



Advisory Opinion 08-027

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 August 14, 2008, the Information Policy Analysis Division (IPAD) received a letter, dated August 13, 2008, from David C. Lorenz. In his letter, Mr. Lorenz asked the Commissioner to issue an advisory opinion regarding his right to have access to certain data Independent School District 834, Stillwater, maintains.

IPAD, on behalf of the Commissioner, wrote to Keith R. Ryskoski, Superintendent of the District, in response to Mr. Lorenz's request. The purposes of this letter, dated August 18, 2008, were to inform him of Mr. Lorenz's request and to ask him to provide information or support for the District's position. A summary of the facts follows.

In a letter dated July 8, 2008, Mr. Lorenz wrote to the District and asked for the "names, addresses and all related public information for all the persons that have been selected and offered interviews and/or selected and interviewed for the position of Principal of the Stillwater High School during the period March 1, 2008 to July 8, 2008."

In a letter dated August 21, 2008, Cathy Moen, Director of Administrative Services for the District wrote to Mr. Lorenz (and copied IPAD), that she was enclosing "the public data regarding the applicants . . ." he requested. IPAD then wrote to Mr. Lorenz, in a letter dated August 29, 2008, asking him to confirm that he received the data.

On September 9, 2008, IPAD received a letter from Mr. Lorenz in which he stated "I don't believe that the information I requested . . . is the same as the list that Ms. Cathy Moen provided to me. I understand that [an individual] was interviewed for the position and [s/he] is not on Ms. Moen's list."

IPAD subsequently informed the District of Mr. Lorenz's correspondence, and invited the District to respond. On September 19, 2008, Ms. Moen wrote: "[the individual named by Mr. Lorenz] was not interviewed for this position. In fact, [s/he] was not an applicant for the position. The information initially provided to Mr. Lorenz includes public data on all applicants interviewed for the position of Principal at Stillwater Area High School."

Issue:

Based on Mr. Lorenz's request, the Commissioner will address the following issue:

Did Independent School District 834, Stillwater, comply with Minnesota Statutes Chapter 13, in its response to a request for access to public data about certain applicants for employment by the District?

Discussion:

Pursuant to Minnesota Statutes, section 13.03, government data are public unless otherwise classified.

Minnesota Statutes, section 13.43, classifies data on individuals who are current or former employees or applicants for employment by a government entity. Certain personnel data are public under subdivisions 2 and 3; subdivision 4 classifies all other personnel data as private. Pursuant to subdivision 3:

Except for [undercover law enforcement officers], the following personnel data on current and former applicants for employment by a government entity is public: veteran status; relevant test scores; rank on eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the appointing authority to be finalists for a position in public employment. For purposes of this subdivision, "finalist" means an individual who is selected to be interviewed by the appointing authority prior to selection.

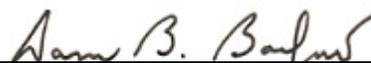
The District provided Mr. Lorenz with public data on five individuals. According to Ms. Moen, the list is complete, i.e., it contains the names and other public data of every individual who was selected to be interviewed for the position of principal. (Mr. Lorenz asked for addresses of the finalists, which are not public.) The individual named by Mr. Lorenz was not an applicant for the position.

Opinion:

Based on the facts and information provided, my opinion on the issue that Mr. Lorenz raised is as follows:

Independent School District 834, Stillwater, complied with Minnesota Statutes Chapter 13, in its response to a request for access to public data about certain applicants for employment by the District.

Signed:



Dana B. Badgerow
Commissioner

Dated:

September 29, 2008