(26:55)Jack McDonald, NDNPA/NDBA: Testified in opposition to the bill. We generally oppose legislation that closes records that are currently public and that is what this is doing. I think it is a bad policy in this day and age to close off public record. They are public record and belong to the public. This seems like it is one more in the list. We are opposed and it is not a problem with that being open.

(28:25)Pat Finken, President, ODNEY: Testified in opposition to the bill. This does not have to do with minors because they are not open records. The substantive change that has

happened from the prefilled to this, is that the prefilled said that the exempt records would be those that the student provides to the university system. In that context, that means that anything the university gives to the student like a government owned e mail address would not be exempt. The new language exempts both halves of that equation. That is part of the discussion. I am here today to put this into context. These folks are adults and these peoples information is readily available in many locations. If the bar is that people don't want to get political advertising, that is a pretty low bar and most people are going to want to sign up for that. Many of you know that I am the person that requested the information that caused this bill. We sent out about 96,000 e mails through the course of the last election to students in the system. It got 123 requests back to take their name off the list. Which by the way, it is good practice to give people the chance to opt out. This is a solution in search of a problem. Do people like getting political advertising? No. But it is part of life and commercial enterprise. To somehow take this class of students out and say that they are protected even though they can go to war and go to establishments where alcohol is served, etc. We provide the addresses of people that interact with the state all the time. Contrary to the position that the university system took, even ND employee addresses are available. Not their personal, but their state addresses and phone numbers. My point is that this is common place, everyday business. There are a number of times that this information is used by many different purposes.

(32:41)Senator Flakoll: I would think that there is a difference between BND and other entities. They have an existing relationship.

Pat Finken: No, they use that information to recruit new customers. These are not people who have existing loans. It is for marketing purposes.

Senator Flakoll: We will disagree. You reference the 93,000 e mails which isn't really that instructive because how many names did you have?

Pat Finken: 48,000.

Senator Flakoll: So you sent them 2 e mails?

Pat Finken: Yes.

Chairman Dever: I would imagine that the option to remove them is part of the email?

Pat Finken: We do that as best practices. I might also remind you that students have the opportunity to opt out of the list before we even get it.

Chairman Dever: That became the subject of some controversy, but I suspect that you are not the only one that was the target of that.

Pat Finken: Absolutely, there are other companies that use that information.

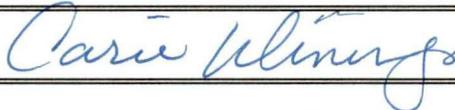
Chairman Dever: Closed the hearing on SB 2133.

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2133
2/19/2015
Job # 24111

- Subcommittee
 Conference Committee

Committee Clerk Signature 

Minutes:

Attachments 1

Chairman Dever: Opened SB 2133 for committee discussion.

Senator Davison: See Attachment #1 for amendments proposed. I am comfortable with the EDU address remaining public record and that is what the amendment does. Their other personal information remains private. They are adults and we should have a way to communicate with them without knowing their home address and phone numbers.

(2:33) Chairman Dever: The discussion on the issue is that one side thinks they should be able to make contact with students and the other side says that students should be exempt from that.

Committee Discussion: The committee reviewed the amendments and what they actually do to the bill. If the e mails are public, legislators are not allowed to use theirs for political purposes then how can they use it for that. There is no control of what is received. There are plenty of ways to get home addresses and phone numbers elsewhere but with this they can't get it from the university.

(6:04) Senator Davison: Moved amendment 15.8096.01001.

Senator Poolman: Seconded.

Committee Discussion: The committee went over again what would be exempted in the bill. It was asked if the amendment was shared with the higher education board and it was not. The intent was conveyed to the attorney for NDSU and Senator Davison stated that he was not necessarily in agreement. The committee also reviewed the amendment from Murry. It was also mentioned that a directory just came out that had all of the information in it.

A Roll Call Vote Was Taken: 2 yeas, 4 nays, 1 absent.

Motion Failed.

Chairman Dever: Closed the discussion on SB 2133.

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2133
2/19/2015
Job # 24171

- Subcommittee
 Conference Committee

Committee Clerk Signature 

Minutes:

Attachments 1 - 2

Chairman Dever: Opened SB 2133 for committee discussion.

Senator Nelson: See Attachment #1 for amendments proposed. It exempts the personal and institution issued electronic mail addresses, home address, postal address, and telephone numbers for students enrolled.

Committee Discussion: The committee clarified what was all included in the amendment. There was a question if recruiters could get information of students under the bill and the committee did not believe that they would be able to.

(4:50) Senator Nelson: Moved Amendment proposed. (Attachment #1)

Senator Marcellais: Seconded.

Senator Davison: I am comfortable with the amendments except for the fact that I believe that the electronic mail address issued by the institution should be available.

Chairman Dever: It appears to me that the amendment is an improvement on the bill.

A Roll Call Vote Was Taken: 6 yeas, 1 nay, 0 absent.

Motion Carried.

Senator Nelson: Moved a Do Pass As Amended.

Senator Flakoll: Seconded.

Senator Flakoll: See Attachment #2 for additional information for the committee.

(11:13) A Roll Call Vote Was Taken: 4 yeas, 3 nays, 0 absent.

Senator Nelson will carry the bill.

February 17, 2015

PROPOSED AMENDMENTS TO SENATE BILL NO. 2133

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 44-04-18.21 of the North Dakota Century Code, relating to open records requirements with respect to contact information of individuals communicating with public entities and students enrolled at institutions of higher education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 44-04-18.21 of the North Dakota Century Code is amended and reenacted as follows:

44-04-18.21. ElectronicCertain electronic mail addresses, home addresses, mailing addresses, and telephone numbers exempt.

1. ~~The~~Except as otherwise provided in this section, the electronic mail address, home address, mailing address, or telephone number of an individual which is provided to a public entity for the purpose of or in the course of communicating with that public entity is an exempt record.
2. The home address, mailing address, telephone number, and private electronic mail address of a student enrolled in an institution under the supervision of the state board of higher education which is provided to the institution for the purpose of or in the course of communicating with the institution is an exempt record. Any other electronic mail address that is issued to a student by an institution under the supervision of the state board of higher education is a public record.
3. This section may not be used to shield the identity of the individual communicating with the public entity."

Renumber accordingly

TW
2/19/15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2133

Page 1, line 1, replace "amend and reenact section 44-04-18.21" with "create and enact a new section to chapter 44-04"

Page 1, line 2, remove "and individuals"

Page 1, line 3, remove "communicating with public entities"

Page 1, replace lines 5 through 13 with:

"**SECTION 1.** A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Student addresses and telephone numbers exempt.

The personal and institution-issued electronic mail addresses, home address, postal address, and telephone numbers of a student enrolled in an institution under the supervision of the state board of higher education are exempt records."

Renumber accordingly

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2133

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 15.8096.01001

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Davison Seconded By Poolman

Senators	Yes	No	Senators	Yes	No
Chairman Dever		✓	Senator Marcellais		✓
Vice Chairman Poolman	✓		Senator Nelson		✓
Senator Cook		✓			
Senator Davison	✓				
Senator Flakoll	AB				

Total (Yes) 2 No 4

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2133

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: Nelson Amendment 15.8096.01002
Attachment # 1

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Nelson Seconded By Marcellais

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais	✓	
Vice Chairman Poolman		✓	Senator Nelson	✓	
Senator Cook	✓				
Senator Davison	✓				
Senator Flakoll	✓				

Total (Yes) 6 No 1

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2133: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2133 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "amend and reenact section 44-04-18.21" with "create and enact a new section to chapter 44-04"

Page 1, line 2, remove "and individuals"

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Page 1, replace lines 5 through 13 with:

"SECTION 1. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

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The personal and institution-issued electronic mail addresses, home address, postal address, and telephone numbers of a student enrolled in an institution under the supervision of the state board of higher education are exempt records."

Renumber accordingly

2015 TESTIMONY

SB 2133

SB2133

Government and Veterans Affairs Committee

January 15, 2015

Christopher S. Wilson, General Counsel at NDUS - Fargo

701-231-7215 | christopher.s.wilson@ndus.edu

I am Chris Wilson, General Counsel for the North Dakota University System in Fargo which has responsibility for North Dakota State University and North Dakota State College of Science.

The North Dakota University System (the "NDUS") pre-filed and is supporting SB2133 in order to close a public records loophole which presently requires disclosure of state-issued email addresses of NDUS students to any requester, including commercial and political marketers. Once this contact information is in the possession of the requester, students may be subject to unsolicited or unwanted commercial and political communications.

Currently, the public records laws exempt the personal contact information of state employees (NDCC 44-04-18.1), and the e-mail addresses and telephone numbers for individuals, including students, which are provided to the public entity for the purpose of communicating with that public entity (NDCC 44-04-18.21). However, the law does not contain a similar provision exempting e-mail addresses which are provided by the institutions to students, sometimes referred to as the students' ".edu" email address. Unlike state employees, students commonly use these ".edu" addresses as personal email accounts. The proposed legislation clarifies that all student contact information, including home address, mailing address and *all* email addresses, are exempt from public records requests.

In order to understand why this statute is needed, I would like to provide some legal and historical context. Each of the institutions of the NDUS is subject to a federal law known as the Family Educational Rights and Privacy Act ("FERPA"). FERPA requires each educational institution to maintain the confidentiality of its students' "educational records." FERPA has a very broad definition of "educational records," and it includes all records pertaining to a student in the possession of the institution. "Educational records" cannot be shared with any third-party without the student's consent unless there is an exception under FERPA.

Fortunately, FERPA maintains an exception for "directory information." Generally speaking, directory information refers to the type of contact information that would have appeared in the older paper "directories" that used to be published by institutions. Each year, as required by FERPA, the NDUS institutions send notices to their students which identify the categories of directory information. State Board of Higher Education Procedure 1912.2 currently lists 18 different categories of "directory information," and it specifically includes email addresses. Once a category of information is designated as "directory information," FERPA gives the institution the discretion as to whether to disclose the information without the student's consent.

This is where the North Dakota public records laws become important because it could be argued that just because federal law permits disclosure of directory information, such information should not also be categorized as a “public record” under the state’s public records laws. However, in 1981, the North Dakota Attorney General issued an opinion (No. 81-130) which established that information which constitutes “directory information” under FERPA is subject to and must be disclosed under the state’s public records laws. In compliance with this opinion, the NDUS has been providing student contact information to requestors, including commercial and political marketers, who have requested such information. Because a public body cannot ask the requester to identify him or herself, or to explain the purpose for the requested records, the NDUS is not able to determine the intended use of the requested information, or to deny the request because of the requester’s planned use.

During the fall of 2014, the NDUS received three public records requests seeking the names and email addresses of students attending the NDUS institutions. This information was provided to the requestors in compliance with the law. However, the NDUS institutions received negative comments from students and citizens concerning the disclosure of this information. In response, the NDUS is seeking to exempt such student contact information from the public records laws through SB2133. The NDUS is of the position that the home and mailing addresses and the email addresses of its students do not constitute “public business” and this personal contact information should therefore not be provided to requestors through the NDUS institutions.

I should note that FERPA requires each institution to allow its students to “suppress” their directory information. Through this process, a student notifies his or her institution that he or she does not want the institution to disclose his/her directory information. Once a student opts to restrict the directory information, the student’s information will not be disclosed to any third-party, including marketers. However, this process does not allow a student to selectively choose which categories of directory information are restricted, and as a result, all directory information is restricted. So, for example, a student that restricts his/her directory information will not be able to have his or her name listed on any lists of awards published (e.g., “Dean’s Lists”) or to have his or her name listed in the school’s commencement bulletin. In fact, an institution cannot even acknowledge to any third-party whether the person is a student. This means that the only way a student may prevent having his or her school send information to marketers is by requiring them to opt-out of otherwise routine and desirable publications issued by their institutions.

In closing, the proposed exemption is narrowly tailored and is similar to exemptions which already exist for the “personal information” of other individuals. We believe that it is beneficial to North Dakota’s students. I ask for a do pass on HB 1003 and am available to answer your questions. Thank you.

Senate Bill 2133

Senate Government and Veterans Affairs Committee
January 15, 2015
Murray G. Sagsveen, Chief of Staff
701.328.1499 | Murray.Sagsveen@ndus.edu

Chair Dever and Committee Members, I am Murray Sagsveen, Chief of Staff in the University System office, and I'm here today in support of Senate Bill 2133.

The bill, as introduced, is slightly different from the bill we pre-filed. We now have some concerns that the edits may have unintended consequences. Also, in order to clearly focus on student records, we are suggesting that the bill be amended to create a new section that states the following:

Student addresses and telephone numbers exempt.

The electronic mail addresses, home address, postal address, and telephone numbers of a student enrolled in an institution under the supervision of the state board of higher education are exempt records.

I request a do pass on Senate Bill 2133 as amended and am available to answer your questions. Thank you.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2133

Page 1, line 1, replace "amend and reenact section 44-04-18.21" with "create and enact a new section to chapter 44-04"

Page 1, line 2, remove "and individuals"

Page 1, line 3, remove "communicating with public entities"

Page 1, line 5, replace "**AMENDMENT**. Section 44-04-18.1" with "A new section to chapter 44-04"

Page 1, line 6, replace "amended and reenacted" with "created and enacted"

Page 1, replace lines 7 through 13 with:

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Renumber accordingly

February 17, 2015

#1

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2. The home address, mailing address, telephone number, and private electronic mail address of a student enrolled in an institution under the supervision of the state board of higher education which is provided to the institution for the purpose of or in the course of communicating with the institution is an exempt record. Any other electronic mail address that is issued to a student by an institution under the supervision of the state board of higher education is a public record.
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Renumber accordingly

2/19

#1 pg 1

PROPOSED AMENDMENTS TO SENATE BILL 2133

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15.8096 01000

based on original bill

Sixty-fourth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2133

Introduced by
Government and Veterans Affairs Committee
(At the request of the State Board of Higher Education)

A BILL for an Act to ~~amend and reenact section 44-04-18.21~~ create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to exempting addresses and telephone numbers of students ~~and individuals communicating with public entities~~ from open records requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. ~~AMENDMENT. Section 44-04-18.21~~ A new section to chapter 44-04 of the North Dakota Century Code is ~~amended and reenacted created and enacted~~ as follows:

~~44-04-18.21. Electronic mail addresses, home addresses, mailing addresses, and telephone numbers exempt.~~

~~The electronic mail address, home address, mailing address, or telephone number of an individual which is provided to a public entity for the purpose of or in the course of communicating with that public entity or of a student enrolled in an institution under the supervision of the state board of higher education is an exempt record. This section may not be used to shield the identity of the individual communicating with the public entity.~~

Student addresses and telephone numbers exempt.

The personal and institution-issued electronic mail addresses, home address, postal address, and telephone numbers of a student enrolled in an institution under the supervision of the state board of higher education are exempt records.

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NDLA, Intern 04 - Grossman, Tiffany

From: Dawson, Tim J.
Sent: Monday, February 16, 2015 1:20 PM
To: NDLA, Intern 04 - Grossman, Tiffany
Subject: FW: Legislator question

A representative from DOT said the DOT provides information to organizations that are authorized per NDCC 39-33. The cost, if bulk in nature, is negotiated depending on the cost to gather and provide. DOT enters into contracts for those authorized organizations to specify what the information may be used for.

39-33-05. Permitted disclosures.

The department may disclose personal information referred to in section 39-33-02 to any person, on proof of the identity of the person requesting a record and representation by the requester that the use of the personal information will be strictly limited to one or more of the following:

1. For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person acting on behalf of a government agency in carrying out its functions.
2. For use in connection with matters of motor vehicles or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from the original owner records of motor vehicle manufacturers.
3. For use in the normal course of business by a legitimate business or its agents, employees, or contractors:
 - a. To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and
 - b. If the information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.
4. For use in connection with any proceeding in any court or government agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of any court.
5. For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.
6. For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating, or underwriting.
7. For use in providing notice to the owner or lienholder of a towed or impounded vehicle.
8. For use by any licensed private investigative agency or licensed security service for any purpose permitted under this section.
9. For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license which is required under the Commercial Motor Vehicle Safety Act of 1986 [title XII of Pub. L. 99-570].
10. For use in connection with the operation of private toll transportation facilities.
11. For any use specifically authorized by law that is related to the operation of a motor vehicle or public safety.
12. For any other use in response to requests for individual motor vehicle records if the department has obtained the express consent of the person to whom such personal information pertains.
13. For bulk distribution for surveys, marketing, or solicitations if the department has obtained the express consent of the person to whom such personal information pertains.

S.L. 1997, ch. 349, § 5; 2001, ch. 355, § 3.

39-33-06. Fees.

Disclosure of personal information required or permitted under sections 39-33-03, 39-33-04, and 39-33-05 is subject to payment by the requesting person to the department of all fees for the information required by law, or the terms of any contract with the requesting person, on the terms for payment as may be required or agreed.
S.L. 1997, ch. 349, § 6.

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701.328.2916

From: Jackson, Glenn E.
Sent: Monday, February 16, 2015 1:04 PM
To: Dawson, Tim J.
Subject: Re: Legislator question

We provide information to organizations that are authorized per NDCC 39-33. The cost, if bulk in nature, is negotiated depending on the cost to gather and provide. We do enter into contracts for those authorized organizations to specify what the information may be used for.

Glenn Jackson, Director
NDDOT Driver's License Division
Sent from my iPhone

On Feb 16, 2015, at 12:59 PM, Dawson, Tim J. <tdawson@nd.gov> wrote:

I think the questions is: Do you sell any information, what information, and how much?
Tim

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From: Jackson, Glenn E.
Sent: Monday, February 16, 2015 12:58 PM
To: Dawson, Tim J.
Cc: Steinwand, Terry R.
Subject: Re: Legislator question

Tim, not sure what list you are referring to. We do not provide any list for hunting. Game & Fish validate their info against our database, but no list is created.

Glenn Jackson, Director
NDDOT Driver's License Division
Sent from my iPhone

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On Feb 16, 2015, at 12:46 PM, Dawson, Tim J. <tdawson@nd.gov> wrote:

Glenn and Terry,
I was asked the following question by a legislator. Please provide the detail of what type of information, how much it costs, and any other detail as is necessary.
Do people have to pay to get the hunting and DOT lists, or if they are free?
Thanks,
Tim

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