

## "Cloud data" meeting summary

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**Background:** Representatives of the Minnesota Coalition on Government Information (MNCOGI), the Minnesota Newspaper Association (MNA), the League of Minnesota Cities, the Association of Minnesota Counties, the Data Practices Office (DPO), and the City of Minneapolis met four times between October of 2019 and January of 2020 to discuss issues involving "cloud-based" data used by government entities, and its interaction with the Minnesota Government Data Practices Act (MGDPA).

The meetings stemmed from concerns MNCOGI raised over the district court opinion in *Public Record Media v. DEED and Greater MSP* and its possible impact on government use of cloud data. MNCOGI's aim was to seek to create statutory "comfort language" to re-affirm and further re-iterate that cloud-based data used by government entities was covered by the MGDPA.

During the course of the meetings, the use of cloud data by Minnesota government entities was discussed, and various options for statutory "comfort language" were proposed. At the second-to-last meeting, representatives of MNA suggested that the parties create colloquial sentences that expressed how they saw the issue under discussion (see page 2).

**Outcome of discussion:** The parties were unable to arrive at "comfort language" that all could agree on, but found conceptual agreement on the following:

- All parties agreed that "government data" under Chapter 13 was "government data" regardless of where or how it was stored.

In the course of the discussions, representatives of the League of Minnesota Cities, the Association of Minnesota Counties, the City of Minneapolis, and DPO noted that government entities were, today, using cloud-based data (such as "Microsoft Office 365" e-mail and document storage), and had been disclosing such data in response to requests made pursuant to the MGDPA.

Representatives of the League of Minnesota Cities, the Association of Minnesota Counties, and DPO also expressed interest in discussing MGDPA issues pertinent to government entity use of cloud data during their trainings.

## **Compilation of sentences requested by MNA**

### **MNA**

"Data in a Drop Box used by a government entity is government data, regardless of whether the data leaves the Drop Box."

### **DPO**

"Data that exist on non-government owned equipment or services are government data when collected, created, maintained, or disseminated by a government entity."

### **MNCOGI (Matt Ehling)**

"Just because a government entity uses privately owned equipment or services (such as cloud-based file-sharing services) to create, collect, receive, maintain, or disseminate data, it does not mean that such data falls outside of Chapter 13."

### **MNCOGI (Hal Davis)**

"Data produced by a third party for use by a government entity are government data."

### **City of Minneapolis**

"If needed, we seek to minimally modify the data practices act to ensure clarity that changes in information storage technology do not meaningfully impact the scope of public access to data or the burden on government."