

Co-chairs Feist and Scott, and Members of the Legislative Commission on Data Practices

Jonathan Murray, Community Leader and Independent Member of MNCCD
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The Ask: A Data Architecture for Our Future

Mr. Chair and Members of the Commission,

I am writing to formally request that this Commission consider the two attached pieces of draft legislation: **The Community Data Brigades Act** and **A Bill Modernizing the Minnesota Government Data Practices Act** which are critical to adopting data-driven dynamic fiscal notes so Minnesota can calculate savings across agencies and our government *can value our time*.

Why This Committee? This is fundamentally a data practices issue. The fraud that outrages Minnesotans and the "sludge" that disables them share the same root cause: **Information Blocking**.

By denying citizens real-time access to their own data, the state violates the federal **21st Century Cures Act** and creates the "black box" opacity where fraud thrives. This Commission has the jurisdiction to replace this paternalistic opacity with transparent, co-designed security.

Why You Cannot Afford to Skim This You are not legislating for a niche interest group; you are legislating for your future selves. Aging is simply the slow acquisition of disability. If we are lucky to live long enough, every one of us will eventually rely on these very systems. Currently, we are building a trap—a bureaucratic maze that will one day overwhelm your own diminishing capacity. I am asking you to fix the data architecture now, so it is ready for you when you need it.

The Current Trap: Paternalism and Security Failures

Our support systems are built on paternalism—the belief that the state must manage resources *for* people rather than *with* them. This denial of agency creates a "black box" that is opaque, inefficient, and dangerously insecure.

- **The "Time Tax":** To self-direct my care, the state forces me to run a small healthcare business (my MN Tax ID is **6852865**) yet denies me access to my own operational records. This creates a 500-hour-a-year "time tax." When your own capacity diminishes in the future, do you want to spend your remaining energy fighting this bureaucracy?
- **Federal Liability (21st Century Cures Act):** The state's refusal to provide real-time access to our own electronic health records is a direct violation of the **21st Century Cures Act's "Information Blocking" Rule**. We are mandated to manage care but denied the federally guaranteed tools to do so. This isn't just a glitch; it is illegal information blocking that exposes the state to massive federal liability and penalties.
- **Security Risks:** Because we are denied the agency to co-design secure workflows, we are subjected to dangerous practices. A Ramsey County manual directs case managers to email confidential IDs in the subject line for convenience. This is the system that will hold *your* data one day.

Fraud is the Price of Exclusion

The massive fraud that outrages us all is a direct result of this exclusionary design. When you design *for* people instead of *with* them, you create dark corners where theft thrives.

- **Paternalism breeds obscurity:** The state hides the flow of resources to "protect" them.
- **Obscurity breeds fraud:** Without the "sunlight" of citizen auditing, bad actors exploit the system for years.

To secure the system for your future self, you must deputize the people currently using it to act as its immune system.

The Solution: Co-Design as Insurance

We must pivot from **Paternalism** to **Partnership**. The attached legislation provides the tools to build a system dignified enough for you to inhabit.

1. Secure Your Own Data (Modernizing the Data Practices Act) This bill codifies **Individual Data Sovereignty**. It ensures that when you interact with the state, you remain the owner of your data.

- **Right to Audit:** Guarantees you can view your own file in real-time.
- **No Black Boxes:** Ensures you can collaborate on your own care rather than being managed by a hidden algorithm.

2. Build a Better System (Community Data Brigades Act) This bill creates the mechanism for **Co-Design**.

- **Lived Experience as Expertise:** Empowers residents to submit "Usability Reports" and fix the "sludge" before it disables you.
- **System Integrity:** Creates a "bug bounty" for fraud, protecting the resources you will need later.

Conclusion

We are all temporarily abled. The denial of autonomy in our current system is a threat to everyone's future security.

I urge you to review these drafts not as charity for a marginalized group, but as necessary construction work on the safety net that will eventually catch us all. Let's build a Minnesota that is accessible, transparent, and dignified enough for our future selves.

Sincerely,

Jonathan Murray Community Leader & Independent Member of MNCCD

Draft Legislation: Community Data Brigades Act

A bill for an act

relating to state government; establishing a framework for Community Data Brigades; defining their rights and responsibilities; clarifying the legal status and intellectual property rights of contributors; proposing coding for new law in Minnesota Statutes, chapter 16F.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2024, chapter 16F, is amended by adding a section to read:

[16F.02] COMMUNITY DATA BRIGADES.

Subdivision 1. **Purpose.** To ensure the state's e-governance system is continuously improved by the lived experience and expertise of its residents, a formal process for establishing and empowering Community Data Brigades is created.

Subdivision 2. **Definition.** A "Community Data Brigade" is any non-profit organization, educational institution, tribal government, or informal group of three or more Minnesota residents that registers with the Minnesota Data Trust and Analytics Office for the purpose of contributing to the improvement of public services.

Subdivision 3. **Registration.** The Data Trust shall maintain a simple, secure, and minimally burdensome public registry of Community Data Brigades. Registration shall be free of charge.

Subdivision 4. **Rights and Responsibilities of Brigades.** A registered Community Data Brigade has the right to:

- (a) Submit "Usability Reports," "Solution Proposals," and "Validation Packages" and be eligible for the Sludge Reduction Awards Program as established in section 16F.01.
- (b) Access public government data and utilize the safe harbor provisions for civic data analysis as established in the Minnesota Government Data Practices Act.
- (c) Propose new unit tests for inclusion in the Statewide Unit Test Library as established in section 16F.01.
- (d) Petition the Data Trust to create new Sludge Metrics or to deprecate existing ones.
- (e) Petition the Data Trust to place a metric under a "System State Exception" as defined in section 16F.01.

(f) Receive a "System Integrity Bounty" for the successful identification and reporting of deliberate data tampering or fraud within the e-governance system.

Subdivision 5. **Legal Classification of Contributors and Awards.**

(a) A payment made under the Sludge Reduction Awards Program shall be legally classified as an award for providing information that leads to the recovery of public resources or the creation of measurable public value, consistent with the principles of state and federal whistleblower and False Claims Act statutes.

(b) An individual or brigade receiving an award is an independent contributor providing information. The award is not a wage for services rendered, and this classification does not create an employment or contractual relationship with the state.

Subdivision 6. Intellectual Property and Awards.

(a) Tier 1: Community Input. The submission of a "Usability Report," a "Solution Proposal" in narrative form, or a new "unit test" shall constitute a contribution of Community Input. The "Burden-Informed Contributor Award" paid for this input is the sole compensation. As a condition of payment, the contributor grants the state of Minnesota a perpetual, non-exclusive, royalty-free license to use, modify, and implement any idea, suggestion, or test contained within the submission.

(b) Tier 2: Codified Solutions. The submission of a complete, functional, and open-source "Formula Modernization Proposal" that is subsequently certified and adopted by the Data Trust shall constitute a Codified Solution. The acceptance of the "Formula Modernization Bounty" by the contributor shall constitute the granting of a perpetual, non-exclusive, royalty-free license for the state to use, modify, and implement the specific code in the proposal. The bounty is the sole and complete compensation for this license.

A bill Modernizing the Minnesota Government Data Practices Act

A bill for an act

relating to data practices; modernizing the Minnesota Government Data Practices Act; establishing a new classification of government data; codifying the principle of individual data sovereignty; providing a safe harbor for civic data analysis; establishing the legal status of digital records; creating a right to digital interaction; amending Minnesota Statutes, chapter 13, by adding sections and amending sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2024, chapter 13, is amended by adding a section to read:

[13.025] INDIVIDUALLY-OWNED DATA.

(a) "Individually-Owned Data" means data about an individual that is provided by that individual to a government entity for the purpose of receiving a service or complying with a mandate.

(b) Ownership of and primary control over this data remains with the individual. This data is classified as private data on individuals unless the individual provides explicit, revocable consent to classify it otherwise.

Section 2. Minnesota Statutes 2024, chapter 13, is amended by adding a section to read:

[13.035] RIGHTS OF DATA SOVEREIGNTY.

Subdivision 1. Ownership. Data classified as Individually-Owned remains the property of the individual. Government entities are custodians, not owners, of this data.

Subd. 2. Right to Access and Audit. Every individual has the right to view all Individually-Owned Data held by any government entity through a secure digital portal. This portal must provide a complete, plain-language audit log of every instance the data was accessed, by whom, and for what purpose.

Subd. 3. Right to Consent. The sharing of Individually-Owned Data between government entities is prohibited unless explicit, time-limited, and purpose-specific consent is given by the individual through their secure digital portal, consistent with the requirements of chapter 16F.

Section 3. Minnesota Statutes 2024, chapter 13, is amended by adding a section to read:

[13.056] SAFE HARBOR FOR CIVIC DATA ANALYSIS.

A registered Community Data Brigade, as defined in section 16F.02, that accesses and analyzes data classified as public is presumed to be acting in good faith. Such a brigade is shielded from civil penalties for the use and publication of their analysis, and for any negative consequences arising from a "Solution Proposal" submitted in good faith and without gross negligence, provided they do not attempt to de-anonymize data about individuals or act with malicious intent.

Section 4. Minnesota Statutes 2024, section 13.04, is amended by adding a subdivision to read:

Subd. 5. **Prohibition on Redundant Data Collection.** A government entity may not request Individually-Owned Data from an individual if that data is already held by another government entity and can be accessed with the individual's consent under section 13.035.

Section 5. Minnesota Statutes 2024, chapter 13, is amended by adding a section to read:

[13.036] LEGALLY BINDING DIGITAL RECORDS.

A digital certificate that is cryptographically signed and issued by a Minnesota Clerk of Court, including but not limited to a Certificate of Representation from the State Succession Register, shall have the same legal force and effect as a notarized paper document. All state and local government entities are required to accept and process such a certificate in its native digital format without requiring a paper equivalent.

Section 6. Minnesota Statutes 2024, chapter 13, is amended by adding a section to

read:

[13.045] RIGHT TO DIGITAL INTERACTION.

Every resident has the right to interact with government entities and access public services through the secure digital infrastructure established in chapter 16F. Upon full implementation of the Digital Identity system, an agency may not require a resident to submit a paper form or appear in person for any transaction that can be completed securely through the digital system.

Section 7. SUPERSESSSION CLAUSE.

The principles of individual data sovereignty and the prohibition on redundant data collection established in this chapter shall supersede any other provision of law that is in conflict with them. Government entities shall, within 24 months of the effective date of this act, review and amend their internal rules and procedures to comply with this chapter.