

S.F. No. 2810 – Minnesota Age-Appropriate Design Code Act

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Overview

S.F. 2810 creates the Minnesota Age-Appropriate Design Code Act, which places obligations and restrictions on businesses that offer online services, products, or features that are likely to be accessed by children.

Summary

Section 1. Attorney general data coded elsewhere. Creates a cross-reference in the Government Data Practices Act for data protection impact assessments collected or maintained by the attorney general under the Minnesota Age-Appropriate Design Code Act.

Section 2. Citation; construction. Establishes the title of the new chapter of statute created by this bill. Provides general guidelines for businesses that develop and provide online services, products, or features likely to be accessed by children, including considering the best interests of children and prioritizing the privacy, safety, and well-being of children over commercial interests.

Section 3. Definitions. Provides definitions for key terms, including “business,” “likely to be accessed by children,” and “online service, product, or feature.”

Sections 4. Scope; exclusions. Provides that a business is only subject to this bill if it collects consumers’ personal data, alone or jointly determines the use of consumers’ personal data, does business in Minnesota, and meets specific thresholds related to annual revenues or scope of data collected. Excludes from the bill protected health information governed by the federal HIPAA regulations and information collected as part of a clinical trial.

Section 5. Business obligations.

Subd. 1. Requirements for businesses. Places requirements on businesses that provide an online service, product, or feature likely to be accessed by children, including requirements

related to the design and settings of the product, providing certain privacy notices and policies, and completing a data protection impact assessment.

Subd. 2. Data protection impact assessments; requirements. Specifies the content of a data protection impact assessment.

Subd. 3. Prohibitions on businesses. Prohibits businesses that provide an online service, product, or feature likely to be accessed by children from taking certain actions, including using the child's personal data in a manner that is materially detrimental to the child, profiling a child by default unless certain conditions are met, and collecting or selling unnecessary precise geolocation information of children.

Subd. 4. Data practices. Classifies data protection impact statements submitted to the attorney general as nonpublic or private data.

Section 6. Attorney general enforcement. Authorizes the attorney general to bring a civil action against a business that violates this chapter and recover specific monetary penalties. Requires the attorney general to provide certain businesses with the opportunity to cure their violations.

Section 7. Effective date. Provides an effective date of July 1, 2024 and specifies that this act is not applicable to services, products, or features that are not offered to the public on or after July 1, 2024. Provides that data protection impact assessments on existing services, products, or features must be completed by July 1, 2025.