

Subject Government records: Penalties

Authors Scott

Analyst Nathan Hopkins

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Summary

Minnesota's Official Records Act requires all officers and agencies within state and local government to create and preserve all records necessary to provide complete and accurate knowledge of their official activities. Currently, the Official Records Act is silent as to enforcement, and the Minnesota Supreme Court has held that it does not provide a private right of action. *See Halva v. Minnesota State Colleges and Universities*, 953 N.W.2d 496 (Minn. 2021).

This bill amends the Official Records Act to provide that the penalties and remedies available under the Government Data Practices Act apply to a violation of this section. Those penalties and remedies include: a civil action for damages or to compel compliance, an administrative remedy to compel compliance, a misdemeanor criminal penalty for willful violations, and employment sanctions for willful violations by a public employee.