



Data Practices Overview

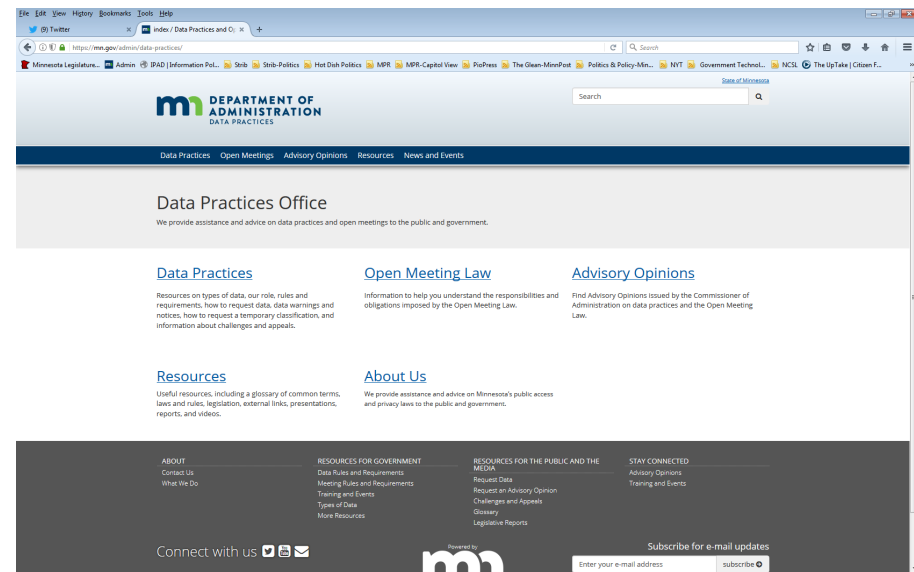
MN House Judiciary Finance & Civil Law

January 19, 2021

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
- Website, newsletters, Twitter
- Legislative assistance
- Training



Chapter 13 Check!

Is an email from your legislative address to a constituent “government data” that you have to provide to a data requester?



No. Email from your legislative address that you maintain is **not** government data

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

Chapter 13 Check!

Is an email you send to the Data Practices Office (DPO) staff asking a question about classification “government data”?



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

- DPO staff are state employees and 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

Minnesota Government Data Practices Act

Minnesota Statutes Chapter 13

- Regulates how government handles government 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

Minnesota Statutes Chapter 13

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

Application

- The Data Practices Act applies to:
 - ✓ State agencies
 - ✓ Political subdivisions
 - ✓ Statewide systems
- The Data Practices Act does **not** apply to:
 - X The Legislature
 - X The Courts
 - X Most non-Metro townships
 - X Non-governmental entities (e.g., condo associations)

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.”

(Minn. Stat. § 13.02, subd. 7)



Classification of government data

Data on individuals

Data that identify someone

- Public employee's telephone number
- Name and address of adult arrestee
- Athlete of the week photograph

Data not on individuals

Data that do not identify someone

- Makes and models of fleet trucks
- Names of companies that are preferred vendors
- List of government websites

Classification of government data

Classification	Meaning of classification	Examples
Public	Available to anyone for any reason	Employee name & salary
Private/ Nonpublic	Available to: <ul style="list-style-type: none">• Data subject• Those in the entity whose work assignment requires access• Entities authorized by law• Those authorized by data subject	Employee home address & home phone number The subject of a complaint when there is no Discipline
Confidential /Protected nonpublic	Available to: <ul style="list-style-type: none">• Those in the entity whose work assignment requires access• Entities authorized by law Not available to the data subject	Data collected as part of an active civil legal action

Chapter 13 Check!

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



- Make a data request!
- Government entities must have access policies (§ 13.025)
 - Members of the public
 - Data subjects
 - These policies describe the process for obtaining data

Response to a Data Request

- Government entities can respond in one of three ways:
 1. Provide access to the data (and copies when requested)
 2. Inform you the data are classified as not public (must give statute section)
 3. Inform 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

	Member of the Public (Section 13.03, subd. 3)	Data Subject (Section 13.04, subd. 2)
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">❖ 25¢ per page<ul style="list-style-type: none">100 or fewer, black and white, legal/letter size paper copies❖ Actual cost<ul style="list-style-type: none">◆ All other copies◆ Time for search and retrieval◆ Time to make and transmit◆ Materials◆ No charge to separate public from not public data◆ Electronic data	<ul style="list-style-type: none">❖ Actual cost<ul style="list-style-type: none">◆ Time to make and transmit◆ Materials◆ No charge for search and retrieval◆ No charge to separate public from not public data◆ No charge to redact private or confidential data about others

Chapter 13 Check!



Are there penalties for violating
the Data Practices Act?

Answer: Yes

- Remedies (Minn. Stat. § 13.08)
 - Action to compel compliance
 - Action for damages, costs, and attorney fees
- Administrative remedy (Minn. Stat. § 13.085)
 - Action to compel compliance within 2 years of alleged violation
- Penalties (Minn. Stat. § 13.09)
 - Willful violation = misdemeanor
 - Dismissal or suspension
- Advisory opinions (Minn. Stat. § 13.072)

Chapter 13 Check!

The Data Practices Office receives a lot of questions about government data.

What types of data do people ask about most frequently?



Personnel Data

Minnesota Statutes § 13.43

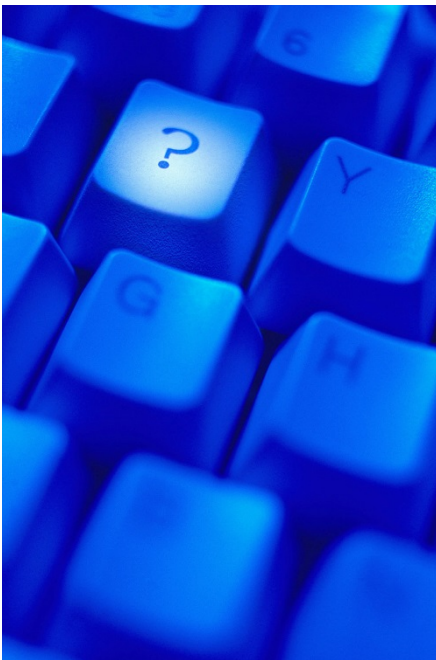
- Reverses public presumption
 - Lists public data
 - All other data are private
- Complaints/charges
- Disciplinary actions



Law Enforcement Data Minnesota Statutes § 13.82

- Active criminal investigative data are confidential
- Certain data are always public during an active criminal investigation
 - Arrest data
 - Request for service data
 - Response or incident data
- Body camera data are classified by § 13.825

Chapter 13 Check!



Where do I go for more assistance in understanding the Data Practices Act?

Department of Admin, Data Practices Office

Please contact us!

Phone: 651-296-6733

Email: info.dpo@state.mn.us

Website: mn.gov/admin/data-practices

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

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

Thank you!

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