

## MINNESOTA DATA FAIRNESS ACT (DFA)

A bill for an act relating to consumer data governance; proposing coding for new law in Minnesota Statutes, chapter 13; establishing the Minnesota Data Fairness Act; regulating data monetization; and requiring transparency, accountability, and fair participation to reduce systemic risk and restore public trust.

## **Section 1. [13.901] SHORT TITLE.**

This act may be cited as the "Data Fairness Act."

## **Sec. 2. [13.902] PURPOSE AND LEGISLATIVE FINDINGS.**

### **Subdivision 1. Purpose.**

The purpose of this act is to:

- (1) establish a Digital Bill of Rights for Minnesota residents;
- (2) regulate the monetization, transfer, and reuse of personal data;
- (3) protect individuals against harmful profiling and opaque automated decision systems;
- (4) ensure that individuals may participate fairly in the economic value created from the use of their personal data.

### **Subd. 2. Legislative findings.**

- (1) personal data collected from Minnesotans has measurable economic value and is routinely monetized without meaningful transparency, consent, or compensation;
- (2) existing state and federal laws do not provide a comprehensive framework for data governance, data monetization, and algorithmic accountability;
- (3) unchecked use of personal data can enable discriminatory profiling, unfair pricing, and exclusion from housing, credit, employment, health care, and other essential services;
- (4) Minnesotans have a right to digital self-determination, including control over how their data is collected, used, and monetized, and a right to participate in the economic value their data generates;
- (5) clear rules, enforceable rights, and meaningful remedies are necessary to restore public trust in digital systems and prevent exploitation in the data economy.

### **Subd. 3. Constitutional findings.**

- (1) concentrated power, whether exercised by government or private actors, threatens liberty and requires structural limitations and enforceable rights;
- (2) separation of powers and due process protections were designed to prevent consolidation of economic and decision-making authority;
- (3) large-scale data collection and automated decision systems may materially affect constitutional interests including due process and equal protection;
- (4) this act operates as a rights-protective framework consistent with constitutional limits and does not restrict lawful speech, innovation, or commerce.

## **Sec. 3. [13.903] DEFINITIONS.**

Definitions for personal data, sensitive data, data brokers, profiling, monetization, automated decision systems, controllers, and processors.

## **Sec. 4. [13.904] INDIVIDUAL DIGITAL RIGHTS.**

Transparency, access, correction, deletion, revocation of consent, portability, fair compensation, and algorithmic due process.

**Sec. 5. [13.905] LIMITATIONS ON DATA COLLECTION AND USE.**

Data minimization, purpose limitation, retention limits, prohibition of dark patterns, and heightened safeguards for children and sensitive data.

**Sec. 6. [13.906] DATA MONETIZATION AND FAIR COMPENSATION.**

Opt-in consent, disclosure of monetization practices, equitable compensation, and recordkeeping.

**Sec. 7. [13.907] PROFILING AND AUTOMATED DECISION ACCOUNTABILITY.**

Explanation, notice, human review, prohibited profiling, and risk assessments.

**Sec. 8. [13.908] DATA BROKER REGISTRATION.**

Annual registration, disclosures, and public registry.

**Sec. 9. [13.909] SECURITY AND BREACH NOTIFICATION.**

Security safeguards, breach notification timelines, and liability.

**Sec. 10. [13.910] ENFORCEMENT.**

Attorney General authority, civil penalties, injunctive relief, and cure period.

**Sec. 11. [13.911] PRIVATE RIGHT OF ACTION.**

Civil remedies, statutory damages, injunctive relief, and no waiver.

**Sec. 12. [13.912] DATA IMPACT ASSESSMENTS.**

Annual assessments and regulatory access.

**Sec. 13. [13.913] NON-RETALIATION.**

Prohibition on retaliation for exercising rights.

**Sec. 14. [13.914] TRANSPARENCY IN ALGORITHMIC SYSTEMS.**

Plain-language explanations and human appeal.

**Sec. 15. [13.915] RULEMAKING AUTHORITY.**

Rulemaking authority of the Commissioner of Commerce.

**Sec. 16. [13.916] EFFECTIVE DATE.**

Effective January 1, 2026.