

December 11, 2025

Co-chairs and members of the Legislative Commission on Data Practices:

The League of Minnesota Cities submits this written testimony on enforcement and compliance with the Minnesota Government Data Practices Act (“the MGDPA”) and opportunities for improvement. These concerns and suggested actions come from our annual member-driven policy development process where cities gather to discuss local challenges and recommend legislative positions to guide the League’s advocacy work during the next legislative session.

### **Modern Technology and the Data Practices Act**

While the MGDPA was originally drafted in 1979 to be future thinking the legislators of the time could not have imagined where technology would be today. Technology has exploded, and the type of data collected and maintained by local governments has multiplied many times over. The evolution of technology means that personal information can be posted online and shared globally in an instant, marking privacy concerns for public officials and citizens alike.

The MGDPA is increasingly being utilized in ways not considered when it was implemented, such as for commercial use, personal benefit, or to circumvent legal discovery processes. Cities have seen an increase in data requests from out-of-state entities, for-profit companies, and researchers who seek to receive personal benefit from public government data compiled by cities at the cost of local taxpayers. This data may have little public value but has the potential for misuse. There are also other advances in technology that are not comprehensively addressed by the MGDPA. While the Legislature has attempted to address technological advancements as they come, it has been in piecemeal ways.

#### *Suggested actions:*

- Conduct a comprehensive review of the MGDPA to address modern technology.
- Base reforms on recommendations from subject matter experts and stakeholders.
- Define what constitutes a reasonable request and when requests are unduly burdensome.
- Reconsider public disclosure of public job interview finalists’ names to avoid deterring qualified candidates.
- Ensure statutory clarity and uniformity for all changes affecting government data, including police records.

### **Data Practices Compliance and Recordkeeping Costs**

Cities continue to receive repetitive, overly broad and far-reaching data requests that require significant staff time to locate specific records, redact non-public data, and assemble documents. Because these broad requests may retrieve incidental references to the searched term, or contain a mix of public and non-public data, the results often contain a significant volume of data that has little value to the requestor, or that must be reviewed and redacted.

The MGDPA limits cities from recovering the true costs of compliance. Current law allows limited charges when copies of data are requested: 25 cents per page for under 100 pages and, for over 100 pages, the actual cost of production based on the number of physical copies provided. Cities may not charge for the time spent to sort or redact non-public data from public data. Cities may not charge for the inspection of data, despite the time and resources that are spent compiling

records for inspection. As a result of these limitations, cities and taxpayers bear significant unrecoverable expenses.

*Suggested actions:*

- Provide state funding to assist local governments with meeting the increasing complexity of managing government records.
- Fund statewide data practices training.
- Expand options for political subdivisions to recoup the costs of responding to data requests, considering the complete staff time and actual costs, and regardless of whether copies are requested or only inspection occurs.
- Establish and fund a Data Practices ombudsperson to assess request reasonableness.
- Authorize the Data Practices Office to set standards for burdensome requests.
- Amend the MGDPA to narrow public applicant data classifications.
- Align local fees for motor vehicle incident reports with those charged by the Commissioner of Public Safety.

**Expunged Records and the Data Practices Act**

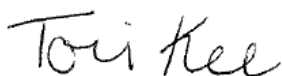
The 2023 legislature adopted the Clean Slate Act (the “Act”), which went into effect on January 1, 2025. The Act requires the Minnesota Bureau of Criminal Apprehension to “automatically” expunge (seal) certain criminal records to give individuals a fresh start and increased access to opportunities. In June 2025, city police departments began receiving reports of records that had been expunged in the BCA system, which the agencies must review before releasing requested data. Local law enforcement agencies have noted portions of the Act that contradict with the MGDPA that must be clarified by the Legislature to ensure government compliance, protect victims’ rights, and safeguard data subject rights.

*Suggested actions:*

- Review and clarify the interplay of Minn. Stat. § 609A.015 and Minn. Ch. 13.
- Address expunged records in Minn. Stat. §§ 13.82 and 13.83 to ensure consistent treatment.
- Provide statutory guidance in Minn. Stat. §§ 13.03 subd. 3(f) and 609A.015 for law enforcement responses to requests involving expunged records.
- Clarify whether protection applies to the sealed record itself or the data subject.
- Engage with law enforcement to ensure the intent of the law is being met.
- Provide local law enforcement agencies with more training and resources on the new Act.

We urge the Legislature to modernize the MGDPA in a way that balances transparency, privacy, and efficient government operations. The League looks forward to collaborating with this commission, legislators, stakeholders, and the public on revisions that strengthen Minnesota’s data practices framework.

Sincerely,



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League of Minnesota Cities