



Government Data Practices & Open Meeting Law Overview

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Government Data Practices

Minnesota Statutes, Chapter 13

What are government data?

- Government data are:

“All data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use.”

Classification of Government Data

Classification	Meaning of Classification	Examples
Public	Available to anyone for any reason	Government employee's name
Private/Nonpublic	Available to: <ul style="list-style-type: none">• Data subject• Those in the entity whose work requires access• Entities authorized by law• Those authorized by data subject	Social security numbers
Confidential/ Protected nonpublic	Available to: <ul style="list-style-type: none">• Those in the entity whose work requires access• Entities authorized by law **Not available to data subject**	Active civil or criminal investigative data



Open Meeting Law

Minnesota Statutes, Chapter 13D

Types of Meetings Not Covered by the Law

- Meetings of less than a quorum of members
- Chance or social gatherings
 - Banquets, parties, etc.
- Trainings
 - No discussion of official business
 - Advisory Opinion 16-006
 - Public body may meet in private facilitated discussions designed to “improve trust, relationships, communications, and collaborative problem solving” among members without violating OML

Special Considerations

- Use of email
 - Avoid “discussion”
 - Advisory Opinion 09-020:
 - Public body did not comply with OML when exchanging certain email messages relating to official activities
 - One-way communication between the chair/staff and members of a public body is permissible, such as sending meeting materials via email to all board members, with no discussion or decision-making
- “Serial meetings”
 - Meetings of less than a quorum
 - Avoid public meetings to fashion agreement
 - Might be a violation

Closed Meetings

- Meetings can be closed only if required or permitted in the law
- All closed meetings, except those closed by attorney-client privilege, must be recorded
- No general “personnel exception” to close a meeting
- Statement on the record before closing a meeting
 - Legal authority to close the meeting
 - Describe what will be discussed
- Public bodies may or must close certain other meetings under the law, including as permitted by the attorney-client privilege

- ***State-level*** public bodies may hold telephone meetings at **any time** if conditions are met
- Requirements:
 - All members can hear one another and testimony
 - Public can hear discussion, votes, testimony
 - One member “of the entity” is physically in the regular meeting room
 - Votes taken by roll call
- Public may monitor from remote site, if practicable
- Notice that members may participate remotely
- 10 days in advance web-posting requirement
- Advisory Opinion 18-018

Meetings & Technology, cont.

Minnesota Statutes, section 13D.021

- Any public body may hold meetings by telephone or other electronic means if:
 - Presiding officer, chief legal counsel, or chief admin officer determines in-person meeting is not practical or prudent due to a health pandemic or emergency declared under Ch. 12
- Meeting requirements:
 - All members can hear one another and testimony
 - Public can hear discussion, votes, testimony at regular meeting room, unless not feasible
 - One member “of the entity” in the regular meeting room, unless unfeasible
 - Votes taken by roll call
- Public may monitor from remote site, if practicable
- Notice that members may participate remotely
- Advisory Opinion 18-018

Penalties & Remedies

- Intentional violation
 - Personal liability - \$300 fine
- Three, separate intentional violations
 - Forfeit office
- Reasonable costs, disbursements, attorneys fees
- No reversal of public body actions taken while in violation of the law

Open Meetings & Data Practices

- Public bodies may discuss not public data
 - Disclosure must relate to a matter within scope of authority
 - Reasonably necessary to conduct business or agenda item before the body
- Data retain original classification
 - Record of the meeting is public
- Recordings
 - Record all closed meetings, except under attorney-client privilege
 - Recordings are public with not public data removed

Questions?

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Data Practices Office website: <https://mn.gov/admin/data-practices/>