

This communication to you is in regards to HF 1078, the appropriations for the Criminal Information Operations Section 24/7 Operation and Build Out or known as the Minnesota Fusion Center. (MFC)

I will be making comments before your Committee on Friday.

But I thought I would share a perspective intermixed with observation and fact before then.

Fourteen years ago, when the MFC was created then known as the Minnesota Joint Analysis Center (MNJAC) it had a governing body also a privacy group which I was a part of. That group recommended the basic guidelines that the current MFC operates under in regards to privacy and it's data sharing. See attached below.

It is clear through documentation that fusion centers across the country have a history of civil liberties and privacy violations. Has the MFC done the same? The general answer is we do not know. There is meager public data available on the MFC. There have been no public audits of MFC since 2010, then known as MNJAC. See below for one of those audits. Another independent audit was done by Desyl L. Peterson, Data Practices Audit Report for the Minnesota Joint Analysis Center (Jan. 29, 2010); this report showed that the fusion center at that time had a number of files that did not adhere to the standards.

Meaningful transparency is not there for the public or the policymakers. The public and legislators cannot assess currently how MFC has functioned and compromised Minnesotans' privacy. Will we be able to do so in the future?

Unless the Minnesota Legislature builds in hearty accountable and transparency standards in law, the veil of secrecy will continue.

I can already hear Andrew Evans, Superintendent of the Bureau of Criminal Apprehension and Commissioner Harrington raising objections to powerful accountable and transparency standards. Trust us, the emphasis will be.

This is not new to me because of my efforts over several decades at the Capitol.

Just review history either national or local. Locally, there have been issues of secrecy over databases/technology and violations of privacy and liberty. For example, MJNO (Multiple Jurisdictional Network Organization), had former Representative Mary Liz Holberg listed as a suspect wrongly. <https://www.buckeyefirearms.org/hacked-police-data-network-closed-now> (This is a link to the Pioneer Press story) The public and policymakers found out about GangNet through a data request and the concerns it raised. <https://www.twincities.com/2009/09/19/gang-database-just-how-accurate-how-fair/> (Pioneer Press story) And of course, the secrecy of the Stingray that was kept from the public and the legislature for a number of years. The snooping device used without probable cause on individuals. <https://www.startribune.com/bca-agreed-to-fbi-terms-on-secret-cellphone-tracking/284945781/> (This story by Star Tribune gives some insight.)

In summary, the Minnesota Fusion Center (MFC) is asking for millions of taxpayer dollars to enhance its ability to data share, collect, and analyze information. There is history and documentation of fusion centers such as MFC stepping over the line. There is also history with the institution of law enforcement, nationally and locally of compromising individual rights.

I am interested as I know you are to be confident that the Bureau of Criminal Apprehension MFC does not transgress their boundaries, or go into mission creep mode.

I suggest the following:

- a governing board
- independent audits, specific to their case files and policy, to be sure law and rules are be complied with
- potent website for the public to get an understanding of what MFC does, has done, and how individuals can address data inquiries
- annual report to the Minnesota Legislature that gives summary data and general information about their activities to be drawn up by the policymakers such number of case files, suspicious activity reports, i.e.

I am willing to help at any time with details as to what language could be to be inserted into the appropriation bill.

Much obliged for your time and consideration.

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