

House Judiciary Finance and Civil Law Committee
February 20, 2025

Written Testimony In Support of HF 414
Matt Ehling, Board Member
Minnesotans for Open Government
(Formerly Minnesota Coalition on Government Information - MNCOGI)

Chair Scott, Rep. Franson, and committee members,

I am writing to you on behalf of Minnesotans for Open Government, an all-volunteer, non-partisan, non-profit organization that advocates for citizen access to government information.

I write today in support of HF 414, a bill that would reduce the filing fee associated with actions initiated under § 13.085 — the “administrative remedy” of the Minnesota Government Data Practices Act (MGDPA). Our board supports the bill, and the change that it would bring about.

Enacted in the late 1970s, one of the key purposes of the MGDPA was to ensure that citizens, the press, and policy makers had direct access to information about how Minnesota government entities functioned. By granting such access, the framers of the MGDPA sought to enable citizen oversight; enhance government accountability; and ensure the proper functioning of representative democracy.

Under the MGDPA, citizens can submit requests for data to government entities, and those entities then have statutory obligations to produce responsive, public data. Unfortunately, the government does not always honor these obligations*, and enforcement actions are then required.

Like most other open records laws in the nation, the MGDPA relies on the so-called “private attorney general” concept for its enforcement. Simply put, the primary way the statute is enforceable is through legal actions brought by private citizens — either via § 13.08 (the statute’s civil remedy) or via § 13.085 (the statute’s administrative remedy).**

*Our board members routinely interact with individuals and organizations from across the social and political spectrum who encounter data practices non-compliance by government entities.

**The MGDPA also provides for non-binding commissioner’s opinions under § 13.072, but these opinions do not have the power to compel compliance by government entities.

The § 13.08 civil remedy initiates a civil action in district court, with all of the accompanying mechanisms of civil procedure. Such actions can be effective tools for challenging governmental non-compliance, but they can also be highly involved proceedings — most often requiring the assistance of attorneys — and sometimes stretching to multiple years before resolution.

The § 13.085 administrative remedy was developed with this experience in mind, and was added to the MGDPA in 2010 to provide a remedy that was less procedurally complex, aimed at specifically targeting failures by government entities to produce requested data (as opposed to § 13.08, which can also be used to address other violations of the MGDPA).

Reducing the fee for filing a § 13.085 action from \$1000.00 to \$200.00 will help make this alternative, administrative remedy more readily available to public requesters, and thus will help to encourage governmental compliance with the MGDPA.

Sincerely,

Matt Ehling
Board Member
Minnesotans for Open Government