

Subject Government Data Practices: Attorney General Data

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Summary

The Minnesota Government Data Practices Act (GDPA) distinguishes between “data on individuals” (i.e. data about natural persons) and “data not on individuals” (i.e. any data not about an identifiable natural person). These two types of data get different protected classifications, each of which makes the data inaccessible to the public, but still available to the data subject. For “data on individuals,” that protected classification is called “private data on individuals.” For “data not on individuals,” that protected classification is called “nonpublic data.” See [§ 13.02](#).

This bill amends the section of the government data practices act that classifies certain data maintained by the attorney general’s office. It would specify that the “private data on individuals” classification currently in the section only applies to data *on individuals*.

This bill is related to the Minnesota Supreme Court’s decision in *Energy Policy Advocates v. Ellison*, 980 N.W.2d 146 (Minn. 2022). In that case, the court held that the current language in section 13.65, subdivision 1, classifies as “private data on individuals” all the data listed in items (a) through (e), *even if the data is not about an identifiable natural person*. This holding was based in part on the fact that the current statutory language did not contain the specification added by this bill, and the idea that—when they are in conflict—the legislature’s specific classification of data should prevail over generally applicable statutory definitions.

This bill would therefore have the effect of narrowing the scope of AGO data that is classified as private, making more AGO data public by default. If this bill became law, the specific data listed in items (a) through (e) would only be private if they were “data on individuals.”