

**Minnesotans for Open Government (MNOG):
Judiciary and Public Safety Omnibus side-by-sides
Written Testimony
Prepared by Matt Ehling, MNOG Board Member
May 6, 2025**

Dear conferees,

Minnesotans for Open Government (MNOG) writes to share its positions on the Judiciary and Public Safety Omnibus side-by-sides:

SENATE LANGUAGE

Strike lines 163.1-163.26 (Converting public contact information into private data)

These lines contain provisions that would convert the vast majority of citizen contact information held by government entities from “public” to “private” data, effectively erasing data that the press uses to contact witnesses to a whole host of government-related activities; and that citizens across the political spectrum use to contact each other to organize and advocate. The full implications of this expansive change have had very little committee discussion (and no discussion at all in the House) and should be set aside for the Data Practices Commission to review before returning as legislation.

Strike lines 164.10-164.11 (Take out Tennessen warning elimination)

MNOG is neutral on the private data classification created by lines 168.28-164.11, but urges that lines 164.10-164.11 be struck out. These lines eliminate the “Tennessen Warning” that would normally be given to library patrons submitting the “private” data created by this new section. Under Minnesota law, individuals who submit private data (here, both minors and their parents/guardians) need to be notified about how that data will be used by the government. Lines 164.10-164.11 remove this standard requirement; and as such, they should be eliminated so as to leave the standard “Tennessen Warning” requirement in place.

Adopt lines 169.3-169.5 (Making certain body camera data “public”)

These lines add a new provision to the body camera data section that makes body camera data on elected officials who have been charged with felonies “public” data 14 days after a criminal complaint has been filed.

Strike lines 175.2-175.3 — (AG enforcement of autism data sharing prohibition)

MNOG is neutral on the underlying data sharing provision relating to autism data. However, we would urge that lines 175.2-175.3 be struck out. These lines add Attorney General enforcement powers for violations of the data sharing provision. Since any data sharing violations would

already be subject to the civil remedies and penalties of 13.08, 13.085, and 13.09, no additional enforcement authority is needed. Also, MNOG is reticent to see any further authorities given to the Attorney General's Office (AGO) until the data provisions governing that office (see § 13.65) are returned to the state they were in before the *Energy Policy Advocates v. Ellison* decision (Minn. 2022), which greatly reduced public access to the records of the Attorney General (and, thus, reduced public oversight of the AGO).

HOUSE LANGUAGE

Adopt lines 82.24-84.17 (Codifying commissioner's guidance on copies and inspection)

MNOG was part of a broad stakeholder group convened by Rep. Green that led to the language in lines 84.12-84.17, which codified guidance from the Commission of Administration regarding data practices copy fees and inspection procedures. This language was heard in at least two House and Senate committees, and has buy-in from MNOG as well as governmental stakeholders.

Adopt lines 87.21-87.22 and line 88.6-88.16 (Updates to the definition of "public official")

MNOG supports all of the updates to the definition of "public official" that have been considered on both the House and Senate side, and which are found within lines 87.21-87.22 and 88.6-88.16.