

December 10, 2025

Legislative Commission on Data Practices

*Via email*

**Re: Data Practices Office testimony regarding enforcement and compliance**

Co-Chairs and Commission members:

The Data Practices Office (DPO) is a statewide resource on the Minnesota Government Data Practices Act (MGDPA). We assist members of the public (data requesters) and government with questions about their rights and responsibilities under the MGDPA.

I am writing to provide the Commission with background information on Agenda Item 5: Enforcement and Compliance with the MGDPA. I have included a review of the existing remedies under Ch. 13 and an incomplete draft survey of public records laws and authorities in other states.

I hope this information will be helpful to the Commission as members consider alternatives and improvements to the current remedy structure.

Please feel free to reach out with any questions you may have.

Regards,

*Taya Moxley-Goldsmith*

TAYA MOXLEY-GOLDSMITH  
DIRECTOR, DATA PRACTICES OFFICE  
DEPARTMENT OF ADMINISTRATION

## Remedies under the Government Data Practices Act

### **Section 13.072: Department of Administration**

- Commissioner has permissible authority to issue nonbinding advisory opinions
- Government entities may ask any question related to government data practices
- Data requesters and data subjects may ask a question related to an entity determination on rights to access data or rights as a data subject.
- Entities that follow an opinion issued to any party is immune from damages and awards of attorney fees
- Opinions are given “deference” by court or other tribunal

### **Section 13.08: District court**

- Damages
  - A plaintiff can recover any damages they sustained because of a violation of the Data Practices Act.
  - If the violation is willful, the government entity shall also be liable for exemplary damages ranging from \$1,000-\$15,000 for each violation.
  - Costs and reasonable attorney fees may be awarded
- Injunctive relief
  - “The court may make any order or judgment as may be necessary to prevent the use or employment by any person of any practices which violate this chapter.”
- Action to compel compliance
  - The court can order the Responsible Authority or government entity to comply with the Data Practices Act
  - Civil penalty of up to \$1,000
  - Costs and reasonable attorney fees may be awarded

### **Section 13.085: Court of Administrative Hearings**

- Action to compel compliance
- \$1000 filing fee
- ALJ may award complainant reasonable attorney fees, not to exceed \$5,000
- ALJ may refer complaint to prosecuting authority
- Complainant shall receive a partial refund of the filing fee if they substantially prevail
- Complainants must go to district court to enforce ALJ’s order

### **Section 13.09: Penalty**

- A willful violation or causing a data breach under sec. 13.055 is a misdemeanor
- A willful violation is just cause for suspension without pay or dismissal