

S.F. No. 2206 – Background check requirements for individuals with access to federal tax information

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Section 1. Background check; access to federal tax information. Requires that individuals performing services for an independent vendor or independent contractor authorized to have access to federal tax data must undergo a background check as provided under section 2.

Section 2. Background check; access to federal tax information.

Subd. 1. Definitions. Provides definitions of “federal tax information”; “IRS publication 1075”; “national criminal history record information”; and “requesting agency.” In particular:

“**IRS publication 1075**” means the publication that provides guidance on tax information security guidelines for federal, state, and local agencies;

“**National criminal history record information**” means FBI identification records as defined under federal regulations; and

“**Requesting agency**” means the Department of Revenue, Department of Employment and Economic Development, Department of Human Services, board of directors of MNsure, the Office of MN.IT Services, and counties.

Subd. 2. National criminal history record information check. Provides that a requesting agency must require fingerprints for a national criminal history record information (CHRI) check from specified individuals who have or will have access to federal tax information.

Subd. 3. Fingerprint submission and written statement of understanding. Requires an individual subject a CHRI check to provide to the requesting agency fingerprints and a statement of understanding that the fingerprints will be used for a background check. The requesting agency must submit the fingerprints and written statement of understanding to the Bureau of Criminal Apprehension (BCA), which must use the fingerprints only for the purposes designated in the bill.

Subd. 4. Bureau of Criminal Apprehension requirements. Provides that after the BCA receives approval from the U.S. Attorney General to exchange CHRI with officials of state

and local governmental agencies, the BCA must notify the requesting agency of the approval. The requesting agency may then submit fingerprints and statement of understanding to the BCA, which is required to:

- perform the state CHRI search;
- exchange the fingerprints to the FBI for purposes of a national CHRI check;
- compile the results of the state and national CHRI searches; and
- provide the results to the requesting agency.

Subd. 5. Classification of data. Classifies all data related to background checks as private data. Prohibits requesting agencies from further disseminating the results of a background check.

Section 3. Purpose. States that the purpose of the bill is to comply with IRC section 6103 (regarding confidentiality and security of federal tax data) and IRS Publication 1075 (providing tax security guidelines for state agencies).

All sections are effective the day following final enactment.