Most Significant Policy Decisions
in First 30 [redacted] Years
of the MGDPA

1. Adoption of the "Fair Information Practices" principles.

2. Treating all government data, no matter how it is physically recorded and maintained, the same.

3. Establishing the statutory presumption that all government data are public.

4. Adoption of the responsible authority concept.

5. Establishing litigation as the Act's enforcement mechanism (the private attorney general concept.)

6. Making all types of government entities (except non-urban townships) subject to the Act.

**7. Establishing that the legislature will be the only authority within the state that decides what data are not public.

8. Establishing the data classification system to categorize and describe the various types of government data.

9. Integrating a "fair information practices" type act and a "freedom of information" act into one comprehensive statute.

**10. Establishing the principle that the legislature is in primary charge of decisions as to whether government agencies may share not public data.

11, Treating two different kinds of privacy/confidentiality within the Act.

   A. Non-disclosure of data to the public. (Data classifications of not public.)

   B. Limiting uses and disseminations of some types of data collected by the government. ("Tennessen Warning" and statutory limits on use and dissemination.)

12. Providing that inspection of public government data is at no charge.

13. Giving the Commissioner of Administration authority to issue advisory opinions that have legal effects.

**Major drivers for the physical size and complexity of the MGDPA.

Development of the MGDPA
Historical Overview

1972-73: Department of Administration Assistant Commissioner Dan Magraw, technologist and civil libertarian, looks for legislative authors for data privacy legislation.

1973: Magraw finds Representative John Lindstrom of Willmar who is looking for ideas for data privacy legislation. They draft a bill based on the "Swedish Data Act". Rep. Lindstrom introduces H.F. 1316 which is passed by the House with some opposition from the media and from law enforcement.

1973: The Intergovernmental Information Services Advisory Council creates a Data Privacy Committee composed of government personnel and citizens to discuss data privacy legislation. With support of Rep. Lindstrom, H.F. 1316 becomes the focus of the Committee effort and significant amendments are drafted for consideration in the 1974 Legislative session.

1974: Senator Robert Tennessen of Minneapolis introduces legislation based on the "Fair Information Practices Principles" proposed in a federal Advisory Committee study published in August, 1973. Senator Tennessen amends H.F. 1316 with language adding fair information practice principles and other refinements. Representative Lindstrom accepts Senate amendments and H.F. 1316 is enacted into law as Chapter 479 of the 1974 Session Laws. Emphasis is on regulating personal data about individuals. As part of the Act, Commissioner of Administration is given significant duties including data collection and reporting. (Legislative authors and Department of Administration personnel informally agree that this is a very complex area of public policy and that they will continue to work closely to monitor how things are working.)

1974-75: New "Data Privacy Law", as it informally is referred to, begins, among other things, to restrict public access to various types of government data especially law enforcement data. Media begins strongly urging legislature to update very antiquated Minnesota law on public access to public records. (Media lobbying on this point continues until adoption of presumption of public access to government data in 1979 session.) Department of Administration presents report to 1975 session which includes a number of recommended legislative changes. A number of changes are made to Act in 1975 session. Those changes include the definitions which form the basis for the data classification system. A legislative Privacy Study Commission is created. No language is adopted to deal with public access to government data.

1976 :	Legislative discussion of the method to use in deciding how government data ought to be classified. (This discussion continues until 1979 and during that period there is much behind the scenes negotiating involving legislature, the media, a number of governmental associations and the representatives of the Department of Administration.) Legislature gives Commissioner of Administration authority to grant "emergency classifications of data". Commissioner's authority and emergency classifications to end 6/30/77. Legislature classifies civil and criminal investigative data as not public with an expiration data for the classification of 6/30/77.
1977:	All emergency classifications extended to 7/31/78, and investigative data provision expiration data extended to 7/31/78. Commissioner of Administration ordered to act on all classifications with 30 days of enactment. Other clarifying changes made to Act.
1978:	Only changes made to the Act extended expiration dates for emergency classifications and the investigative data provision to July 31, 1979.
1979:	Definition of government data added. Public access section, including presumption of public access, added with a an effective date of 1/1/80. Emergency classifications renamed "Temporary Classifications". Commissioner of Administration given permanent authority to issue temporary classifications with fixed expiration dates. Action to compel compliance added to remedies section. Investigative data expiration date extended to July 31, 1980.
1980:	Definitions for classifications of data not on individuals added to Act. Additional specific classifications added. Expiration date for investigative data provision extended to July 31, 1981.
1981:	More sections classifying specific types of data added. Other specific information policy issues addressed. Law enforcement and civil investigative data sections added to Act.
1982-Present:	Many more sections classifying specific types of data added. Other specific information policy issues addressed with some emphasis on addressing specific issues of sharing not public data
1990:	Provisions of Data Practices Act and Open Meeting Law harmonized.
1993:	**Authority for Commissioner of Administration to issue advisory opinions was added to the Act.**

Beginning in 1977, the legislature has enacted various other statutes dealing with issues of information policy, privacy and data practices. Among those statutes are the medical records statute, the private sector employee access to personnel records statute, the insurance fair information practices statute, the Internet privacy statute, the "do not call" statute and the video privacy statute.

In addition to various studies done by the Department of Administration, the Legislative Privacy Study Commission, House Research, the Government Information Access Council and the Information Policy Advisory Task Force all conducted studies of the Data Practices Act and made legislative recommendations, some of which been adopted.