

**Letter in Support of the Nomination of Don Gemberling for the  
National Freedom of Information Coalition's  
State Open Government Hall of Fame Award**

Submitted by Matt Ehling  
MNCOGI board member

August 26, 2023

I first knew Don Gemberling by reputation only, as the oft-quoted “open records” expert that frequently appeared in the statewide press. Whether in print or on television, Don related the same truism in his every media appearance: that the public had a right to know what its government was up to; and the key to that knowledge came through public access to government data.

Later, I had the pleasure of getting to know Don on a personal level, after being invited to join the board of the Minnesota Coalition on Government Information (MNCOGI). Don had served on the MNCOGI board since his retirement from decades of service to the State of Minnesota — most of which was spent as the state’s resident expert on “data practices” (which is Minnesota’s statutory terminology for the management of government information.) Upon joining the board, I met him for coffee to discuss MNCOGI’s upcoming work.

Even after years spent writing legal opinions, drafting statutes, and attending legislative hearings, Don was as eager as ever to press the case for public data access. Don had come of age during the political turbulence of the 1960s and 1970s, when Watergate, secretive Vietnam War policy, and revelations about domestic CIA spying had upended America’s public discourse. As an individual, he had become keenly aware of the deleterious effect that government secrecy could have on democratic governance. In his professional life — working for Minnesota’s Department of Administration — Don was uniquely situated to address the matter.

During the 1970s, various state governments began to formulate legislative responses to governmental secrecy, in the form of state-level open-government statutes. Minnesota took an early lead in this new era of data management policy,

and enacted a “data privacy” law that provided statutory rights for individuals to view data that the government held about them. This was followed by a comprehensive “open records” statute that had been advocated for by the Minnesota media — the Minnesota Government Data Practices Act (MGDPA). In both cases, Don played an integral role in implementing these statutes, and in drafting various sections. Over time, as the Department of Administration was granted statutory authority to issue advisory opinions on the MGDPA, Don became a key interpreter of the law, issuing scores of written opinions on its contours. And since the Minnesota legislature had vested itself with primary authority to manage the law, Don attended decades worth of legislative hearings, testifying to the law’s history and purpose, and working with policy makers on statutory adjustments.

When one reads Don’s early legal treatises on the Data Practices Act, one becomes acutely aware of the seriousness with which he took the public’s claim on data access. In those writings (as well as in the many opinions that followed) Don always began with the MGDPA’s purpose as enacted — to provide public access to *all* government data that had not otherwise been classified by law. That broad statutory transparency was a dramatic reversal of prior governmental practice, and Don always sought to highlight that purpose as the starting point for understanding the law’s proper implementation and function.

As Minnesota formalized its data management bureaucracy in the years following the passage of the MGDPA, Don remained the key point-person within state government for dealing with the law’s impacts. Don was eventually placed in charge of the state’s Information Policy Analysis Division, and for many years trained government employees on the requirements of the MGDPA, and directly answered questions from the public about how to search for and access government data. For nearly four decades, Don was the state’s central through-point for government data management issues, and his personal imprint on those operations can still be seen today.

Since leaving state government and joining MNCOGI, Don has remained the state’s key expert on data practices, and has trained scores of citizens and journalists on how to use Minnesota’s data access statutes. His early law review work on the MGDPA continues to be cited in virtually every Minnesota court case featuring the Act. Don also continues to be active in legislative affairs each year,

as various MGDPA's provisions come up for review before Minnesota lawmakers.

Through a professional career that straddled more than forty years, and an avocational career that continues into his eighth decade, Don Gemberling's life has demonstrated an unyielding commitment to the most fundamental tenet of democratic self-governance — that concept that the public must have full knowledge of the government that acts in its name.

As a way of honoring that commitment, I submit that Don Gemberling deserves a place in the State Open Government Hall of Fame.

Sincerely,

Matt Ehling  
MNCOGI board member  
Saint Paul, Minnesota