



# Government Data Practices & Open Meeting Law Overview

Data Practices Office

2/18/2026

# What we're going to talk about

- Overview of the Minnesota Government Data Practices Act
- Staff with data practices responsibilities
- Responding to data requests
- Overview of the Open Meeting Law
- Meeting notice
- Virtual/remote meetings
- Open and closed meetings



# Government Data Practices

Minnesota Statutes, Chapter 13

# Minnesota Government Data Practices Act

## Minnesota Statutes Chapter 13

- Regulates how government administers government information
- Tries to balance three policy interests:
  - Public's right to know about the activities of their government
  - Privacy rights of individuals
  - Government's need to have and use data to do its work

# Public presumption and classification

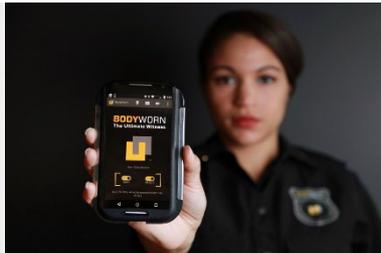
## The law:

- Presumes government data are public
- Establishes the classification structure for all data
- Classifies data as not public
- Provides rights for the public and data subjects
- Requires that data on individuals are accurate, complete, current, and secure

# What are government data?

All data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use.

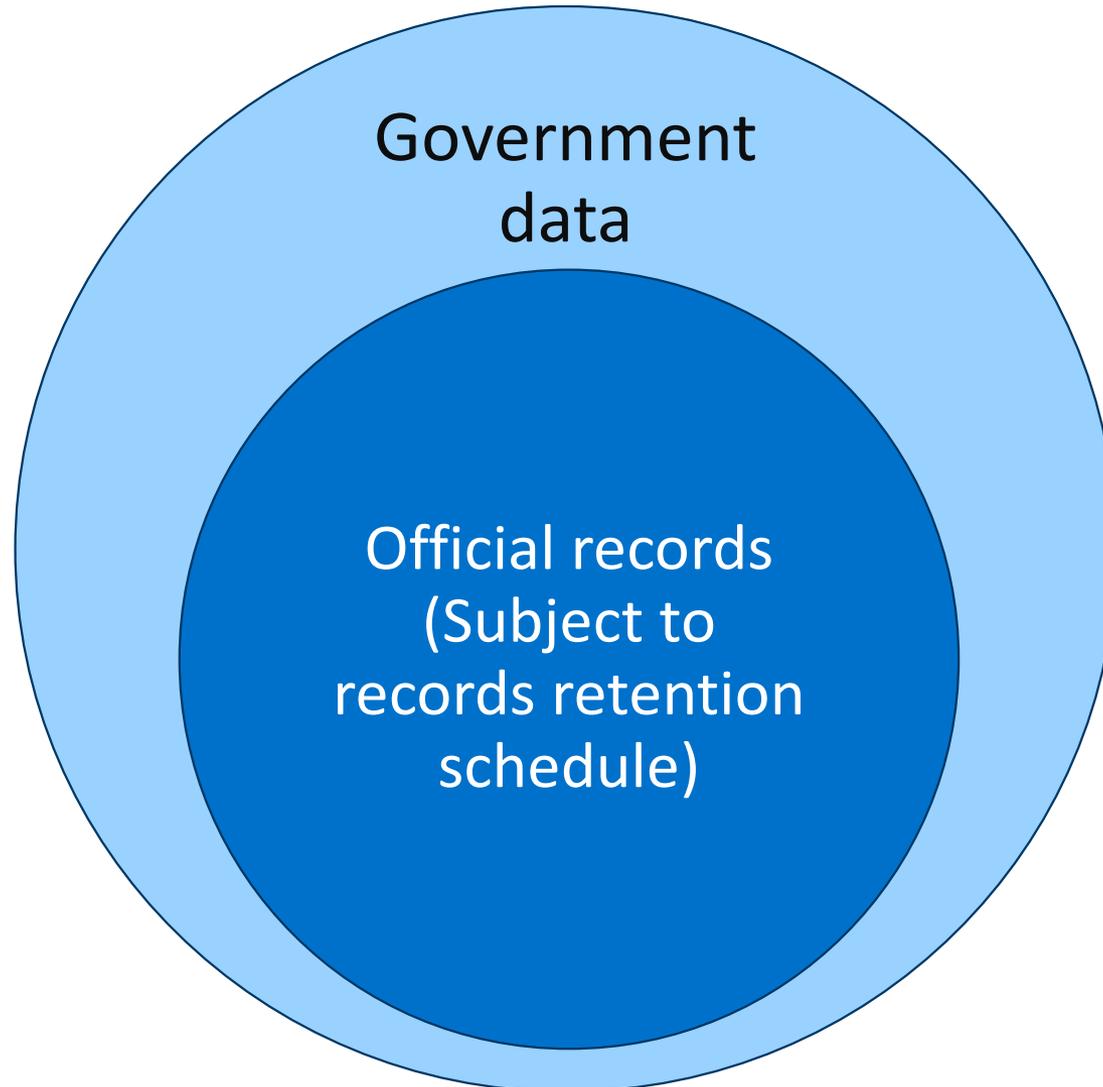
(Minn. Stat. § 13.02, subd. 7)



# Other Data Practices Laws

- Official Records Act (Minnesota Statutes, section 15.17)
  - Entities must make and preserve records that document official activities
- Records Management Statutes (Minnesota Statutes, section 138.17)
  - Requires entities to keep and destroy records according to a records retention schedule

# Official records vs. government data



# Maintaining government data

- No requirement to maintain data in a particular format or organization system
- However...
  - Data must be **“easily accessible for convenient use”**



# Government data

## Data on individuals

Data that identify someone

- Employee's telephone number
- Name and address of adult arrestee
- Athlete of the week photograph

## Data not on individuals

Data that do not identify someone

- Makes and models of fleet trucks
- Names of companies that are preferred vendors
- List of government websites
- De-identified data on individuals

# Classification of government data

Classification	Meaning of classification	Examples
Public	Available to anyone for any reason	Employee name & salary
Private/ Nonpublic	Available to: <ul style="list-style-type: none"><li>• Data subject</li><li>• Those in the entity whose work assignment requires access</li><li>• Entities authorized by law</li><li>• Those authorized by data subject</li></ul>	Employee home address & home phone number
Confidential /Protected nonpublic	Available to: <ul style="list-style-type: none"><li>• Those in the entity whose work assignment requires access</li><li>• Entities authorized by law</li></ul> Not available to the data subject	Data collected as part of an active civil legal action

# Staff with data practices duties

- Responsible authority (RA)
- Data practices compliance official (DPCO)
- Designee
- Other staff



# Requests for data

(Minn. Stat. §§ 13.025, 13.03, and 13.04)

- Members of the public and data subjects can request inspection or copies of data
- Entities must have access policies explaining how someone can make a request
  - Data subjects
  - Public
- Request considerations
  - In writing – not required but suggested
  - Portal/shared email

# Response time

	<b>Member of the Public</b> (§ 13.03, subd. 2; Minn. Rules, part 1205.0300)	<b>Data Subject</b> (§ 13.04, subd. 3)
<b>Inspection and/or copies</b>	Appropriate and prompt, a reasonable amount of time	Immediately, if possible, or 10 business days

# Charging for government data

	Member of the Public	Data Subject
Inspection	No charge or fee allowed	No charge or fee allowed
Copies	<ul style="list-style-type: none"> <li>• 25¢ per page               <ul style="list-style-type: none"> <li>• 100 or fewer, black and white, legal/letter size paper copies</li> </ul> </li> <li>• Actual cost               <ul style="list-style-type: none"> <li>• All other copies</li> <li>• Time for search and retrieval</li> <li>• Time to make and transmit</li> <li>• Materials</li> <li>• No charge to separate public from not public data</li> <li>• Electronic data</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Actual cost               <ul style="list-style-type: none"> <li>• Time to make and transmit</li> <li>• Materials</li> <li>• <b>No charge for search and retrieval</b></li> <li>• No charge to separate public from not public data</li> <li>• No charge to redact private or confidential data about others</li> </ul> </li> </ul>

# Responding to data requests

(Minn. Stat. §§ 13.04)

- Clarify if not clear
- Three response options:
  - Data do not exist
  - Data exist and are public – provide data
  - Data are not classified as not public
    - Must give legal citation for withholding/redacting
- Data subject exceptions
  - Must verify identity
  - Access to private data limited to every 6 months\*
- If asked, must explain meaning (technical terminology, abbreviations, acronyms, etc.)

# Handling large data requests

- No “overly burdensome” exception to deny access
- Practical considerations when processing large data requests:
  - Contact requester to clarify scope of request
  - Give context on length of time it will take to compile responsive data
  - Ask whether to prioritize certain data
  - Consider providing data on a rolling basis
- Suspend request (Minn. Stat. § 13.03, subd. 3(g))
  - If requester has not arranged to pick up copies or schedule inspection, entity may suspend after 5 business days

# Government data on personal devices

- Employees and Board members can create government data on personal devices and accounts
- Entities might consider:
  - Policy on compliance with records retention and data requests
  - Policy on usage



# Penalties and Remedies

- Civil remedies (Minn. Stat. §13.08)
  - Action for damages, costs, and attorney fees
  - Action to compel compliance
- Administrative remedy (Minn. Stat. §13.085)
  - Administrative hearing within 2 years of alleged violation
  - Action to compel compliance
- Penalties (Minn. Stat. §13.09)
  - Willful violation or breach = misdemeanor
  - Dismissal or suspension
- Advisory opinions (Minn. Stat. §13.072)



# Open Meeting Law

Minnesota Statutes, Chapter 13D

# Open Meetings

- With limited exceptions, all meetings of public bodies must be open to the public
- Minnesota Supreme Court stated three purposes for the OML:
  - To prohibit actions taken at secret meetings
  - To assure the public's right to be informed
  - To give the public an opportunity to present its views to the public body
    - BUT the OML does not require public bodies to reserve time for public comment

# What is a “meeting” subject to the law?

- Gatherings subject to the law
  - The “quorum rule” (*Moberg v. Independent School District No. 281*, 336 N.W.2d 510 (Minn. 1983).)
    1. Gathering of a quorum (majority) or more of full public body, or quorum of any of the public body’s committees, subcommittees, etc.; and
    2. Discussing, deciding, or receiving information as a group on issues relating to public body’s official business
- Gatherings not subject to the law
  - Gatherings of less than a quorum of members
  - Chance or social
  - Training/team building activities so long as business is not discussed
- Keep in mind – public perception!

# Special Considerations

- Use of email
  - Avoid “discussion”
  - Advisory Opinion 09-020:
    - Public body did not comply with OML when exchanging certain email messages relating to official activities
    - One-way communication between the chair/staff and members of a public body is permissible, such as sending meeting materials via email to all board members, with no discussion or decision-making
- “Serial meetings”
  - Multiple meetings of fewer than a quorum
  - Avoid public meetings to fashion agreement
  - Might be a violation

# Types of Meetings

- Regularly scheduled meetings
  - Schedule of meetings on file at primary office
- Special meetings
  - Any meeting not on the regular schedule
  - 3-day advance posting on website, including date, time, place, and meeting purpose
- Emergency meetings
  - Special meetings called because circumstances don't allow for a 3-day prior notice
  - Good faith effort to notify media that requested notice

# Interactive technology meetings

Local public bodies - Minn. Stat. §13D.02

- ***Local public bodies*** can meet by interactive technology if certain conditions are met
- Requirements:
  - All members can see and hear one another
  - Members of the public can see and hear all discussion
  - One member must be physically present in regular location
  - Votes conducted by roll call
- Notice must include regular meeting location and fact that members may be participating remotely.
- Meeting minutes must reflect names and reasons for appearing via interactive technology

# Closed Meetings

- Meetings can be closed only if required or permitted in the law
- All closed meetings must be recorded (attorney-client exception)
- No general “personnel exception” to close a meeting
- Statement on the record before closing a meeting
  - Legal authority to close the meeting
  - Describe what will be discussed

# Meetings *must* be closed to discuss

(Minn. Stat. § 13D.05, subd. 2)

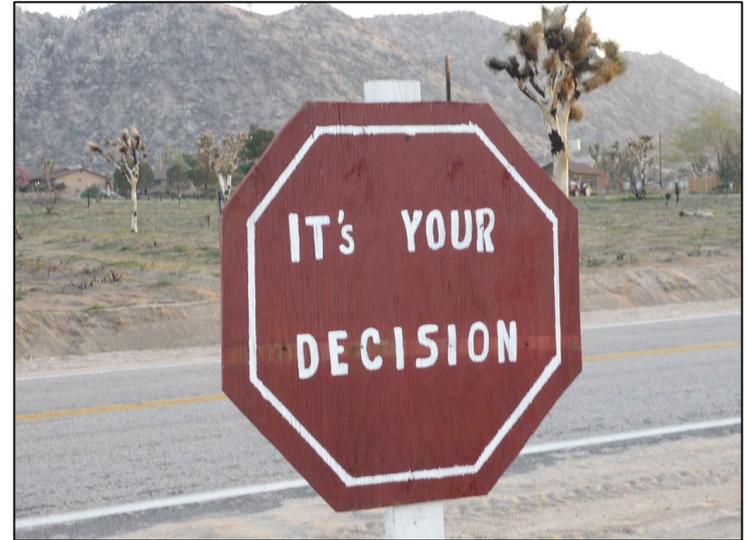
- Alleged victims or mandated reporters of certain offenses
- Active criminal investigations
- Law enforcement officer misconduct
- Private education data
- Certain other not public data
- Medical records
- Preliminary consideration of allegations or charges about an individual subject to the body's authority\*



# Meetings *may* be closed to discuss

(Minn. Stat. §§ 13D.03 and 13D.05, subd. 3)

- Certain labor negotiations
- Certain property transactions
  - Asking price for property
  - Review of appraisals
  - Offers or counteroffers for property
- Certain security matters
- Performance evaluations of individuals subject to the public body's authority\*



# Other Requirements of Note

- Must keep a record of votes
  - Votes must be recorded in a journal or in a collection of meeting minutes
  - Journal/minutes used to record votes must be open to inspection during normal business hours
- Public copy of members' materials
  - Copy of members' materials related to agenda items must be available to public in meeting room during meeting
- Public can record meetings
  - AG Opinion noting that it is permissible for public to record open meetings so long as it is not disruptive

# Penalties & Remedies

- Intentional violation
  - Personal liability - \$300 fine
- Three separate intentional violations
  - Forfeit office
- Reasonable costs, disbursements, attorney fees
- No reversal of public body actions taken while in violation of the law

# Data Practices Office (DPO)

- Statewide resource on Minnesota's data practices and open meeting laws
  - Informal advice/technical assistance to government, public, media and Legislature
  - Website, newsletters, Twitter
  - Advisory opinions
  - Legislative assistance
  - Training

# Connect with DPO

**Phone:** 651-296-6733

**Email:** [info.dpo@state.mn.us](mailto:info.dpo@state.mn.us)

**Website:** [mn.gov/admin/data-practices](https://mn.gov/admin/data-practices)

**YouTube:** <https://www.youtube.com/user/INFOIPAD>