



---

## Advisory Opinion 08-022

This is an opinion of the Commissioner of Administration issued pursuant to Minnesota Statutes, section 13.072 (2007). It is based on the facts and information available to the Commissioner as described below.

### **Facts and Procedural History:**

On July 14, 2008, the Information Policy Analysis Division (IPAD) received an email dated same, from Chad Staul, Assistant City Attorney for the City of Saint Paul. In his letter, Mr. Staul asked the Commissioner to issue an advisory opinion regarding the classification of certain data.

A summary of the facts as Mr. Staul provided them is as follows. In his opinion request he wrote:

The City of Saint Paul does not run or maintain a public electric utility. The City residents have those needs met by privately owned companies. Those privately owned companies have turned down requests from the public to disclose all property addresses (presumably residential and commercial) that have gone without power for more than thirty days. The reason for the power shut off has not been specifically requested...

Those private electric companies, however, are required by Saint Paul Legislative Code Chapter 46 (enclosed with this email) to provide this information to the City's code enforcement department for the purposes of allowing the City to monitor these properties in accordance with its policies. (This chapter has been in force in some manner since September 20, 1988)

The city now has this data and a request is being made on the City to provide all of the property addresses that have gone without power for more than thirty days. This amounts to potentially hundreds of addresses within the City of Saint Paul.

Minn. Stat. Sec. 13.685 classifies data on customers of municipal electric utilities as private and nonpublic data. However, there is no similar exception for data on customers of a privately owned electric utility that comes to a government entity.

### **Issue:**

Based on Mr. Staul's opinion request, the Commissioner agreed to address the following issue:

Pursuant to Minnesota Statutes, Chapter 13, what is the classification of the following data provided to the City of Saint Paul by private electric companies: property addresses for those properties that have gone without power for more than thirty days and the reason for the power shut off?

