

Legislator's Guide to Data Practices

Minnesota Government Data Practices Act Minnesota Statutes, Chapter 13

Q: What is the Government Data Practices Act?

A: In 1974, the Legislature created the Government Data Practices Act, which presumes all government data in Minnesota are public unless otherwise classified by Minnesota statute or Federal law. The legislature reserved for itself the role of classifying government data as not public.

Q: What are government data?

A: Everything in recorded form, including paper, emails, CDs and DVDs that a government entity collects, creates, receives, maintains, or releases.

Q: Who is subject to the Government Data Practices Act?

Most government entities such as state agencies, schools, cities and counties are subject to the Act. The Act does not apply to the Legislature or the courts.

Other MN Laws Related to Data Practices

- **Open Meeting Law** – Meeting requirements for MN government bodies (Minn. Stat. Ch. 13D)
- **Official Records Act** – Creating and maintaining official records (Minn. Stat. § 15.17)
- **Records Management Statute** – Properly disposing of official records (Minn. Stat. § 138.17)

Significant Federal Laws

- **HIPAA** (Health Insurance Portability and Accountability Act)
- **FERPA** (Family Educational Rights and Privacy Act)
- **DPPA** (Drivers Privacy Protection Act)

Data Classification

Data on Individuals – living human being can be identified as the data subject

Public – available to anyone for any reason

Private – available to data subject, those with work access, and by law

Confidential – available to those with work access and by law

Data Not on Individuals – Not about a human being (e.g., cars, businesses)

Public – available to anyone for any reason

Nonpublic – available to data subject, those with work access, and by law

Protected Nonpublic – available to those with work access and by law

Not Public Data – Shorthand term referring to all data not classified as public (private, confidential, nonpublic, protected nonpublic)

When considering policy, remember this balancing test



Remembering the presumption that all data are public unless classified, it is not generally necessary to list public data in statute.

Examples of Recent Data Practices Issues

Issue: Personal contact information held by government

Possible Accountability and Openness Perspective

Public has a right to monitor their government's activities, including who interacts with government

Possible Privacy Perspective

Individuals have an expectation of privacy when they voluntarily interact with the government

Issue: Automatic License Plate Reader data

Possible Accountability and Openness Perspective

Public has a right to monitor government/police conduct

Possible Privacy Perspective

Individuals expect privacy in their driving patterns and may have safety concerns



IPAD (Information Policy Analysis Division) is a division of the Department of Administration that provides data practices and open meetings technical assistance to government, the public, the Legislature, and the media.

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