

Rich Neumeister Comments 9/21/21

To: Members of the Legislative Commission on Data Practices

From: Rich Neumeister

It is great to have the Commission reconstructed again through legislation. Thank you to the legislators who supported this measure in past session.

The goal and vision of this unique group since its inception from my perspective has been to ascertain the gnarled issues of information policy, technology, right to know, and privacy and to untwist them for legislators, and ultimately, the public.

With issues and alternatives for public policy straightened and then put in a suggested form. Proposals then can be made in law to address interests and concerns.

It has been my observation that the toughest question the Commission has and continues to face is how you implement that goal and vision.

The group has had a mixed bag approach. In the early years, it reviewed and explored policy issues such as technology used by law enforcement, as an example, among other concerns. It did not deal with the nitty gritty of actual legislation, but with delving into the subject, and bringing information to light which then lawmakers could address. This ranged from body cameras, cellular exploitative devices, license plate readers, to electronic dissemination of data.

The last couple of years of the Commission has gotten into the nuts and bolts of actual legislation. Reviewing specific bills, acting

at times like a legislative policy committee. Then voting to recommend an actual bill.

From my perspective, I do not think that focusing on specific bills is the best approach for the Commission to take. Valuable time and discussion is done on matters that will be revisited again through the legislative committee process. The focus of the group should be what it did in the early years of the Commission.

Unravel those issues of information policy, technology, right to know, and privacy that nobody wishes to touch and present it in a way that your fellow lawmakers and the public can understand and learn from. Ideas for solving issues can and will flow from there.

The following are my suggestions for the Commission to address:

(1) State and local government's use and monitoring of social media.

- Statistics on government use and costs of social media monitoring
- How does the government use social media data?
- The implementation, mechanics, and rules which guide it

(2) Assess the Data Practices Office

- It's formal and informal structure of how parties are helped and served
- Caseload, what is it, what is the composition, i.e.
- Impartiality of the office
- Independence of the office
- How is the current mission being fulfilled

(3) Existing Attorney General's opinions

- Opinions on the Minnesota Government Data Practices Act and Official Records Act
- Impact of opinions on public policy
- Need for law changes to change opinion or place it statute?

(4) Records Retention

- Issues surrounding social media, electronic document and email retention
- Review current process of how record retention is done and role of Records Retention Panel
- Possible changes

These four areas of concern which I have recommended for the Commission are critical to information policy, technology, right to know, and privacy in Minnesota. Inquiring of these four components so listed as 1 - 4 will bring issues to light which can and must be addressed by the Minnesota Legislature.

I appreciate your time.