



The Office of
Minnesota Attorney General Keith Ellison
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December 20, 2024

VIA EMAIL ONLY

Richard Hodsdon, Esq.
2435 White Pine Way
Stillwater, MN 55082
rick_hodsdon@yahoo.com

Re: Request for Conviction Review Unit Data

Dear Mr. Hodsdon:

Thank you for your form submission dated April 24, 2024, in which you requested that the Minnesota Attorney General's Office ("AGO") provide you with access to data regarding the AGO's Conviction Review Unit (CRU).

As you are aware, access to government data is regulated by the Minnesota Government Data Practices Act ("MGDPA"), Minn. Stat. §§ 13.01-.90 (2024). We previously made productions of responsive public data, delivered to you via Box.com, on the following dates:

- 8/20/2024
- 9/12/2024
- 10/4/2024
- 10/18/2024
- 11/8/2024
- 11/27/2024

The final set of data is accessible at the Box.com link below. Redactions have been stamped with the relevant statutory authority for withholding the data. Today's production brings the total produced to 398 documents consisting of 3,721 pages.

Link: <https://mnago.box.com/s/xggvbu5zs24wik8emu8x1gt8b0jhywxw>

Password: HodsdonMGDPA24-58

This letter confirms that our review is complete, and we consider this request closed. The specific items in your request and the AGO's responses thereto are addressed in turn below, including citations to the specific legal authority upon which any data are withheld as mandated by Minn. Stat. § 13.03, subd. 3(f).

Item 1: In the introduction to the CRU [on the AGO's public website at <https://www.ag.state.mn.us/Office/CRU/>] it is written that "the CRU also will develop policy proposals to address the most frequently identified causes of wrongful convictions and, when possible, identify the person or people who actually committed the crime". I request all data that reflects the policy proposals that have been developed to date from the CRU consistent with that statement. In addition to any final policy proposals I request all data even if preliminary for any analysis and development of policies with the stated aims.

Response: Public data responsive to your request were produced to you via Box.com. "Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions" are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). Data are withheld or redacted under this provision.

Item 2: That same web page states "The CRU Advisory Board will advise the Attorney General on the establishment, functioning and hiring of the unit." I request to access all such data that has been created, collected, received, maintained or disseminated that relates to or is concerned with that statement, including any and all such advice communicated from the Advisory Board to any representative or agent of the Office of the Attorney General.

Response: Public data responsive to your request were produced to you via Box.com. "Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions" are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). Security information such as banking data are classified as private or nonpublic pursuant to Minn. Stat. § 13.37, subd. 2. Personnel data other than that described in Minn. Stat. § 13.43, subd. 2, are private data on individuals pursuant to Minn. Stat. § 13.43, subd. 4. Data are withheld or redacted under these provisions.

Item 3: Page one of the CRU Charter as well as several other references reflect that the Office of the Attorney General in conjunction with another entity received a federal grant to fund the CRU project. In the media release dated October 8, 2020, it was stated that a two-year, \$300,000 grant was received from the U.S. Department of Justice.

Item 3A: I ask for access to all data that was submitted in application for that grant and all data that was collected, created, received, maintained or disseminated concerning the grant application without regard to whether it was submitted as part of the grant application.

Response: Public data responsive to your request were produced to you via Box.com. "Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions" are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). Security information such as banking data are classified as private or nonpublic pursuant to Minn. Stat. § 13.37, subd. 2. Personnel data other than that described in Minn. Stat.

§ 13.43, subd. 2, are private data on individuals pursuant to Minn. Stat. § 13.43, subd. 4. Data are withheld or redacted under these provisions.

Item 3B: I ask for access to all data that was received from any source in response to the grant applications, including and not limited to the grant award, grant documents, grant reporting requirements and all obligations incurred as part of the grant.

Response: Public data responsive to your request were produced to you via Box.com. “Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions” are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). Data are withheld under this provision.

Item 3C: I ask for access to all data that was submitted to the Department of Justice or any other entity in meeting any reporting requirements of the grant and all data that was collected, created, received, maintained or disseminated concerning the reporting related to the grant without regard to whether it was submitted as part of the grant report.

Response: Public data responsive to your request were produced to you via Box.com. “Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions” are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). The AGO’s investigative data are classified as not public pursuant to Minn. Stat. § 13.39 or Minn. Stat. § 13.65, subd. 1(d). Security information such as banking data are classified as private or nonpublic pursuant to Minn. Stat. § 13.37, subd. 2. Finally, attorney data are exempt from disclosure pursuant to Minn. Stat. § 13.393, which provides that “the use, collection, storage, and dissemination of data by an attorney acting in a professional capacity for a government entity shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility.” *See also* Minn. R. Civ. P. 26.02(d) (work product and trial-preparation materials); Minn. Stat. § 595.02, subd. 1(b); Minn. R. Prof. Conduct 1.6(a) (attorney confidentiality). Data are withheld or redacted under these provisions.

Item 4: As to the activities of the CRU I seek access to the data that relates to every application for relief or assistance received by the unit, including but not limited to, each application and all data related to the review and processing of each and every application. I note that the 10-page application includes no Advisory consistent with the requirements of Minn. Stat. 13.04, subd. 2, which is required by statute whenever a government entity such as your office asks an individual to supply data about themselves that is classified as private or confidential. By virtue of the absence of such an Advisory, assuming your Office obeys state statutes, it can be concluded that you have determined the application to be public data so I expect access to an unredacted copy of each such data set.

Response: Public data responsive to your request were produced to you via Box.com. “Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions” are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). The AGO’s investigative data are classified as not public pursuant to Minn. Stat. § 13.39 or Minn. Stat. § 13.65, subd. 1(d). Correspondence between individuals and elected officials is private data on individuals pursuant to Minn. Stat. § 13.601, subd. 2. Finally, attorney data are exempt from disclosure pursuant to Minn. Stat. § 13.393, which provides that “the use, collection, storage, and dissemination of data by an attorney acting in a professional capacity for a government entity shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility.” *See also* Minn. R. Civ. P. 26.02(d) (work product and trial-preparation materials); Minn. Stat. § 595.02, subd. 1(b); Minn. R. Prof. Conduct 1.6(a) (attorney confidentiality). Data are withheld or redacted under these provisions.

Item 5: On page 2 of the Charter it indicates the Unit shall be staffed with one or more attorneys and support staff who are committed to its mission. As to those persons I request they be identified by name and further request access to all data concerning said persons classified as public data under Minn. Stat. 13.43, subd. 2.

Response: Public data responsive to your request were produced to you via Box.com. “Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions” are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). The AGO’s investigative data are classified as not public pursuant to Minn. Stat. § 13.39 or Minn. Stat. § 13.65, subd. 1(d). Security information such as banking data are classified as private or nonpublic pursuant to Minn. Stat. § 13.37, subd. 2. Personnel data other than that described in Minn. Stat. § 13.43, subd. 2, are private data on individuals pursuant to Minn. Stat. § 13.43, subd. 4. Finally, attorney data are exempt from disclosure pursuant to Minn. Stat. § 13.393, which provides that “the use, collection, storage, and dissemination of data by an attorney acting in a professional capacity for a government entity shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility.” *See also* Minn. R. Civ. P. 26.02(d) (work product and trial-preparation materials); Minn. Stat. § 595.02, subd. 1(b); Minn. R. Prof. Conduct 1.6(a) (attorney confidentiality). Data are withheld or redacted under these provisions.

Item 6: On page 2 of the Charter it states the preferred mechanism for facilitating CRU review of cases prosecuted by a County Attorney is for such a County Attorney to request that the Attorney General appear in the case pursuant to Minn. Stat. 8.01. I request access to all data that reflects any contact with a County Attorney consistent with this statement, including access to any written contact in whatever form and any responses received thereto.

Response: The AGO has no data responsive to your request.

Item 7: Page 3 of the Charter indicates that the CRU may conduct a review and investigation”. I seek access to all data reflecting any policies, procedures, protocols or similar data by whatever means described that establishes directions or guidelines on how such review shall be conducted and the identity of such investigators as determined and so assigned.

Response: Public data responsive to your request were produced to you via Box.com. “Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions” are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). The AGO’s investigative data are classified as not public pursuant to Minn. Stat. § 13.39 or Minn. Stat. § 13.65, subd. 1(d). Security information such as banking data are classified as private or nonpublic pursuant to Minn. Stat. § 13.37, subd. 2. Finally, attorney data are exempt from disclosure pursuant to Minn. Stat. § 13.393, which provides that “the use, collection, storage, and dissemination of data by an attorney acting in a professional capacity for a government entity shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility.” *See also* Minn. R. Civ. P. 26.02(d) (work product and trial-preparation materials); Minn. Stat. § 595.02, subd. 1(b); Minn. R. Prof. Conduct 1.6(a) (attorney confidentiality). Data are withheld or redacted under these provisions.

Item 8: In footnote number 4 on page 4 it is stated the Unit shall consult the 2010 American Psychological Association white paper on police interrogation and confessions and any emerging literature or research regarding false confessions and recanting witnesses, to inform its review of convictions supported by statements obtained during custodial interrogations that have since been recanted or disavowed by the person who allegedly made the statement. I ask for access to all data consulted by the Unit as reflected in that footnote.

Response: Public data responsive to your request were produced to you via Box.com. “Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions” are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). The AGO’s investigative data are classified as not public pursuant to Minn. Stat. § 13.39 or Minn. Stat. § 13.65, subd. 1(d). Security information such as banking data are classified as private or nonpublic pursuant to Minn. Stat. § 13.37, subd. 2. Finally, attorney data are exempt from disclosure pursuant to Minn. Stat. § 13.393, which provides that “the use, collection, storage, and dissemination of data by an attorney acting in a professional capacity for a government entity shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility.” *See also* Minn. R. Civ. P. 26.02(d) (work product and trial-preparation materials); Minn. Stat. § 595.02, subd. 1(b); Minn. R. Prof. Conduct 1.6(a) (attorney confidentiality). Data are withheld or redacted under these provisions.

Item 9: In footnote number 5 on page 5 it is stated the CRU shall consult the National Registry of Exonerations report Governing Misconduct and Convicting the Innocent: The Role of Prosecutors, Police and Other Law Enforcement (2020), and any emerging literature or research regarding

official misconduct, to inform its review of convictions alleged to have resulted in whole or in part from official misconduct. I ask for access to all data consulted by the Unit as reflected in that footnote.

Response: Public data responsive to your request were produced to you via Box.com.

Item 10: On page 7 of the Charter it is indicated the Unit may retain forensic analysts as part of the review process. If any such analysts have been retained I request access to all data concerning such persons, including any financial and contractual agreements and any data such analysts have created, collected, received, maintained or disseminated pursuant to such an agreement or as an agent, consultant or representative of the Unit.

Response: Public data responsive to your request were produced to you via Box.com. “Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions” are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). The AGO’s investigative data are classified as not public pursuant to Minn. Stat. § 13.39 or Minn. Stat. § 13.65, subd. 1(d). Finally, attorney data are exempt from disclosure pursuant to Minn. Stat. § 13.393, which provides that “the use, collection, storage, and dissemination of data by an attorney acting in a professional capacity for a government entity shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility.” *See also* Minn. R. Civ. P. 26.02(d) (work product and trial-preparation materials); Minn. Stat. § 595.02, subd. 1(b); Minn. R. Prof. Conduct 1.6(a) (attorney confidentiality). Data are withheld or redacted under these provisions.

Item 11: On page 7 of the Charter it states: the CRU shall assist applicants in ascertaining the status of physical evidence by facilitating contacts between individuals seeking testing and/or their attorneys and the crime lab and/or law enforcement agency and/or court staff and/or county attorney office personnel and/or any other place where evidence might exist in order to search evidence and property rooms to locate the evidence in question. I ask for access to all data reflecting the accomplishment or efforts to accomplish that facilitation for each and every instance where such activity has taken place.

Response: “Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions” are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). Data are withheld under this provision.

Item 12: On page 7 of the Charter it states: the CRU shall disclose to the applicant or their counsel, if the applicant is represented, all inconclusive and exculpatory forensic results, in addition to any information about corrective actions taken in a laboratory or proficiency testing of individual analysts. The CRU shall also make routine requests to preserve forensic evidence, especially where the applicant or their counsel seek preservation for potential future testing. I ask for access to all

data reflecting each and every instance where such activity has taken place, including the disclosure made and the identity of the person or entity that received such disclosure.

Response: “Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions” are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). The AGO’s investigative data are classified as not public pursuant to Minn. Stat. § 13.39 or Minn. Stat. § 13.65, subd. 1(d). Finally, attorney data are exempt from disclosure pursuant to Minn. Stat. § 13.393, which provides that “the use, collection, storage, and dissemination of data by an attorney acting in a professional capacity for a government entity shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility.” *See also* Minn. R. Civ. P. 26.02(d) (work product and trial-preparation materials); Minn. Stat. § 595.02, subd. 1(b); Minn. R. Prof. Conduct 1.6(a) (attorney confidentiality). Data are withheld under these provisions.

Item 13: On page 7 of the Charter it states: the CRU shall facilitate a CODIS, MAFIN, or NBIN search of evidence that may help demonstrate an individual was wrongly convicted or identify a perpetrator. I ask for access to all data reflecting the accomplishment or efforts to accomplish that facilitation for each and every instance where such activity has taken place.

Response: The AGO has no data responsive to your request.

Item 14: On page 8 of the Charter it states: Where an applicant is represented by counsel, the CRU shall use joint discovery or limited disclosure agreements, in appropriate cases, to share investigative and work product information. The CRU will seek to conduct investigations jointly and collaboratively with counsel, sharing exculpatory or improperly withheld information as quickly as practicable. In such cases, a cooperative agreement, in writing and signed by both parties, will provide, among other things, that any attorney-client or work-product privileged information an applicant shares with the CRU shall not be shared with other units in the office or other prosecuting authorities and shall not be used by other units or prosecuting authorities in litigation pertaining to applicant’s case. Nor may privileged information provided to the CRU be used to the detriment of the applicant at trial, appeal, postconviction hearings, parole hearings, or pardon, commutation, or clemency proceedings. In any event, a waiver of attorney-client privilege or confidentiality shall not be a necessary prerequisite to the CRU’s acceptance of a case for review. I seek access to any and all data reflecting such agreements, including, but not limited to a signed and dated copy of such agreements.

Response: Public data responsive to your request were produced to you via Box.com. “Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions” are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). The AGO’s investigative data are classified as not public pursuant to Minn. Stat. § 13.39 or Minn. Stat. § 13.65, subd. 1(d). Finally, attorney data are exempt from disclosure pursuant to Minn. Stat. § 13.393, which provides that “the use, collection, storage, and dissemination of data by an attorney acting in a professional capacity for a government entity shall be governed by statutes, rules, and

professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility.” *See also* Minn. R. Civ. P. 26.02(d) (work product and trial-preparation materials); Minn. Stat. § 595.02, subd. 1(b); Minn. R. Prof. Conduct 1.6(a) (attorney confidentiality). Data are withheld or redacted under these provisions.

Item 15: On page 8 of the Charter it states: CRU staff shall consult with outside experts, as needed, to obtain relevant materials concerning best practices regarding conducting CRU investigations. I seek access to any and all data reflecting such consultation with outside experts on each and every matter for which there has been such consultation.

Response: Public data responsive to your request were produced to you via Box.com. “Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions” are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). The AGO’s investigative data are classified as not public pursuant to Minn. Stat. § 13.39 or Minn. Stat. § 13.65, subd. 1(d). Security information such as banking data are classified as private or nonpublic pursuant to Minn. Stat. § 13.37, subd. 2. Personnel data other than that described in Minn. Stat. § 13.43, subd. 2, are private data on individuals pursuant to Minn. Stat. § 13.43, subd. 4. Finally, attorney data are exempt from disclosure pursuant to Minn. Stat. § 13.393, which provides that “the use, collection, storage, and dissemination of data by an attorney acting in a professional capacity for a government entity shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility.” *See also* Minn. R. Civ. P. 26.02(d) (work product and trial-preparation materials); Minn. Stat. § 595.02, subd. 1(b); Minn. R. Prof. Conduct 1.6(a) (attorney confidentiality). Data are withheld or redacted under these provisions.

Item 16: On page 8 of the Charter it states: Where practicable, all CRU investigations shall be undertaken jointly and cooperatively with defense counsel, joint participation in witness interviews, the sharing of documents and evidence, and cooperation as to strategic decisions concerning the investigation. I seek access to any and all data reflecting such cooperative efforts with defense counsel on each and every matter for which there has been such cooperative efforts.

Response: Public data responsive to your request were produced to you via Box.com. “Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions” are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). The AGO’s investigative data are classified as not public pursuant to Minn. Stat. § 13.39 or Minn. Stat. § 13.65, subd. 1(d). Finally, attorney data are exempt from disclosure pursuant to Minn. Stat. § 13.393, which provides that “the use, collection, storage, and dissemination of data by an attorney acting in a professional capacity for a government entity shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility.” *See also* Minn. R. Civ. P. 26.02(d) (work product and trial-preparation materials); Minn. Stat. § 595.02, subd. 1(b); Minn. R. Prof.

Conduct 1.6(a) (attorney confidentiality). Data are withheld or redacted under these provisions.

Item 17: On page 9 of the Charter it states: the CRU shall work to obtain all discovery the applicant is entitled under Minnesota law, including but not limited to all Brady materials in the constructive possession of the prosecuting authority's office. I seek access to all data that reflects policies, procedures, techniques or protocols by whatever name they are called that relate to how this stated objective shall be implemented.

Response: "Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions" are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). The AGO's investigative data are classified as not public pursuant to Minn. Stat. § 13.39 or Minn. Stat. § 13.65, subd. 1(d). Finally, attorney data are exempt from disclosure pursuant to Minn. Stat. § 13.393, which provides that "the use, collection, storage, and dissemination of data by an attorney acting in a professional capacity for a government entity shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility." *See also* Minn. R. Civ. P. 26.02(d) (work product and trial-preparation materials); Minn. Stat. § 595.02, subd. 1(b); Minn. R. Prof. Conduct 1.6(a) (attorney confidentiality). Data are withheld under these provisions.

Item 18: On page 9 of the Charter it states: the CRU shall also allow applicants and their attorneys to have access to all non-privileged and non-sensitive information in the case files under review, including information in police reports and lab reports concerning the testing of forensic evidence. I seek access to all data by which your Office determines what is "non-privileged and non-sensitive information" as that term is used in the Charter.

Response: The AGO has no data responsive to this request.

Item 19: On page 10 of the Charter it states: the CRU shall proactively seek to obtain complete files from the prosecuting authority's offices and law enforcement agencies pertaining to the case as well as forensic evidence and files maintained by laboratories, coroner's or medical examiner's offices, and social services agencies.

Item 19A: As to that statement I seek access to all data that reflects policies, procedures, techniques or protocols by whatever name they are called that relate to how this stated objective shall be implemented.

Response: Public data responsive to your request were produced to you via Box. "Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions" are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). The AGO's investigative data are classified as not public pursuant to Minn. Stat. § 13.39 or Minn. Stat. § 13.65, subd. 1(d). Finally, attorney data are exempt from disclosure pursuant to Minn. Stat. § 13.393, which provides that "the use, collection, storage, and

dissemination of data by an attorney acting in a professional capacity for a government entity shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility.” *See also* Minn. R. Civ. P. 26.02(d) (work product and trial-preparation materials); Minn. Stat. § 595.02, subd. 1(b); Minn. R. Prof. Conduct 1.6(a) (attorney confidentiality). Data are withheld under these provisions.

Item 19B: As to that statement I seek access to all data that reflects each and every case in which such efforts have been made to the date of this request.

Response: Public data responsive to your request were produced to you via Box. “Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions” are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). The AGO’s investigative data are classified as not public pursuant to Minn. Stat. § 13.39 or Minn. Stat. § 13.65, subd. 1(d). Finally, attorney data are exempt from disclosure pursuant to Minn. Stat. § 13.393, which provides that “the use, collection, storage, and dissemination of data by an attorney acting in a professional capacity for a government entity shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility.” *See also* Minn. R. Civ. P. 26.02(d) (work product and trial-preparation materials); Minn. Stat. § 595.02, subd. 1(b); Minn. R. Prof. Conduct 1.6(a) (attorney confidentiality). Data are withheld under these provisions.

Item 20: On page 12 of the Charter it states: The CRU shall comply with all statutes and rules governing victims’ rights and shall seek to engage a victim representative at any stage in the investigation when doing so may be in the best service of the investigation or the victim.

Item 20A: I seek access to all data that reflects policies, procedures, techniques or protocols by whatever name they are called that relate to how this stated objective shall be implemented.

Response: Public data responsive to your request were produced to you via Box. “Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions” are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). Security information such as banking data are classified as private or nonpublic pursuant to Minn. Stat. § 13.37, subd. 2. Personnel data other than that described in Minn. Stat. § 13.43, subd. 2, are private data on individuals pursuant to Minn. Stat. § 13.43, subd. 4. Data are withheld or redacted under these provisions.

Item 20B: As to that statement I seek access to all data that reflects each and every case in which such efforts have been made to the date of this request.

Response: “Communications and noninvestigative files regarding administrative or policy matters which do not evidence final public actions” are classified as private data on individuals pursuant to Minn. Stat. § 13.65, subd. 1(b). The AGO’s investigative data are classified as not public pursuant to Minn. Stat. § 13.39 or Minn. Stat. § 13.65, subd. 1(d). Finally, attorney data are exempt from disclosure pursuant to Minn. Stat. § 13.393, which provides that “the use, collection, storage, and dissemination of data by an attorney acting in a professional capacity for a government entity shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility.” *See also* Minn. R. Civ. P. 26.02(d) (work product and trial-preparation materials); Minn. Stat. § 595.02, subd. 1(b); Minn. R. Prof. Conduct 1.6(a) (attorney confidentiality). Data are withheld under these provisions.

Item 21: On page 12 of the Charter it states: the CRU shall establish a protocol for reporting colorable claims of misconduct by prosecutorial or law enforcement authorities and personnel.

Item 21A: I seek access to all data that reflects policies, procedures, techniques or protocols by whatever name they are called that relate to how this stated objective shall be implemented.

Response: The AGO has no data responsive to this request.

Item 21B: As to that statement I seek access to all data that reflects each and every case in which such reports have been made, including but not limited to the specifics of the report and the entity or person to which such report was made and a copy of said report.

Response: The AGO has no data responsive to this request.

Item 22: On page 12 of the Charter it states the Unit shall post bi-annual updates on its web site of its listed operations. I seek all data that reflects compliance with this state in terms of where such data has been posted.

Response: The AGO has no data responsive to this request.

Item 23: As to the Conviction Review Unit I seek access to its inventory of private or confidential data on individuals as required by Minn. State. 13.025, subd. 1.

Response: Public data responsive to your quest were shared via Box.com.

Richard Hodsdon
December 20, 2024
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Again, thank you for contacting the Minnesota Attorney General's Office.

Sincerely,

Office of the Minnesota Attorney General
Data Practices Team
Email: datapracitices@ag.state.mn.us
Online: <https://mnago.nextrequest.com>