

Matt Ehling  
Board Member  
Minnesota Coalition on Government Information (MNCOGI)

RE: Changes to Data Practices Omnibus Bill

Dear members of the House Civil Law committee,

On Thursday, the House will vote on the Data Practices Omnibus bill. In light of this, MNCOGI would like to highlight some changes that could substantially improve the existing bill:

### **PERSONAL CONTACT INFORMATION**

MNCOGI hopes to see the language regarding “personal contact information” in Section 1 further tightened to avoid re-classifying broad, unintended categories of data as “not public” under Chapter 13. In particular, we urge the Legislature to:

- **Remove the phrase “or informational purposes of a general nature.”**

This language could be too broadly construed by responsible authorities when responding to Data Practices requests, and could lead to the withholding of much more data than was contemplated by the authors of the original bill. Conceivably, the e-mail addresses or telephone numbers of government employees (essential for both press and citizen data requests) could be withheld under a broad construction of this language, since they are data on “individuals,” “maintained” by government entities, for “informational purposes.” Striking the “informational purposes” language from the Section 1 would help avoid such unintended consequences.

### **PERSONNEL DATA**

Members of the public have a legitimate interest in having access to information about the conduct of the public officials and employees who act in their name. Minn. Stat. 13.43 deals with the classification of data pertaining to such individuals, including data related to buyouts, disciplinary actions, complaints, and other “personnel data.”

In light of ongoing controversy over access to data about settlement agreements involving municipal and school district officials, MNCGOI hopes to see changes to Minn. Stat. 13.43 that would increase the amount of

data available to the public. In order to broaden the scope of this data, MNCOGI recommends that the Legislature:

- **Add language that reads, “any employee that supervises or manages three or more employees” to the definition of “public officials” in Section 4.**

This change will broaden the scope of Minn. Stat. 13.43 to include a sufficiently broad definition of “public official,” so as to avoid having such personnel escape coverage by the statute, as has happened in the recent past.

### **ROAD TEST DATA**

The Minnesota Department of Transportation (MnDOT)’s “Minnesota Road Test” pilot program was a GPS-based vehicle-tracking program that engendered substantial public debate. The names of road test participants were made private via a temporary data classification, with the understanding they would eventually become public unless the Legislature took action, as it has done in the Senate.

Making the names of program participants “public” would afford the press the opportunity to directly contact program participants, and to gather information necessary to inform the public about the pilot program’s operations and assumptions. At present, road test participants can only be contacted via a request moderated by MnDOT. As such, MNCOGI would urge the Legislature to:

- **Remove the words “names of participants” from data classified as “private” in the section pertaining to “mileage-based user fees.”**

Thank you for attention to this bill, and please feel free to contact MNCOGI with any questions.

Sincerely,

Matt Ehling  
Board Member,  
Minnesota Coalition on Government Information (MNCOGI)