WRITTEN TESTIMONY OF MATT EHLING
BOARD MEMBER
MINNESOTA COALITION ON GOVERNMENT INFORMATION

HEARING ON S.F. No. 60
JANUARY 29, 2013

Chairman Latz and members of the Senate Judiciary Committee,

Thank you for the opportunity to submit written comments regarding S.F. No. 60.

I am a member of the Minnesota Coalition on Government Information (MNCOGI), an all-volunteer association of attorneys, librarians, journalists, and others interested in issues relating to government information and transparency. I serve as the chair of that organization's legislative issues committee, and help to review and evaluate proposals that come before the Minnesota Legislature related to Data Practices issues.

Keeping government data open

Our organization has an interest in seeing that the Minnesota Government Data Practices Act remains a robust tool for public accountability by continuing to ensure public access to a host of government data, and certain data maintained by government entities. To that end, we wish to raise some concerns related to S.F. No. 60, a bill that would classify certain citizen contact information submitted for "notification or informational purposes" (snow plowing lists, school closing lists, and more) as "private data on individuals." Such telephone and e-mail contact information is currently presumed to be public, and has been accessible to requesters for many years.

Contact information should remain public data

MNCOGI often opposes attempts to make government data "not public," but we do accept the reality that there are sometimes situations where there is a compelling governmental or public interest in classifying certain data as "not public." However, we do not believe that such an interest has been articulated with regard to the data at issue in S.F. 60.

The genesis for this bill appears to lie with an incident in 2012, in which a citizen requester sought e-mail contact information maintained by a municipality to create a marketing list for a political campaign. While that

particular data use may be unpalatable to some, the Minnesota Legislature should not respond by restricting access to such data for *all* purposes.

Access to contact information benefits public, press

MNCOGI believes that there are many legitimate uses for publicly accessible citizen contact information. For instance, the press may have a need to access citizen contact data to reach individuals on a particular notification list, and to check into the purposes to which government entities are putting their information. The ability to request citizen e-mail addresses or telephone numbers is central to that kind of oversight.

The public also has many legitimate reasons to have access to such contact information. As an example, assume that a citizen is dealing with a problem in his or her city, and wants to find other citizens who may be experiencing a similar issue. At present, the citizen can contact the city and ask for that sort of information. If enacted, S.F. 60 would make it impossible to get that data, due to its prohibition on disseminating contact information submitted for "informational purposes."

For another example, assume that a particular school district has a notification list for school closings. At some point, that list is used by the district for what one citizen considers to be an attempt to influence public opinion. That citizen asks the district for the list, so that the public can hear a contrasting viewpoint. Under S.F. 60, that list would not be available to the citizen requester.

Taking the long view on contact information data

With regard to all public data issues, MNCOGI endeavors to take the "long view." We are concerned that by re-classifying one kind of contact information, the Legislature may establish a precedent leading to the later re-classification of other kinds of contact information necessary for ensuring government accountability.

I come from a media background. As a journalist, I have used e-mail and telephone contact information from closed criminal investigative files to contact witnesses and corroborate details of police reports for articles. Would this kind of contact information be at risk of re-classification in the future? Or might the e-mails of certain government employees be subject to re-classification at a future point, based upon a trend established by the passage of S.F. 60? We would ask the committee to think about the longer-

term ramifications of limiting the presumption of public access to e-mail and telephone contact information in the present matter.

Problems with data sharing for "governmental purposes"
While restricting public access to certain telephone and e-mail information, S.F. 60 would allow the sharing of the same data for undefined "governmental purposes." This would create an uneven playing field, in which government entities could collect data from the public, and then use it exclusively for their own purposes, without having to share the data with the public that submitted it. We would urge the removal of the governmental sharing language from S.F. 60, as has been done in the House version of this bill.

Thank you for your consideration of these comments. MNCOGI looks forward to any questions that you may have regarding our position on this matter, or our affiliated suggestions. Members of our board can be reached at mncogi@gmail.com.