Information Policy Analysis Division

Government Data Practices Overview

Legislative Commission on Data Practices
July 8, 2014

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Who We Are and What We Do

- Information Policy Analysis Division (IPAD)
  - ✓ Informal advice
    - ➢ Over 1,700 public, government, legislative & media customers
  - ✓ Commissioner of Administration advisory opinions
    - ➢ Over 900 opinions on IPAD's website
  - ✓ Website and information materials
    - ➢ Over 21,000 page views each FY
  - ✓ Listserv and newsletters
    - ✓ Quarterly FYi Newsletter
  - ✓ Training
    - ➢ Over 1,000 customers trained each FY
  - ✓ Legislative assistance

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IPAD Overview

- Annual operating budget of $463,000
  - 4.5 FTE
  - $20,000 each FY in workshop fees
  - $10,000 each FY in e-Health privacy/security contract work
- Statewide responsibilities
  - Assist and educate over 1,700 customers each fiscal year
  - Evaluate and write advisory opinions
  - Delegated authority to manage data challenge appeals
  - Evaluate and recommend approval/disapproval on temporary classifications of data
  - Evaluate and recommend approval on new uses of data

Statutory Duties: Temporary Classifications

- Generally receive less than 5 applications each year
  - Requests from the last 3 years
    - 1 partial approval
      - City of Minneapolis: ALPR data (expires Aug 1, 2015)
    - 1 disapproved
      - MNsure: certain marketing data (2013)
    - 4 rejected
      - City of St. Paul: personal contact info (2012)
      - DHS: certain MSOP data (2013)
      - MnDOT: certain data related to a project delivery and contracting method (2013)
      - Big Fork Valley: certain data related to a physician recruitment agreement (2013)

Statutory Duties: Data Challenge Appeals

- Receive approximately 10 appeals from individuals each year
  - Appealing a government entity's determination on the accuracy and completeness of data
  - *Schwanke v. Department of Administration*
    - Decision pending before the MN Supreme Court (argued February 2014)
    - Whether a data subject can challenge opinion data in a performance evaluation

What do these have in common?

- Businesses that contract with government to design and build schools
- Email lists of citizens maintained by government
- Permissible uses of DVS bulk data
- License plate information captured by law enforcement
- Medical cannabis
- Data breaches of the DVS database

Minnesota Statutes, Chapter 13

GOVERNMENT DATA PRACTICES OVERVIEW

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Data Practices Highlights

- Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13)
  - Data Practices Act does not apply to the Legislature or the Courts
  - Applies to most government entities in MN
  - Government data is everything in recorded form
  - Presumption that all data are public

What are *government data*?

- Government data are “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)

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Classification of Government Data

Classification	Meaning of Classification	Examples
Public	Available to anyone for any reason	-- Government employee's name
Private/Nonpublic	Available to: • Data subject • Those in the entity whose work requires access • Entities authorized by law • Those authorized by data subject	-- Security information
Confidential/ Protected nonpublic	Available to: • Those in the entity whose work requires access • Entities authorized by law **Not available to data subject**	-- Data collected as part of an active investigation

Government Data Practices Act:

Administer Data

Official Records Act:

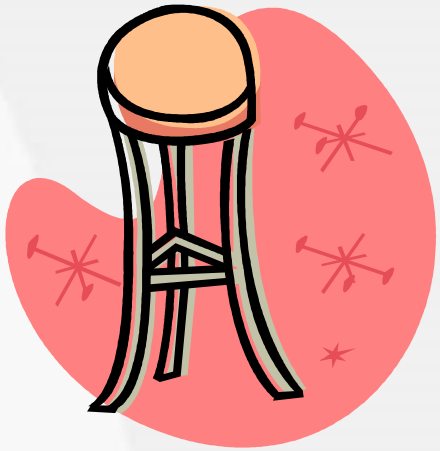
Create and Maintain Data

Records Management Statute:

Destroy Data

Three-Legged Stool

- In considering policy, it's important to balance:
  - Government's need to have data to do its work
  - Maintaining an accountable and transparent government
  - Protecting certain privacy rights



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Important Items to Remember

1. Presumption that government data are public
2. You (the Legislature) decide whether and how data are protected and any allowed sharing
3. Consider making policy decisions with the “three-legged stool” in mind

Quiz: public or not public?

- Government employee's salary
  - Public
- Public school student's grade in biology
  - Private
- Name of a person arrested
  - Public
- Email addresses on a city's snow emergency notification list
  - Private
- Complaint about a school superintendent
  - Public – existence & status
  - Private – substance
- Name of owner on a dog license
  - Public
- Active criminal investigative data
  - Confidential
- Checking account numbers
  - Private
- Person who complains to law enforcement about the party next door
  - Confidential
- Name of a delinquent juvenile
  - Private
- City council minutes
  - Public

IPAD's Top Customer Questions

1. Copy costs; electronic copies
2. Personnel data & discipline
3. Law enforcement data & active investigations
4. Making and managing data requests
5. Remedies/penalties/enforcement
6. Tennessen warning issues

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QUESTIONS?

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