



Government Data Practices & Open Meeting Law Overview

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Data Practices Office



Government Data Practices

Minnesota Statutes, Chapter 13

Minnesota Government Data Practices Act

Minnesota Statutes Chapter 13

- Regulates how government administers government information
- Tries to maintain a proper balance of:
 - Public's right to know about the activities of their government
 - Privacy rights of individuals
 - Government's need to have and use data to do its work



Public presumption and classification

- **Minnesota Statutes, Chapter 13**
 - Establishes the classification structure for all data
 - Presumes government data are public
 - Classifies data as not public
 - Provides rights for the public and data subjects
 - Requires that data on individuals are accurate, complete, current, and secure
- **Minnesota Rules, Chapter 1205**
 - Administrative rules implementing Ch. 13

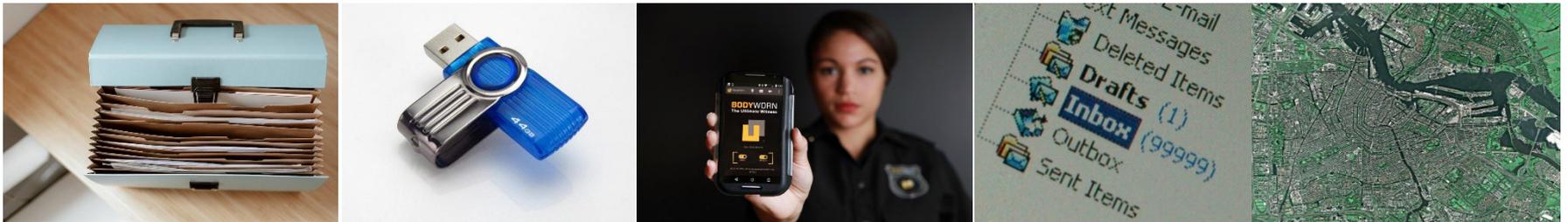
Other Data Practices Laws

- Official Records Act (Minnesota Statutes, section 15.17)
 - Entities must make and preserve records that document official activities
- Records Management Statutes (Minnesota Statutes, section 138.17)
 - Requires entities to keep and destroy records according to a records retention schedule

What are government data?

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

(Minn. Stat. § 13.02, subd. 7)



Application of Data Practices

- Data you create as part of your work is subject to Ch. 13
- Data about you are public and private
 - Public data include name, residential address, education and training background, email address or telephone number, existence/status of complaints about you
- Use of personal devices/accounts for Council duties
 - Council-related data on these devices are government data
- Remember the general public presumption

Responsible Authority, Compliance Official & Polices

- Two required policies
 - Responding to public data requests
 - Data subject rights and responding to data subject requests
- Two required roles
 - Responsible authority
 - Data practices compliance official (DPCO)

Penalties and Remedies

- Civil remedies (Minn. Stat. §13.08)
 - Action for damages, costs, and attorney fees
 - Action to compel compliance
- Administrative remedy (Minn. Stat. §13.085)
 - Administrative hearing within 2 years of alleged violation
 - Action to compel compliance
- Penalties (Minn. Stat. §13.09)
 - Willful violation or breach = misdemeanor
 - Dismissal or suspension
- Advisory opinions (Minn. Stat. §13.072)



Open Meeting Law

Minnesota Statutes, Chapter 13D

Open Meetings

- With limited exceptions, all meetings of public bodies must be open to the public
 - The public can attend open meetings
- Gatherings subject to the law
 - The “quorum rule” (*Moberg v. Independent School District No. 281*, 336 N.W.2d 510 (Minn. 1983).)
 1. Quorum (majority) or more of full public body, or quorum of any of the public body’s committees, subcommittees, etc. – and
 2. Quorum (majority) discusses, decides, or receives information as a group on issues relating to its official business

Types of Meetings

- Regularly scheduled meetings
 - Schedule of meetings on file at primary office
- Special meetings
 - Any meeting not on the regular schedule
 - 3-day advance posting on website, including date, time, place, and meeting purpose
- Emergency meetings
 - Special meetings called because circumstances don't allow for a 3-day prior notice
 - Good faith effort to notify media that requested notice

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 must be recorded (attorney-client exception)
- 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

Meetings & Technology

Minnesota Statutes, section 13D.015

- ***State-level*** public bodies may hold phone or interactive tech 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

Penalties & Remedies

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

Data Practices Office (DPO)

- Statewide resource on Minnesota's data practices and open meeting laws
 - Informal advice/technical assistance to government, public, media and Legislature
 - Website, newsletters, Twitter
 - Advisory opinions
 - Legislative assistance
 - Training

Connect with DPO

Phone: 651-296-6733

Email: info.dpo@state.mn.us

Website: mn.gov/admin/data-practices

Twitter: [@MNgovdata](https://twitter.com/MNgovdata)

YouTube: <https://www.youtube.com/user/INFOIPAD>

Thank you!

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