

Written Testimony Packet

Prepared Statement of Dr. Bibi Neumann

Saint Anthony Village, Minnesota

Submitted to the **MINNESOTA LEGISLATIVE COMMISSION
ON DATA PRACTICES AND PERSONAL DATA PRIVACY**

December 11, 2025

Written Testimony Packet

Agenda Item 5: *Enforcement and Compliance with the Minnesota Government Data Practices Act*

I. Introduction

Thank you for the opportunity to provide testimony on **Agenda Item 5: Enforcement and compliance with the Minnesota Government Data Practices Act (MGDPA)**.

My name is **Dr. Bibi Neumann**, and I am a resident of Saint Anthony Village. Through my repeated use of the MGDPA, both personally and in support of community members seeking transparency, I have observed a consistent structural problem: **Minnesota’s transparency law is clear in statute but uncertain in practice.**

Transparency is not a procedural courtesy. It is a constitutional safeguard designed to prevent arbitrary government power and ensure that all Minnesotans—regardless of geography, race, or socioeconomic status—can understand and challenge the actions of public institutions. The MGDPA is the statutory expression of that safeguard. Yet the absence of meaningful enforcement mechanisms has allowed discretionary practices to eclipse statutory guarantees.

Rights that depend on government discretion are not rights at all; they are privileges. A transparency statute that cannot be reliably invoked cannot fulfill its constitutional purpose.

The failures described in this testimony do not fall exclusively on any one region or community. They affect **Black and brown Minnesotans, immigrant communities, renters, and residents of rural Minnesota**, where staffing limitations, slower response cycles, and limited access to legal support can render transparency failures particularly burdensome. Equal rights require equal access to the mechanisms that protect those rights.

II. Everyday Noncompliance with the MGDPA

Across Minnesota, residents encounter recurring forms of noncompliance with the MGDPA. These patterns are systemic rather than incidental, and they undermine the Legislature’s intent for a consistent statewide transparency framework.

A. Improper Clock Resets and Unauthorized Local Forms

Minnesota law does not require requesters to use agency-created forms.¹ Yet many jurisdictions:

- Restart statutory timelines when residents follow up on a request,
- Treat clarifying questions as new submissions, and

- Demand resubmission onto local forms that appear nowhere in **Minn. Stat. § 13.03**.¹

These unlawful practices obscure compliance timelines and shift interpretive burdens onto residents.

B. Absence of Required Notices When Data Is Withheld or Destroyed

Agencies are required to:

- Cite the statutory authority for any denial,²
- Identify the general nature of the data withheld,² and
- Document destruction or non-retention of records.³

In practice, residents frequently receive:

- Partial productions without explanation,
- Denials without statutory citations, and
- No indication of whether data was destroyed, never retained, or simply not searched.

A right that cannot be meaningfully understood cannot be meaningfully exercised.

C. Expiring Electronic File Links

Increasingly, agencies send expiring Dropbox or Box links instead of providing responsive data directly. When these links lapse, agencies often treat renewal requests as new data requests, distorting actual compliance times.

For rural Minnesotans with limited broadband or intermittent access, this barrier can be prohibitive.

D. Lack of Transparency About What Systems Were Searched

A “no responsive data” result is incomprehensible without knowing:

- Which databases were searched (CAD, RMS, ALPR, BWC, email archives, inspections databases),
- What search parameters were used, and
- Whether additional systems likely contain responsive data.

Without this information, neither residents nor the Legislature can evaluate whether a response reflects a true absence of data or an incomplete search.

E. Statewide Impact: Urban and Rural Vulnerabilities

Transparency failures harm Minnesotans across the entire state.

- **In metro areas**, barriers impede the ability to document disproportionate enforcement, challenge inaccuracies, and understand how surveillance tools affect mobility and daily life.
- **In rural areas**, transparency failures can interrupt property decisions, impede the resolution of local disputes, and limit the public's capacity to hold agencies accountable due to fewer advocacy, legal, or technological resources.

Different contexts; the same structural harm. Equal rights require functional access to the law.

III. Why Enforcement Matters in a Rapidly Expanding Surveillance Landscape

Minnesota's adoption of modern surveillance and data-collection systems has outpaced the mechanisms meant to oversee them. These include:

- Automated License Plate Readers (ALPRs)
- Body-Worn Cameras (BWCs)
- Drones
- AI-supported or algorithmic decision systems

Each of these technologies increases the volume, sensitivity, and permanence of government-held data. Their operation raises serious civil-liberties concerns, including:

- tracking of movement,
- algorithmic classification of individuals,
- retention of sensitive footage,
- inadvertent or unauthorized sharing with state or federal partners, and
- potential for disparate enforcement or harm.

Oversight of such systems is impossible when residents cannot reliably access the underlying data. Transparency failures obscure deployment patterns, retention schedules, sharing arrangements, and misuse.

The risks fall disproportionately on:

- **Black and brown Minnesotans,**
- **Immigrant communities,**
- **Renters,** and
- **Rural Minnesotans,** who may lack both legal support and local infrastructure to challenge noncompliance.

Transparency is the mechanism by which power remains accountable. When transparency depends on the discretion of the agency being monitored, accountability collapses.

IV. Legislative Recommendations

These recommendations do not expand the MGDPA's scope. They make its existing rights enforceable, uniform, and meaningful.

1. Enforceable Response Timelines

The Legislature should strengthen statutory timelines by requiring:

- Documentation of delays,
- Public reporting of compliance rates, and
- Clear consequences for persistent noncompliance.

Rights without deadlines are merely suggestions.

2. Standardized Denial and Withholding Notices

Compliance with **§ 13.03, subd. 3(f)** should require agencies to:

- Cite the statute authorizing withholding,
- Describe the category of withheld data, and
- Provide available avenues for challenge.

This simple reform would resolve many disputes and clarify obligations statewide.

3. Destruction and Non-Retention Logs

Minn. Stat. § 138.17 requires documentation of records destruction. Compliance should be reflected in:

- Public-facing logs indicating categories and dates of destruction,
- References to approved retention schedules, and
- Rationale for non-retention.

Without documentation, there is no accountability.

4. Disclosure of Systems Searched

Agencies should identify all systems searched in response to a data request. This does not reveal tactics; it reveals completeness.

5. Administrative Enforcement Authority

The Legislature should create a non-judicial enforcement mechanism empowered to:

- Order compliance,
- Require corrective actions, and
- Impose modest penalties for repeated violations.

This reform ensures that transparency rights do not require litigation to enforce.

6. Technology-Specific Oversight

Minnesota should implement:

- Annual ALPR and BWC transparency reporting,
- Warrant standards for targeted drone surveillance,
- Auditability and contestability for AI-supported decisions.

These measures ensure that technological adoption does not outpace public protections.

V. Conclusion

Minnesota's transparency framework succeeds in statute but falters in practice. When access to public data depends on agency discretion, Minnesotans lose the ability to monitor the very entities tasked with serving them. The communities most impacted by law enforcement, code enforcement, and administrative decision-making—whether in metropolitan neighborhoods or rural counties—are the ones most harmed when statutory rights fail to function as intended.

Government accountability requires an enforceable transparency system. A system that functions only when convenient is incompatible with constitutional principles and democratic expectations.

The Legislature has an opportunity to restore the MGDPA to its original purpose: a meaningful, enforceable, and statewide guarantee that all Minnesotans can understand and challenge the actions of their government.

Respectfully submitted,
Dr. Bibi Neumann
Saint Anthony Village, Minnesota

ONE-PAGE SUMMARY – TESTIMONY OF DR. BIBI NEUMANN

Agenda Item 5 – Enforcement and Compliance with the MGDPA

Key Structural Failures

- Unauthorized use of local forms and improper timeline resets
- Expiring electronic links substituted for responsive data
- Missing notices identifying withheld or destroyed data
- Lack of disclosure regarding systems searched
- Wide variance in compliance across jurisdictions

Impact

- Weakens statutory transparency obligations
- Obscures operation of ALPRs, BWCs, drones, and AI-related systems
- Disproportionately affects:
 - Black and brown Minnesotans
 - Immigrant communities
 - Renters
 - Rural residents with fewer legal and technical resources

Recommended Reforms

1. Enforceable response timelines
2. Standardized denial notices
3. Public destruction and non-retention logs
4. Required disclosure of systems searched
5. Administrative enforcement mechanism
6. Technology-specific transparency safeguards

Outcome

A transparency system that is **accessible, enforceable, equitable, and statewide in effect.**

APPENDIX A – STATUTORY REFERENCES

¹ **Minn. Stat. § 13.03** – Access to Government Data

Establishes the public's right to inspect and receive copies of government data; requires prompt and appropriate responses; does **not** require the use of agency-created forms; requires citation of statutory authority when denying access.

² **Minn. Stat. § 13.03, subd. 3(f)** – Notice Requirements

Requires agencies to cite specific statutory authority for denials and to describe the nature of the data withheld.

³ **Minn. Stat. § 138.17** – Records Management

Requires agencies to document destruction or non-retention of records and maintain approved retention schedules.

Additional Relevant Statutes

- **Minn. Stat. § 13.04** – Rights of Data Subjects
Provides rights to access data about oneself and to contest inaccuracies.
- **Minn. Stat. § 13.43** – Personnel Data
Governs access to peace-officer complaint and disciplinary data.
- **Minn. Stat. § 13.825** – ALPR Data
Establishes retention limits, classification, and misuse reporting requirements.