

**Nomination of Don Gemberling  
to the National Freedom of Information Coalition's  
State Open Government Hall of Fame**

Application letter submitted by Kevin Featherly  
Chair, Minnesota Coalition on Government Information  
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With this letter, the Minnesota Coalition on Government Information nominates Don Gemberling for membership into the National Freedom of Information Coalition's State Open Government Hall of Fame.

The Hall of Fame recognizes the “long and steady effort to preserve and protect the free flow of information about state and local government that is vital to the public in a democracy.” It is probable that no one in Minnesota’s history—and possible that few in American history—can boast of longer, steadier or more accomplished effort toward those vitals goals than can Don Gemberling.

Don’s work in this area reaches back to the post-Watergate era, when interest in government transparency reached a zenith in the wake of governmental abuses of privacy and official cover-ups of malfeasance at the federal level.

In those days, Don was a staffer working in information policy analysis with the Minnesota Department of Administration. At the time, John R. Finnegan, the editor of the St. Paul Pioneer Press, was spearheading the legislative effort that culminated in the 1979 passage of the Minnesota Government Data Practices Act (MGDPA) — the State of Minnesota’s first truly effective and robust “open government” statute.

In the years just preceding its passage, Don worked closely with former state Sen. Bob Tennessen in framing the state’s seminal Data Privacy Act, an early 1970s precursor to the MGDPA, which created the government data classification system that formed MGDPA’s core. Minnesota’s data privacy law—the nation’s first such state-level law—provided Minnesotans with the express statutory ability to find out how much information government had accumulated on them. It also ordered the Administration Department to produce a set of amplifying rules.

The department’s commissioner appointed Don to lead that process. That led to his appointment to various committees that examined ways to implement the privacy law. He was simultaneously tasked with inventorying data held by state, local and county governments, making him the state government’s resident expert on government-held data.

In 1979, the MGDPA was passed and signed into law. It expanded on the data classification system first established by the Data Privacy Act, and placed into statute the pioneering concept

that all government data is public by default, unless another law specifically says it's not, or the Commissioner of Administration adopts a temporary non-public data classification. As the department's top expert, Don became the point person in implementing the new law. As years went by, he continued shaping the Data Practices Act's evolution, negotiating with lawmakers time and again over what data should be public and private, and drafting the legislation that they would later vote on to make it all happen.

In that regard, a major highlight of Don's work is the act's comprehensive law enforcement section—a section of law that Don drafted through intense negotiations between law enforcement and media stakeholders. Those efforts amply demonstrate that Don never saw himself simply as a bureaucrat interested in currying favor with his bosses by making sure that government runs at peak efficiency. Instead, he saw himself as an assertive steward of the public interest. He insisted from the outset, for example, that irrespective of a criminal investigation's status, certain data—citations, arrest records and a wide variety of police report data—would always be public “in the originating agency.” It was an open-data stance to policing that many other states have failed to follow.

His work did not end there, nor did his commitment to the public. In the early 1990s, the legislature tasked the Department of Administration with issuing formal opinions interpreting the Data Practices Act. Don wrote all those opinions up to his retirement in 2005. From the beginning, they were forward thinking, making clear for example that they referred not just to paper documents but to the entire universe of digital documentation that was just beginning to come into play, both in government and in society at large.

Besides all that, Don was co-author with Gary A. Weissman of two highly influential journal papers for the William Mitchell School of Law, detailing how the Data Practices Act works. Those papers have proved immensely influential and were cited in numerous Minnesota Supreme Court decisions, including one released as recently as July 2023.

After his retirement in 2005, Don joined the Minnesota Coalition on Government Information. Up to that time, the group was dominated by librarians interested in safeguarding the accessibility of public data, but their main task was bestowing the annual John R. Finnegan Award to worthy recipients—one of whom, quite naturally, was Don.

Working closely with then board chair Helen Burke, Don helped transform MNCOGI into the powerful legislative advocacy group that it has since become. He has spent possibly as many hours since 2005 at legislative hearings giving testimony for MNCOGI as he did in all the years that he worked in the Administration Department's data practices office. His influence was invaluable on any number of fronts as elected officials grappled with such thorny issues as the unauthorized police use of license plate readers, Stingray cell tower surveillance devices and unmanned, data-collecting drone aircraft. He continues that work to this day.

In addition, Don serves MNCOGI as its chief spokesperson, helping reporters understand the head-spinning ins and outs of data practices, open meetings and privacy law. He has also led numerous educational seminars, not to mention the many mini-symposiums he offers at MNCOGI board meetings, during which he has helped new members get and stay up to speed.

As such, he has done perhaps more than anyone to educate the Minnesota public on the critical importance of open public records and open meetings.

In short, Don Gemberling is as deserving as any living American for recognition as a National Freedom of Information Coalition Hall of Famer. The MNCOGI board heartily urges and supports his induction.

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