

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

**HEARING ON S.F. No. 60
March 18, 2013**

Thank you Chairman Latz and members of the committee. I have already submitted written comments in opposition to S.F. 60, and Don Gemberling from our board has provided similar testimony at past hearings.

Instead of reiterating our previous comments, I want to highlight a couple additional points:

The substance of S.F. 60 has been incorporated into the House Omnibus Data Practices bill. That Omnibus bill has had several proposed amendment, including the addition of text that would add detail to the “informational purposes” language also found in S.F. 60.

We noted our opposition to making publicly available personal contact information private, but if this body does indeed seek to reclassify that data, we would recommend the following amendments:

1. We’d urge the removal of “informational purposes” from line 1.9 of S.F. 60, and the comparable lines from any other version of this bill. This language broadens the types of data subject to “private” classification, well beyond the “notification” e-mail lists that sparked this current debate in the east metro. We believe that when converting public data to a “not public” classification, specificity should be the order of the day, so as to not cause unintended consequences. One could conceivably read the language of S.F. 60 as written to require the e-mail addresses of even government employees to be classified as “private” data, since such data is individual data “maintained by a government entity for informational purposes.” This outcome is not an outcome that proponents of this bill have publicly advocated for, but it is nonetheless a possible interpretation that would close off important information that both the public and the press use to contact government employees for a multitude of reasons. We would strongly urge the committee to remove the “informational purposes” language for this reason. We would likewise note that the language offered by House amendment HO695A12 makes the “informational purposes” language in the Omnibus bill potentially more vague, rather than more specific, and would rather see the informational purposes language removed entirely.
2. We would also recommend removing the disparity in the use of personal contact information that is set up by this bill. While S.F. 60 would foreclose the public from access to certain personal contact information, lines 1.9 and 1.10 of the bill authorize that same data to be shared with any government entity for undefined

“governmental purposes,” without restriction. Removing language about this broad data-sharing authorization would remove a power imbalance between the individual requester, who would be denied access to data that used to be public, and government entities, who would be able to share the same data without limitation. Alternately, the bill could require more specificity about the purposes to which the submitted data could be put.

3. Finally, since S.F. 60 would create a new classification of private data, the provisions of this data should require a Tennesen Warning, since all government requests for private data under Chapter 13 require such warnings. Such a warning would need to include specifics about how the private data that is being gathered would be used by governmental entities – a potentially complex task here, since (under the current terms of S.F. 60.) personal contact data can be shared with other governmental entities without limit. We would suggest that Tennesen Warning requirements may require a re-thinking of the unlimited scope of data-sharing authorized by S.F. 60. On the other hand, if personal contact data were kept public, a Tennesen Warning would not be required. We would, however, urge the adoption of some other notification before citizens submit their contact information for notification purposes, so that there is no surprise about the fact that it will be maintained as public data.

We would urge the committee to consider these amendments and suggestions, and I look forward to your questions.