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This bill adds video, audio, and other recordings to a list of public personnel data in section 13.43, subdivision 2. The data may nevertheless be classified as not public under other applicable law, including the police body camera provisions in section 13.825.

Personnel data is data on individuals that a government entity maintains because the individual is or was the government entity's employee, applicant for employment, volunteer, or independent contractor. Under section 13.43, subdivision 4, personnel data is private data on individuals unless it is specifically classified otherwise.

In 2016, the Minnesota Supreme Court issued an opinion on this statute. *KSTP-TV v. Metro. Council*, 884 N.W.2d 342 (Minn. 2016), involved a dispute over a data request made by a local news station to the Metropolitan Council to access a video recording taken on a Metro Transit bus. The Metropolitan Council denied the data request based on its conclusion that the video was private personnel data about its employee, the bus driver. The court agreed that, if Metro Transit maintained the video "exclusively for a personnel purpose," the video would be private personnel data.

This bill would provide that a recording, such as the Metro Transit bus video, which a government entity maintains as personnel data is public data unless it is protected under some other statute.