



MINNESOTA NEWSPAPER ASSOCIATION

March 17, 2025

Re: HF 1999 (Public Data Requests)

Dear Members of the House Judiciary Finance and Civil Law Committee:

I write as executive director of the Minnesota Newspaper Association to let you know that we have carefully examined HF 1999. We agree that the issue of costs imposed on local governments by certain kinds of data requests is an important one, and we do not oppose Rep. Greene's bill in its present form.

However, we do think that the language on lines 1.18 – 1.21 addressing cases where a person who requests to inspect public data fails to show up for the inspection could be refined, so as to avoid potential disputes about whether the requester did in fact fail to appear.

We very much appreciate Rep. Greene's efforts on this issue and her consideration of our input. The Newspaper Association will continue to work with her and other interested parties as the bill moves forward.

Thank you for your consideration of our views on this proposal.

Sincerely,

Lisa Hills
Executive Director, Minnesota Newspaper Association

cc: Representative Julie Greene


Comment on HF 1999 by Rich Neumeister/House Judiciary Finance and Civil Law Committee

I was out of the state for two weeks until last Friday. It was then I became aware of House 1999. Since then Representative Greene and I have been in communication about the bill. I appreciate Representative Greene's open regard and graciousness to hear what I had to say. It was yesterday when I was told by her that an amendment to take out the identity credential part of the bill will be offered. (which the chief author supports) That being said, I still oppose the bill.

While I understand the what the districts face with challenging requests, this bill introduces serious drawbacks--**reducing access, chilling inquiry, blurs the line, slippery slope, and more**--while ignoring the Minnesota Government Data Practices Act (MGDPA) flexibility that already addresses these issues effectively

Below are some of specific reasons why I oppose HF 1999 as proposed with suggested solutions.

Charging for no show is effectively a fee for the preparation of an inspection that did not happen, which indirectly charging for the inspection process. This could lead to confusion among the public, making them hesitant for fears of hidden fees, even if the inspection remains free if they show up. Over time, this could shift public perception, viewing data access as a paid service rather than a statutory right.

Introducing any fee related to the inspection process, can be seen as a step towards charging for inspection itself. If districts can show for no shows, they might later justify charging for other instances, such as late arrivals, requests deemed too broad, or time spent preparing data that the requester decides not to inspect after seeing part of it. This gradual expansion could erode the free inspection principle, making it a paid service over time.

Allowing fees for no shows could set a legal precedent in court cases, where judges might interpret the law to allow more types of fees based on this initial exception. For instance, if a district successfully charges for no shows, future cases might expand this to charge for other costs related to this new section of law.

Once a fee structure is in place, it is easier for districts to expand it. This is similar to how some government services start with small fees, like permit filing fees, and then increase then increase them over time. Districts might look for ways to maximize revenue from these fees.

The current law's flexibility which has been in place for decades already offers solutions. Within that resilience districts can pace requests, do rolling productions, (phased access) being smart with this technique to provide data incrementally. To be astute such as appointment confirmations which can cut no shows with a simple email or phone call, incentivizing the requester, by communicating with the them, and access by online eliminates the issue, as many entities are now doing this at no charge, letting data requesters view the data online.

Life is unpredictable, work emergencies, childcare issues, or miscommunication can prevent attendance. Charging for no shows assumes intent to waste district resources, unfairly penalizing people for circumstances beyond their control

Fair number of options thrive within the MGDPA's framework, but are the school districts trained in knowledge of the law and the flexibility of it and willing to implement them?

In conclusion, allowing fees for no shows on free inspection of public data is a bad precedent that can lead to the disappearance of free inspection. It risks creating a slippery slope to more fees, blurring the line between free inspection and chargeable services, eroding public trust and discouraging public access.

The MGDPA offers a number of alternatives to manage costs without charge for no show inspections, including rolling production, confirmation protocols, better data management as described by law. These methods are compliant, effective, and align with the law's intent to ensure free public access, addressing district concerns while preserving transparency and equal access to public government data.

To address the concerns that that Representative Greene has brought with this bill, this is not the approach. To do an effective solution takes time to think, discuss, and do research with all parties involved. (Like all being in the same room talking with each other).

I'm willing to be part of this discussion to seek out competent alternative dynamics within the law and if need be, change the law with effective legislation that preserves free inspection.