

A new year, a new legislative landscape

The 2011 Minnesota Legislative Session began on January 4 with a Republican majority in both the Senate and the House of Representatives, a Democrat in the Governor's office, and a multi-billion dollar deficit to resolve.

Among its first moves, the new Legislature restructured many of its committees and subcommittees. In the Senate, bills related to data practices will be heard in the [Judiciary and Public Safety Committee](#), chaired by Sen. Warren Limmer. Bills related to open meetings will go through the [Local Government and Elections Committee](#), chaired by Sen. Ray Vandever.

In the House, data practices bills will be heard in the [Civil Law Committee](#), chaired by Rep. Torrey Westrom. Representative Westrom also plans to form a data practices subcommittee to hear data practices bills in-depth before they are heard in the full Civil Law committee. Bills related to open meetings will go through the [Government Operations and Elections Committee](#), chaired by Rep. Joyce Peppin.

As we do each year, IPAD is tracking data practices and open meeting law legislation and will provide a summary following the end of Session. In the meantime, readers interested in legislative schedules or action in a specific legislative committee, can sign up for updates – see the [House website](#) and the [Senate website](#) for more information.



For assistance with drafting legislation related to data practices and open meetings, contact us at info.ipad@state.mn.us.

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Opinion highlights

The following are highlights of recent advisory opinions by the Commissioner of Administration. All opinions are available on IPAD's website, www.ipad.state.mn.us.

Elected official correspondence

Opinion 10-023: An individual asked whether a city complied with Minnesota Statutes, Chapter 13, when it denied access to email correspondence between the mayor of the city and an individual. The city asserted that the email was correspondence between an elected official and an individual and was not public pursuant to Minnesota Statutes, section 13.601, subdivision 2. The Commissioner opined that that section 13.601, subdivision 2, does not apply to situations in which an individual is corresponding as a representative of an organization. The Commissioner did not see the email in question and, therefore, could not make a determination as to whether the city appropriately denied access to the data.

Charges for copies of data

Opinion 10-024: An individual asked whether a city complied with Minnesota Statutes, Chapter 13, when it charged him \$265 to make 61 copies of government data. The individual inspected 473 pages before requesting the copies. The Commissioner opined that the charge was inappropriate. Prior to the individual inspecting the data, the city made paper copies of the requested data; therefore, the city had to base any charges according to the number of pages copied. Because the number was 100 or fewer, the city could charge only 25 cents per page. The Commissioner also noted that if requested government data are in the hands of a contractor, the contractor can charge no more than what is allowed pursuant to Chapter 13.



Driving record data

Opinion 10-025: A media organization asked whether a state agency complied with Minnesota Statutes, Chapter 13, in denying access to the names of drivers whose driving privileges were suspended or cancelled as the result of those individuals having been convicted of certain crimes. The court system transmits the conviction data to the agency, which then takes action on the licenses of

the involved individuals. The Commissioner, determining that Minnesota Statutes, section 171.12, does not govern the data in question, opined that they are presumptively public; therefore, the agency did not comply with Chapter 13 in denying access to the data. As to the issue of whether the agency should maintain the conviction data, the Commissioner stated that because they are part of the official record, the agency should maintain them. (See Minnesota Statutes, section 15.17.)

Data held by a government contractor

Opinion 11-001: A newspaper asked whether a contractor with a school district complied with Minnesota Statutes, Chapter 13, regarding a request for data. The individual also requested the data from the school district school district; neither the district nor the contractor provided the data. The Commissioner, citing Minnesota Statutes, section 13.05, subdivision 11, opined that the contractor had not complied with Chapter 13 – government data, whether in the hands of a government entity or a contractor, are subject to requests for data and, unless protected by state or federal law, must be provided to the requestor. Also, the Commissioner, citing Advisory Opinion 10-018, discussed that Minnesota Statutes, Chapter 15.17, requires government entities to create and maintain records that document official activities.

Data on employees of government contractors

Opinion 11-002: A community development agency asked whether the home addresses of contractors/subcontractors contained in certified payroll reports are public. The Commissioner, citing a 2009 Minnesota Supreme Court case, opined that the data are public. (*Intl. Brotherhood of Elec. Workers, Loc. No. 292 v. City of St. Cloud and Design Electric Inc.*, 765 N.W.2d 64 (Minn. 2009).)

SF 2725 workgroup reports to Legislature

The workgroup established by the 2010 Legislature to discuss the privacy implications related to criminal intelligence data and gang databases has wrapped up its work. The group submitted its executive summary to the Legislature on Jan. 31, 2011.

Visit www.bca.state.mn.us/SF2725.htm for more information about the workgroup and to see the executive summary.

MNDOT requests temporary classification of data

The Minnesota Department of Transportation (MNDOT) applied for temporary not public classification of certain travel data related to the “Mileage Based User Fee” program. The Commissioner of Administration approved part of the request. It is now under review by the Attorney General.

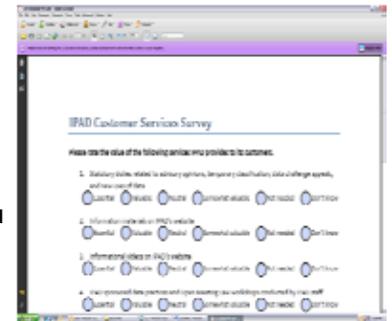
MNDOT’s application and the Commissioner’s findings and conclusions are available on IPAD’s website, www.ipad.state.mn.us/tempclass.html.

IPAD wants to hear from you

IPAD is interested in your feedback about the services we currently provide to our customers, as well as any suggestions you may have about changing or adding new services.

Please complete this [survey](#). Your email address will be attached to the survey if you submit it electronically.

Feel free to mail the survey if you would like your response to remain anonymous.



Save the date—law enforcement data workshop

IPAD will be offering a law enforcement data workshop on May 20, 2011. Registration details and more information about the workshop will be made available in the coming months.

We hope you can join us!

Minnesota Department of Administration - Information Policy Analysis Division



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