



Data Practices Overview

Legislative Commission on Data Practices

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Data Practices Office

Why do you need to know about data practices?

The Legislature determines who can access government information by classifying government data and by permitting or requiring sharing.

Minnesota Government Data Practices Act

Minnesota Statutes Chapter 13

- Regulates how government administers 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



Public presumption and classification

- **Minnesota Statutes, Chapter 13**
 - Establishes the classification structure for all data
 - Presumes government data are public
 - Classifies data as not public
 - Provides rights for the public and data subjects
 - Requires that data on individuals are accurate, complete, current, and secure
- **Minnesota Rules, Chapter 1205**
 - Administrative rules implementing Ch. 13

Application

- The Data Practices Act applies to:
 - ✓ 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)

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)



Classification of government data

Data on individuals

Data that identify someone

- Public employee's telephone number
- Name and address of adult arrestee
- Athlete of the week photograph

Data not on individuals

Data that do not identify someone

- Makes and models of fleet trucks
- Names of companies that are preferred vendors
- List of government websites

Classification of government data

Classification	Meaning of classification	Examples
Public	Available to anyone for any reason	Public 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	Public employee home address & home phone number
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 criminal legal action

Collecting and maintaining data

- Data must be maintained in a way that is easily accessible for convenient use.
 - Minn. Stat. §13.03, subd. 1
- Collection and storage of *all data on individuals* and use and dissemination of private/confidential data limited to what is “necessary”
 - Minn. Stat. §13.05, subd. 3 and Minn. Rules part 1205.1500, subp. 4

Required policies and procedures

- Access policies
 - Responding to public data requests
 - Data subject rights and responding to data subject requests
- Procedures to ensure appropriate and prompt response to requests
- Procedures to ensure that only those who have a work assignment can access private or confidential data
- Inventory listing private and confidential data
- Additional policies and procedures
 - Law enforcement – BWC, drones, ALPR, juvenile data, mental health data

Enforcement

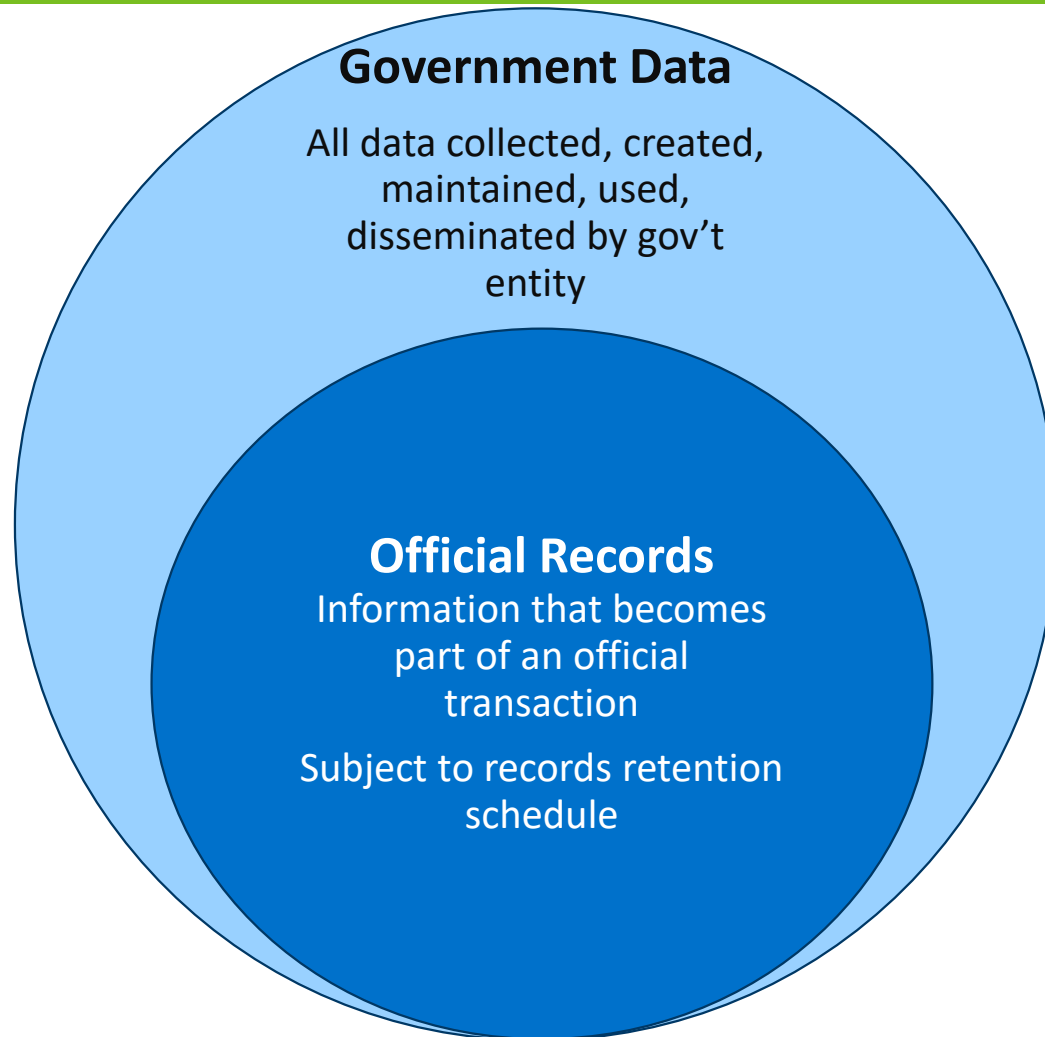
- Remedies (Minn. Stat. § 13.08)
 - Action to compel compliance
 - Action for damages, costs, and attorney fees
- Administrative remedy (Minn. Stat. § 13.085)
 - Action to compel compliance within 2 years of alleged violation
- Penalties (Minn. Stat. § 13.09)
 - Willful violation or data breach = misdemeanor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

Other data practices related laws

- **Official Records Act** (Minn. Stat., section 15.17)
 - Make and preserve all records necessary to a full and accurate knowledge of official activities
- **Records Management Statute** (Minn. Stat., section 138.17)
 - Records retention schedules and records disposition panel
 - MN State Archives website
www.mnhs.org/preserve/records/gov_services.htm



Official records are a subset of government data



Common questions and issues

- Law enforcement data
 - Device-based classifications
 - Videos: Body camera, drone, squad, cellphone
 - Juvenile data
- Large requests/more requests
 - Overly burdensome/harassing
 - Time to respond
 - Resources
- Enforcement

Data Practices Office

Statewide resource on data practices and the Open Meeting Law

- Informal advice/technical assistance
- Commissioner of Administration advisory opinions
- Website and informational materials:
<https://mn.gov/admin/data-practices/>
- Listserv and newsletters
- Legislative assistance
- Training

Contact the Data Practices Office

Phone: 651-296-6733

Email: info.dpo@state.mn.us

Website: mn.gov/admin/data-practices

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

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