



Data Practices Overview

Legislative Commission on Data Practices
Sept. 21, 2021

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Chapter 13 Check #1

Can a member of the public get access to:

1. City employee salaries
2. Adult arrestee mugshot
3. State agency employee performance review
4. Public school student “directory information”
5. Identities of property complainants
6. Social security numbers

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Chapter 13 Check #1A

Can a member of the public get access to:

1. **City employees' salaries**
2. **Adult arrestee mugshot**
- ~~3. State agency employee performance review §13.43~~
4. **Public school student "directory information"**
- ~~5. Identities of property complainants §13.44~~
- ~~6. Social security numbers §13.355~~

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Chapter 13 Check #2

What is the Minnesota Government Data Practices Act and what are "government data"?



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Chapter 13 Check #2A

- Regulates how government handles government information
- Tries to maintain a proper balance of:
 - Public's right to know about the activities of their government
 - Privacy rights of individuals
 - Government's need to have and use data to do its work



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Minnesota Government Data Practices Act Minnesota Statutes Chapter 13

- Presumes government data are public
- Classifies data that are not public
- Provides access rights for the public and data subjects
- Requires data on individuals are accurate, complete, current, and secure

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Application

- The Data Practices Act applies to government entities:
 - ✓ State agencies
 - ✓ Political subdivisions
 - ✓ Statewide systems
- The Data Practices Act does **not** apply to:
 - X The Legislature
 - X The Courts
 - X Most non-Metro townships
 - X Non-governmental entities (e.g., condo associations)

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Government data defined

“All data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use.”

(Minn. Stat. § 13.02, subd. 7)



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Types of government data

Data on individuals	Data not on individuals
<p>Data that identify someone</p> <ul style="list-style-type: none"> Public employee's telephone number Name and address of adult arrestee Athlete of the week photograph 	<p>Data that do not identify someone</p> <ul style="list-style-type: none"> Makes and models of fleet trucks Names of companies that are preferred vendors List of government websites

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Classification of government data

Classification	Meaning of classification	Examples
Public	Available to anyone for any reason	Government employee name & salary
Private/ Nonpublic	Available to: <ul style="list-style-type: none"> Data subject Those in the entity whose work assignment requires access Entities authorized by law Those authorized by data subject 	Government employee home address & home phone number The subject of a complaint that does not result in discipline
Confidential /Protected nonpublic	Available to: <ul style="list-style-type: none"> Those in the entity whose work assignment requires access Entities authorized by law Not available to the data subject	Data collected as part of an active civil legal action

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Chapter 13 Check #3

An entity has three versions of a report from last year including the final report.

- What is the official record?
- Are all the drafts government data?
- Can the entity destroy the drafts?

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Chapter 13 Check #3A

An entity has three versions of a report from last year including the final report.

- What is the official record?
 - Final report (exceptions)
- Are all the drafts government data?
 - Yes
- Can the entity destroy the drafts?
 - Yes, if they are not official records

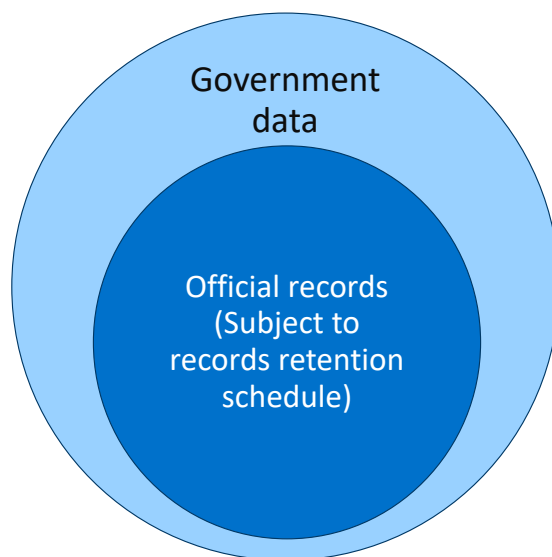
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Records government must keep

- Official Records Act §15.17
 - Create records that document official business.
- Records Management Statute §138.17
 - Maintain official records for the period listed on the records retention schedule.
- Government data that are not official records may be deleted at any time

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Official records vs. government data



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Chapter 13 Check #4

How does someone get access to data maintained by a government entity?

Time Sheet
Name

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Chapter 13 Check #4A

- Make a data request!
- Government entities must have access policies (§13.025)
 - Members of the public
 - Data subjects
 - These policies describe the process for obtaining data

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Response to a Data Request

- Government entities can respond in one of three ways:
 1. Provide access to the data (and copies when requested)
 2. Inform you the data are classified as not public (must give statute section)
 3. Inform you the data do not exist/are not in the format requested
- Entities are not required to create data
- Entities may ask for clarification

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Data Request: Response Time

	Member of the Public (Section 13.03, subd. 3)	Data Subject (Section 13.04, subd. 3)
Inspection and/or copies	Appropriate and prompt, a reasonable amount of time	Immediately, if possible or 10 business days

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Copy Costs

	Member of the Public	Data Subject
Inspection	No charge or fee allowed	No charge or fee allowed
Copies	<ul style="list-style-type: none"> ❖ 25¢ per page 100 or fewer, black and white, legal/letter size paper copies ❖ Actual cost <ul style="list-style-type: none"> ◆ All other copies ◆ Time for search and retrieval ◆ Time to make and transmit ◆ Materials ◆ No charge to separate public from not public data ◆ Electronic data 	<ul style="list-style-type: none"> ❖ Actual cost <ul style="list-style-type: none"> ◆ Time to make and transmit ◆ Materials ◆ No charge for search and retrieval ◆ No charge to separate public from not public data ◆ No charge to redact private or confidential data about others

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Chapter 13 Check #5



How is the Data Practices Act enforced?

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Chapter 13 Check #5A

- Remedies (Minn. Stat. § 13.08)
 - Action to compel compliance
 - Action for damages, costs, and attorney fees
- Administrative remedy (Minn. Stat. § 13.085)
 - Action to compel compliance within 2 years of alleged violation
- Penalties (Minn. Stat. § 13.09)
 - Willful violation = misdemeanor
 - Dismissal or suspension
- Advisory opinions (Minn. Stat. § 13.072)

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Chapter 13 Check #6

The Data Practices Office receives a lot of questions about government data.

What types of data do people ask about most frequently?

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Personnel Data Minnesota Statutes § 13.43

- Reverses public presumption
 - Lists public data
 - All other data are private
- Complaints/charges
- Disciplinary actions

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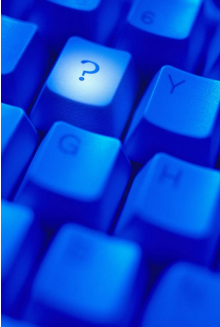


Law Enforcement Data Minnesota Statutes § 13.82

- Active criminal investigative data are confidential
- Certain data are always public during an active criminal investigation
 - Arrest data
 - Request for service data
 - Response or incident data
- Body camera data are classified by § 13.825

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Chapter 13 Check #7



Where can you go for more assistance in understanding the Data Practices Act?

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Data Practices Office

Statewide resource on data practices and open meetings

- Informal advice/technical assistance to government, public, media, and Legislature
- Commissioner's duties
 - Advisory opinions
 - Temporary classifications of data
 - Data challenge appeals
- Website, newsletters, Twitter
- Legislative assistance
- Training



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Department of Admin, Data Practices Office

Stay in touch!

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Twitter: [@MNgovdata](https://twitter.com/MNgovdata)

YouTube: <https://www.youtube.com/user/INFOIPAD>

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Thank you!

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