DEPARTMENT OF ADMINISTRATION

Annual Report from the Data Practices Office

Fiscal Year 2024

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Introduction

The mission of the Department of Administration's Data Practices Office (DPO) is to promote understanding of and compliance with the [Minnesota Government Data Practices Act](#) and [Open Meeting Law](#). To further our mission, we provide the following services:

- Informal advice and technical assistance to government entities and members of the public (including the Legislature and the media) on questions related to data practices and open meetings;
- Training on the Data Practices Act and Open Meeting Law;
- Assistance to the Commissioner of Administration on data practices statutory duties, including advisory opinions, temporary classifications, new uses of data, and data challenge appeals;
- Legislative assistance to individuals, organizations, government entities, and the Legislature in drafting and tracking data practices and open meetings legislation;
- Explanatory information pages, model policies and procedures, informational videos, and training modules on our website and YouTube page; and
- Consultation on projects concerning data practices and open meetings issues.

The Office is funded for four full-time staff members and has an annual general fund budget of $606,000. In addition, the Office provides paid training which generated $50,000 in Fiscal Year 24 (July 2023-June 2024).

FY24 highlights and successes

Technical assistance success stories

- Email received from a government partner: "I needed to share with you how incredible your team is at the Data Practices Office… [DPO team members] have been an incredible resource for us. They each have provided detailed information for our many random questions over the last year and a half. Everyone is always professional and excited to help us in providing guidance. I can't express enough how great your team has been for our agency in responding appropriately… Please know they are incredibly valued, and we express our gratitude for their work and the resources provided on the website."
- Email received from a government partner: "I want to recognize the excellent assistance and customer service provided by [DPO Team member]… [They are] the rare state employee that provides this sort of customer service and help. I really appreciate it and this agency culture.
- A member of the public contacted our office, asking for assistance with a data request he placed to a government entity. The entity was requesting that the public data requester's requests be submitted in a way differently than was stated their public policies. I connected with the entity's DPCO, who noted the discrepancy and checked to make sure their procedures and policies were aligned to avoid confusion for future requesters. The member of the public received their data and thanked our office for our assistance with making sure their request was received.

- A member of the public contacted our office, asking for assistance with a data request placed with a government entity. The member of the public had submitted their requested to the entity but had not yet received a response. I reached out to the entity and confirmed the designees listed in their data access policies were now out-of-date. We located the correct individual to direct requests to, and the entity updated their process to ensure other requests will not be missed.
- An out-of-state reporter contacted us regarding a request they had placed to a government entity. The government entity had denied the request, and cited the Minnesota law classifying the data as not public. I discussed with the reporter the classification, and how these MN public records law different from the state they usually worked in. We discussed ways to re-submit the request to try to obtain public data that may be available.
- A new state public body contacted DPO with a number of Open Meeting Law questions. I had a phone conversation with the Director about the Open Meeting Law requirements, and they felt prepared to begin scheduling meetings and training members. Later, they contacted us for follow up questions after the Board had disagreements as to whether certain actions may violate Open Meeting Law requirements. I provided information on the requirements and past interpretations so that the Board could make an informed decision as to how to proceed.
- A public defender office submitted an advisory opinion request about copy costs. Instead of issuing an advisory opinion, DPO offered to reach out to the government entity to discuss the provision for free copies for public defense corporations. The entity indicated it would adopt our analysis and provide free copies to the requester. We were able to resolve the issue with a conversation instead of the lengthier, more formal process of issuing an advisory opinion.

DPO outreach

One of DPO's aims is to raise our public profile and reach additional partners. This year, we added 404 new recipients to our listserv (for a total of 3,459 in FY24).

FY24 technical assistance/partner contacts

Technical assistance* usually begins with an email or phone call. These contacts may be a parent asking about data about their student, a police department asking about access to body camera video, or a water and soil conservation district asking about requests for proposals. The DPO team learns more about the issue, and then provides guidance on classification, decision points, and next steps. Some questions require further research and others can be answered relatively quickly. A DPO team member may also reach out to a government entity on behalf of a member of the public to act as an intermediary in resolving data practices and Open Meeting Law issues.

Our goal in providing this informal guidance to our public community partners is to assist them in accessing data to which they are entitled or to help them understand why they are unable to access data (i.e., the data are classified as not public, or the data do not exist). Our goal in assisting government is to achieve a better understanding of the law, resulting in greater compliance.

* Authority to provide technical assistance comes from [Minnesota Statutes, section 13.073, subdivision 5](#) and [Minnesota Rules, part 1205.1700](#).
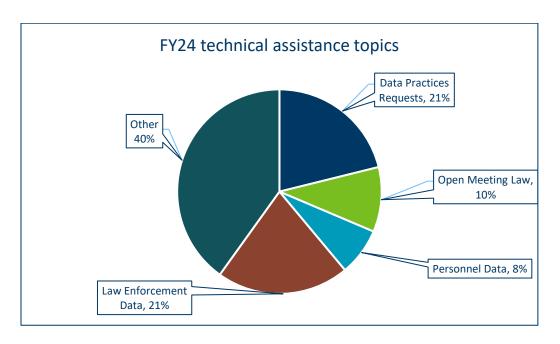
Technical assistance summary

In recording the number of contacts, DPO team members count the initial contact. Even though we may exchange several emails or calls to respond to an inquiry from one of our partners, we consider that one "contact." Thus, the total number of requests for technical assistance does not necessarily represent the qualitative effort involved in responding. Tracking allows us to monitor trends in questions and pinpoint areas of concern for our partners.

During FY24 we received and responded to 1,972 requests from our partners for informal advice or technical assistance. This represented a 5% increase in contacts from FY23. This partner contact number does not include the number of individuals we trained, requests for advisory opinions, audits we received and reviewed, data challenge appeals, or requests for temporary classification.

Topics

The following are the top four topic areas of inquiry we addressed during FY24. These four topic areas resulted in 60% of the questions DPO fielded in FY24. Technical assistance requests resulted in 2,068 total topics. (Each individual contact tallied above may involve multiple topic areas.)

1. **Data practices requests (437)** – assistance with fulfilling data requests, status updates, understanding entity responses (18% increase).

2. **Law Enforcement Data* (434)** – assistance obtaining and classifying information related to data collected, created, and maintained by law enforcement (10% increase).

3. **Open Meeting Law (212)** – understanding notice requirements, closed meetings, and technology.

4. **Personnel Data (156)** – assistance obtaining and classifying information related to public employees, volunteers, and independent contractors (12% increase).

FY24 technical assistance topics

- Data Practices Requests, 21%
- Open Meeting Law, 10%
- Personnel Data, 8%
- Law Enforcement Data, 21%
- Other 40%

*The number of law enforcement data contacts includes questions related to body cameras and peace officer records of children, which are tracked separately. Body camera questions accounted for 21% of all law enforcement questions and peace officer records of children accounted for 12%.

The remaining 40% of inquiries involved the following topics (↑↓ indicate change from last FY):

- Classification (113) ↓
- Copy costs (50) ↑
- Data breaches (21) ↓
- Data on decedents (3) ↑
- Data sharing (61) ↑
- Education data (29) ↑
- HIPAA & MN Health Records Act (18) ↓
- Legislative (19) ↑

- Licensing data (11) ↓
- Policies and procedures (38) ↓
- Property complaints (18) ↑
- Privatization (5) ↓
- Records management (56) ↓
- Remedies (93) ↑
- Other (159) ↑

- Security information (12) ↓
- Social services data (15) ↓
- Tennessen warning notice and informed consent (25) ↓
- Training (83) ↓

After the top five topics, partners had questions about these topics: "other" (miscellaneous), classification, remedies and enforcement, and training resources. "Other" includes topics such as summary data, traveling data, attorney data, corrections data, Safe-at-Home, statutory provisions outside of Chapter 13 (court records, private actions, questions related to homeowners' associations), website feedback, and inquiries that are out of scope for the office.

Data practices and open meetings training

Workshops, webinars, and other trainings

DPO has developed curriculum for full-day and half-day training workshops based on the highest priority needs of our partners, as identified in the top four partner contact topic areas. Our full-day workshops cover the topics of law enforcement data and personnel data. Our half-day workshops cover open meetings and data practices basics (access policies, data requests, and data classification). The curriculum for these hands-on, interactive workshops provides an in-depth experience for our partners and takes dedicated staff time to develop and facilitate. The groups are small (20-30 attendees) to ensure participants can ask questions of DPO staff and expand on topics during the workshops. Therefore, we charge a fee to recoup a portion of our costs. The bulk of the training DPO provides are short presentations, trainings, webinars, or overviews that we conduct on an ad-hoc basis and remain free for our partners. In presenting free training, we can reach audiences of over 100 attendees. In addition to DPO-sponsored training, we also partner with other groups to offer training to the widest audience.

The Office trained a total of 2,388 partners in FY24.

- 48 total training events in FY24
    - 13 full-day and partial-day workshops
    - 8 free webinars: three data practices potpourri webinars, a 2-part installment of DPO Presents partnering with the Secretary of State's Office about Safe at Home, one webinar focused on the Open Meeting Law, a legislative review, and one on traveling data. (1137 individuals attended the webinars.)
    - 27 free trainings, including presentations for state enterprise agencies and other groups with a statewide reach (University of Minnesota School of Journalism, Minnesota Association of City Attorneys, the Professional Law Enforcement Assistants Association, and the MN Government Records & Information Network). We also provided Open Meeting Law training for a number of new state-level groups including the Youth Intervention Working Group, the Attorney General's Office Advisory Task Force on Worker Misclassification, the Office of the Ombuds for Foster Youth, The Broadband Task Force, the Infrastructure Resilience Task Force, the Community Supervision Advisory Committee, the Supervised Release Board, and the Commission of the Deaf, DeafBlind, and Hard of Hearing.

Partner feedback

At each workshop and most webinars, we ask our partners to provide feedback. We use this feedback to determine the training curriculum and to develop new content to address partner needs.
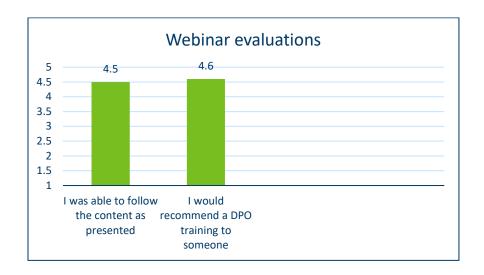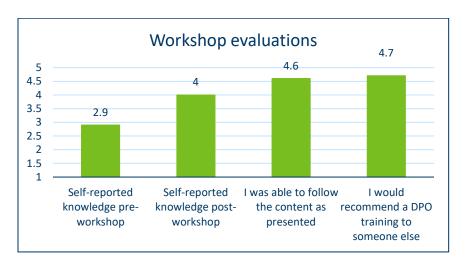
We ask for feedback in several areas:

1. For workshops, we ask participants to evaluate their knowledge of data practices on a 5-point scale, 1-very low and 5-very high, before and after the workshop

2. For workshops and webinars, we ask whether the participant could follow the content

3. For workshops and webinars, we ask whether the participant would recommend a DPO training to someone who was interested

We ask our partners to provide a rating from 1 – 5, with a rating of 1 being the lowest (i.e., the information will not be useful in the future, the attendee did not gain any new knowledge, the presenters were not knowledgeable and effective presenters, the level of information did not fit my needs.)

Participants continued to give our workshops, webinars, and trainings positive feedback. Workshop participants showed a demonstrated increase in knowledge after having attended a workshop. Workshop and webinar participants responding to the evaluations overwhelmingly said that they would recommend a DPO training to other interested individuals. *

Trends

Webinar evaluations

- I was able to follow the content as presented: 4.5
- I would recommend a DPO training to someone: 4.6

Workshop evaluations

Bar chart showing workshop evaluation scores (scale 1 to 5):
- Self-reported knowledge pre-workshop: 2.9
- Self-reported knowledge post-workshop: 4
- I was able to follow the content as presented: 4.6
- I would recommend a DPO training to someone else: 4.7

*There was a 76% response rate for workshop attendees (281/348) and a 51% response rate for webinar attendees (360/1137).

Feedback from training attendees:

- Thank you! This helped out a lot for someone new to data requests. (Introduction to Data Practices)
- Great session. I think it should be required for anyone higher up. (Introduction to Data Practices)
- This training was great. I love how there is plenty of time for questions and discussion. I highly recommend this training to others at my agency. (Personnel data workshop)
- Great workshop! Wish I had known about it sooner or was offered at a greater frequency. (Law Enforcement Data Workshop)
- Really enjoyed the class. Best time management of any LE training I've been to. (Law Enforcement Data Workshop)
- You all do an EXCELLENT job. This webinar was extremely valuable. Thank you for organizing the attach ments, making it easier for me to refer back. Small groups were great. Very helpful to hear from DPCO counterparts. (Data Practices 201)
- Thanks for providing this workshop! This is complicated work and having some tools to help navigate those legal waters is definitely appreciated! (Advanced Data Practices: Personnel Data Redaction)
- Great scenario and thorough discussion. Really appreciated the look from multiple angles. Staff did a fantastic job of keeping the session moving and engaging. Looking forward to more with DPO! (Advanced Data Practices: Personnel Data Redaction)

Advisory opinion activity

The Commissioner of Administration has authority to issue non-binding advisory opinions, on certain matters involving data practices and open meetings, pursuant to Minnesota Statutes, section 13.072. DPO administers

the advisory opinion process for the Commissioner. The Commissioner has issued more than 1,000 opinions since 1993, which provide a range of guidance on many data practices and Open Meeting Law issues. Our website hosts the full text of all advisory opinions.

Opinion authority and process

The scope of the Commissioner's authority to issue advisory opinions depends on the requester. For data practices opinions, government entities may ask, "any question relating to public access to government data, rights of subjects of data, or classification of data under [Chapter 13] or other Minnesota statutes governing government data practices." Members of the public who disagree with an entity's determination may ask for an opinion about, "the person's right as a subject of government data or right to have access to government data." Requesters do not need to pay a fee for a data practices advisory opinion request.

A public body may ask for an advisory opinion on "any question relating to the public body's duties under Chapter 13D." A member of the public who disagrees with how a public body performs its duties under the Open Meeting Law may also ask for an opinion.
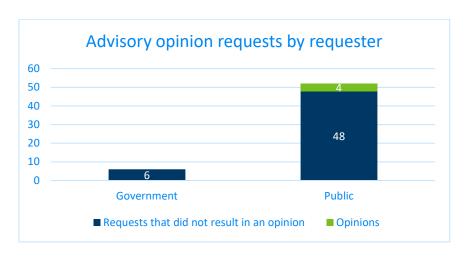
The Commissioner has five business days to decline to issue an advisory opinion. For accepted requests, the Commissioner has 50 days to issue an opinion. During that time, DPO team members seek comments from parties, draft the opinion, and the Commissioner reviews and signs the opinion. The Commissioner does not have fact-finding authority and limits parties to one opportunity to present their facts and arguments.

Occasionally, a member of the public or government will ask for an "informal advisory opinion" on a specific question. In that case, we handle the question in the same manner as a request for technical assistance, rather than through the formal advisory opinion process (see page 4).

Opinion requests in FY24

The Commissioner received 58 opinion requests in FY24 (a 23% increase) and issued four advisory opinions. (Two opinion requests received in FY24 resulted in advisory opinions issued in FY25.) Of the opinions issued, three opinions addressed Open Meeting Law issues and the one involved a data practices issue.

The following chart shows the opinion requests by requester:

Advisory opinion requests by requester

(Government: 6 requests that did not result in an opinion. Public: 48 requests that did not result in an opinion, 4 Opinions)

Legend: ■ Requests that did not result in an opinion ■ Opinions

We respond to all advisory opinion requests. Some opinion requests do not present a violation of the law. We can resolve many of the issues requesters raise through education and communication with the parties, which can be more expedient than the formal advisory opinion process. We may provide technical assistance in an email or letter, direct the opinion requester to prior advisory opinions on the requested topic, and/or provide informal resolution assistance by contacting government entities to resolve disputes with data requesters.

Of the 52 opinion requesters that did not receive an advisory opinion:

- 18 did not raise a clear violation and technical assistance provided
- 14 received informal resolution or technical assistance
- 10 required additional information
    - Information may not have been provided by the requester
    - Additional information provided by requester did not raise a clear violation
    - Information provided by DPO was sufficient to address concern
- 4 raised issues outside the scope of section 13.072 and technical assistance provided
- 2 presented a conflict of interest
- 1 withdrawn by the requester
- 1 presented an intra-body dispute
- 1 raised an issue of fact the Commissioner could not resolve
- 1 asked to revise and resubmit

Other activities

Temporary classification requests

The Commissioner of Administration has authority to approve requests for temporary classification of government data under Minnesota Statues, section 13.06. The Commissioner received one application for a

temporary classification in FY24 from the Minnesota Gambling Control Board. The Board withdrew the application before the Commissioner made a determination. In FY23, the Commissioner issued a temporary classification to the Department of Labor and Industry classifying data related to a study required by executive order of transportation network company data. That classification is currently active. Learn more about the temporary classification.

Requests for new uses of government data

Government entities may request approval from the Commissioner for a new use of private or confidential data the entities maintain under Minnesota Statutes, section 13.05, subdivision 4(c). The Commissioner did not receive or act on any requests for new uses of data in FY24.

Data challenge appeals

Data subjects have the right to challenge the accuracy and completeness of data about them under Minnesota Statutes, section 13.04, subdivision 4. The Commissioner of Administration has the authority to receive appeals of those challenges. DPO administers that process for the Commissioner. When the Commissioner receives a complete appeal that meet the requirements of the statute, we are required to offer the data subject an opportunity to resolve the appeal informally. If the data subject declines informal resolution or informal resolution is not successful, then DPO sets the matter for a contested case hearing at the Office of Administrative Hearings. Upon receipt of the administrative law judge's findings, the Commissioner issues a final order. The Commissioner issued 3 final orders and resolved 1 appeal by informal resolution in FY24.

Automated license plate reader audits

The Commissioner of Administration is tasked with receiving audit report summaries for law enforcement agencies using automated license plate readers (ALPR) pursuant to Minnesota Statutes, section 13.824, subdivision 6. DPO administers the audit review function for the Commissioner.

Areas for growth and looking forward

Legislative activities

DPO will continue to track data practices and Open Meeting Law legislation and summarize any changes. During session, we will also identify bills that involve data collection or sharing and determine whether a conversation with the author or sponsor is appropriate to clarify any data practices issues.

Training

DPO will continue to solicit feedback from government partners to tailor trainings to the needs of those implementing and using the law. We will continue to seek out opportunities to engage with the public and identify opportunities to provide training to a wider audience. As demand for training increases, DPO's limited resources become strained. DPO will pursue additional resources to meet that need.