

Introduction to Data Practices and the Open Meeting Law

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Data Practices Act (DPA)

What does the DPA do?

- Presumes government data is public
- Classifies data that is not public
- Provides certain access rights for the public and for the subject of the data
- Requires that data on individuals is accurate, complete, current, and secure

Why is the DPA important?

- Balances (1) the public's right to know about government activities with (2) the data subject's privacy rights and (3) our need to have and use data to do our work

What is government data?

- All data collected, created, received, maintained, or disseminated regardless of its physical form
 - Examples: emails, notes, drafts, computer records, saved phone messages
- Does not include mental impressions
- Does not include personal data

How is government data classified?

- Public data (anyone can access)
- Not public data (either no one can access or only the data subject)

Records Management

What are the relevant laws?

- *The Official Records Act*: describes what government data the agency/entity must retain
- *The Records Management Statute*: describes when the agency/entity no longer needs to maintain official records and how to dispose of them

What is an official record?

- Agencies must keep “. . .all records necessary to a full and accurate knowledge of their official activities”
- These are the records needed for the public to understand what DLI is doing and why
- Official records are a subset of government data
- Official records can be stored in any media

Can a government entity destroy official records?

- Agencies must follow a process when disposing of official records that are no longer needed:
 - Establish record retention schedules
 - Document the destruction of official records
 - Protect not public information when records are destroyed

What do you need to know as TAG members?

- You are working with government data
- Most of the government data you will be working with is public
- Most of the TAG documents will be available online
- If DLI receives a data request for data you might have, DLI will work with you directly to retrieve the data—if you receive a data request, refer it to the TAG leader
- TAG members will likely not be dealing with official records, but nevertheless TAG members should maintain government data (emails, handouts, notes, etc.) for at least 30 days after the TAG reports to the CCAC

Open Meeting Law (OML)

What does the Open Meeting Law do?

- With limited exceptions, all meetings of public bodies must be open to the public

Why does the Open Meeting Law exist?

- It is important for a transparent government
- Prohibits secret meetings

What is a meeting?

- ANY gathering of a quorum of the TAG when that quorum is transacting public business
- Interactions outside of formal TAG meetings *could* still qualify as a meeting for the OML if TAG topics are discussed

Takeaway

- TAG meetings are open to the public
- Be mindful of interactions with other TAG members outside of formal TAG meetings, especially if a quorum of members are present and engaged
- Save your conversations and discussions about TAG topics for the public meetings

Thank You!

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