



# Data Practices Overview

## MN House Judiciary Finance & Civil Law

Data Practices Office

February 13, 2025

# Why do you need to know about data practices?

The Legislature determines who can access government information by classifying government data and by permitting or requiring sharing.

# Minnesota Government Data Practices Act

## Minnesota Statutes Chapter 13

- Regulates how government handles 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

# Minnesota Government Data Practices Act

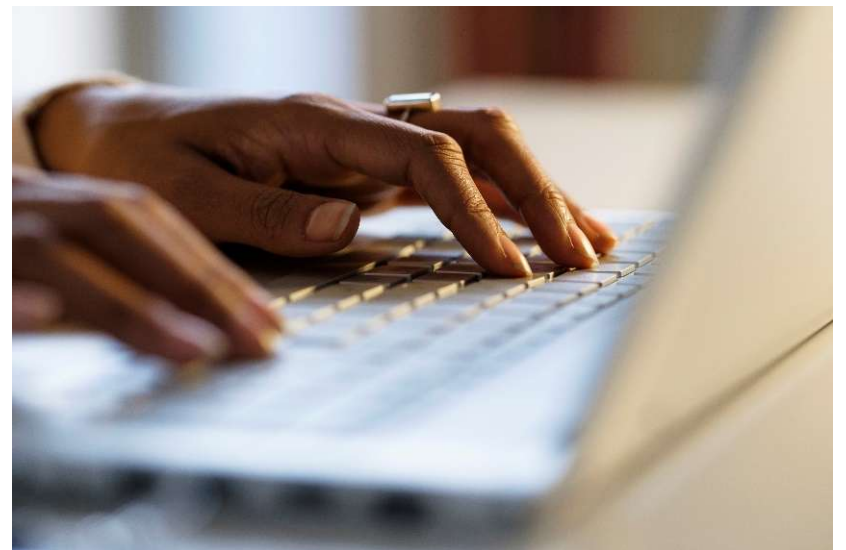
- Presumes government data are public
  - All data are public unless there is a law classifying the data as not public
- Classifies data as not public
- Provides access rights for the public and data subjects
- Requires data on individuals to be accurate, complete, current, and secure

# Other data practices related laws

- Official Records Act (Minn. Stat., section 15.17)
  - Make and preserve all records necessary to a full and accurate knowledge of official activities
- Records Management Statute (Minn. Stat., section 138.17)
  - Maintain “government records” according to a retention schedule

# What do you think #1

Is an email from a legislator to a constituent “government data” that the legislator must provide to a requester?



No. Emails maintained by the Legislature are not “government data”

- The Legislature is not subject to the Data Practices Act and does not need to respond to data requests
- You decide who has access to your emails

# What do you think #2

Legislative staff sends an email to the Data Practices Office (DPO) asking about data classification.

Is the email “government data”?



Yes. The email is government data as maintained by the Data Practices Office.

- DPO staff work for the Department of Administration, which is a state agency that is subject to the Data Practices Act
- An email about the classification of data is public and anyone can have access to it for any reason

# Application

- The Data Practices Act applies to “government entities”:
  - State agencies
  - Political subdivisions
  - Statewide systems
- The Data Practices Act does **not** apply to:
  - Legislature
  - Courts
  - Most non-Metro townships
  - Non-governmental entities

# 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.”

(§ 13.02, subd. 7)



# Types of data

Data on individuals	Data not on individuals
<p data-bbox="180 769 974 829"><b>Data that identify someone</b></p> <ul data-bbox="128 854 1005 1338" style="list-style-type: none"><li data-bbox="128 854 1005 997">• Public employee's telephone number</li><li data-bbox="128 1021 1005 1164">• Name and address of adult arrestee</li><li data-bbox="128 1188 1005 1338">• Athlete of the week photograph</li></ul>	<p data-bbox="1163 643 1881 786"><b>Data that do not identify someone</b></p> <ul data-bbox="1073 812 1971 1370" style="list-style-type: none"><li data-bbox="1073 812 1971 954">• Makes and models of fleet trucks</li><li data-bbox="1073 979 1971 1122">• Names of companies that are preferred vendors</li><li data-bbox="1073 1146 1971 1206">• List of government websites</li><li data-bbox="1073 1230 1971 1370">• De-identified data on individuals</li></ul>

# Classification of government data

Classification	Meaning of classification	Examples
Public	Available to anyone for any reason	Public employee name & salary
Private/ Nonpublic	Available to: <ul style="list-style-type: none"><li>• Data subject</li><li>• Those in the entity whose work assignment requires access</li><li>• Entities authorized by law</li><li>• Those authorized by data subject</li></ul>	Public employee home address & home phone number
Confidential/ Protected nonpublic	Available to: <ul style="list-style-type: none"><li>• Those in the entity whose work assignment requires access</li><li>• Entities authorized by law</li></ul> Not available to the data subject	Data collected as part of an active civil legal action

# Legislative role classifying data

Your role is to consider how government data should be classified and who should get access to it.

# Examples and considerations

- Creating a new task force, work group, commission
- Requiring a new study or report
- Transferring duties between existing entities
- What data are needed?
- What statutory sharing or classifications/protection are needed?
- Does the enabling legislation include those provisions?

# What do you think #3

How do you get access to data maintained by a government entity?





- Make a data request
- Government entities must have access policies (§ 13.025)
  - These policies describe the process for obtaining data and requesters' rights
- Requests made in legislative capacity = member of the public.

# How will an entity respond?

- Government entities must respond by:
  1. Providing access to the data (and copies when requested)
  2. Informing you the data are classified as not public (must give statute section)
  3. Informing you the data do not exist/are not in the format requested
- Entities are not required to create data
- Entities may ask for clarification

# Data request: response time

	<b>Member of the Public</b> (Section 13.03, subd. 3)	<b>Data Subject</b> (Section 13.04, subd. 3)
Inspection and/or copies	Appropriate and prompt, a reasonable amount of time	Immediately, if possible or 10 business days

# Copy costs

	Member of the Public	Data Subject
Inspection	No charge or fee allowed	No charge or fee allowed
Copies	<ul style="list-style-type: none"><li>• 25¢ per page<ul style="list-style-type: none"><li>• 100 or fewer, black and white, legal/letter size paper copies</li></ul></li><li>• Actual cost<ul style="list-style-type: none"><li>• All other copies</li><li>• Time for search and retrieval</li><li>• Time to make and transmit</li><li>• Materials</li><li>• No charge to separate public from not public data</li><li>• Electronic data</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Actual cost<ul style="list-style-type: none"><li>• Time to make and transmit</li><li>• Materials</li><li>• No charge for search and retrieval</li><li>• No charge to separate public from not public data</li><li>• No charge to redact private or confidential data about others</li></ul></li></ul>



## What do you think #4

What happens if a government entity does not provide public data or discloses private data inappropriately?

# Answer #4

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

# What do you think #5



Who can you call for help  
understanding the  
Minnesota Government Data  
Practices Act?

# Data Practices Office

Statewide resource on data practices and open meetings

- Informal advice/technical assistance to government, public, media and Legislature
- Commissioner's duties
  - Advisory opinions
  - Temporary classifications of data
  - Data challenge appeals
- Training
- Website, newsletters
- Legislative assistance



# Reach out with questions!

**Phone:** 651-296-6733

**Email:** [info.dpo@state.mn.us](mailto:info.dpo@state.mn.us)

**Website:** [mn.gov/admin/data-practices](http://mn.gov/admin/data-practices)

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

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

# Thank you!

**Taya Moxley-Goldsmith, Director**

Data Practices Office

[Taya.Moxley-Goldsmith@state.mn.us](mailto:Taya.Moxley-Goldsmith@state.mn.us)

651-201-2502