

# 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
- 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:* E-mails, 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?

- Establish record retention schedules
- Document the destruction of official records
- Protecting 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.
- If DLI receives a data request for data you might have, DLI will work with you directly to retrieve the data.
- Most of the TAG documents will be available online.
- 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 your group 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

- The TAG meetings will be open to the public
- You should save your notes discussions about TAG topics to those public meetings
- Be mindful of interactions with other TAG members outside of formal TAG meetings, especially if a quorum of members are present and engaged

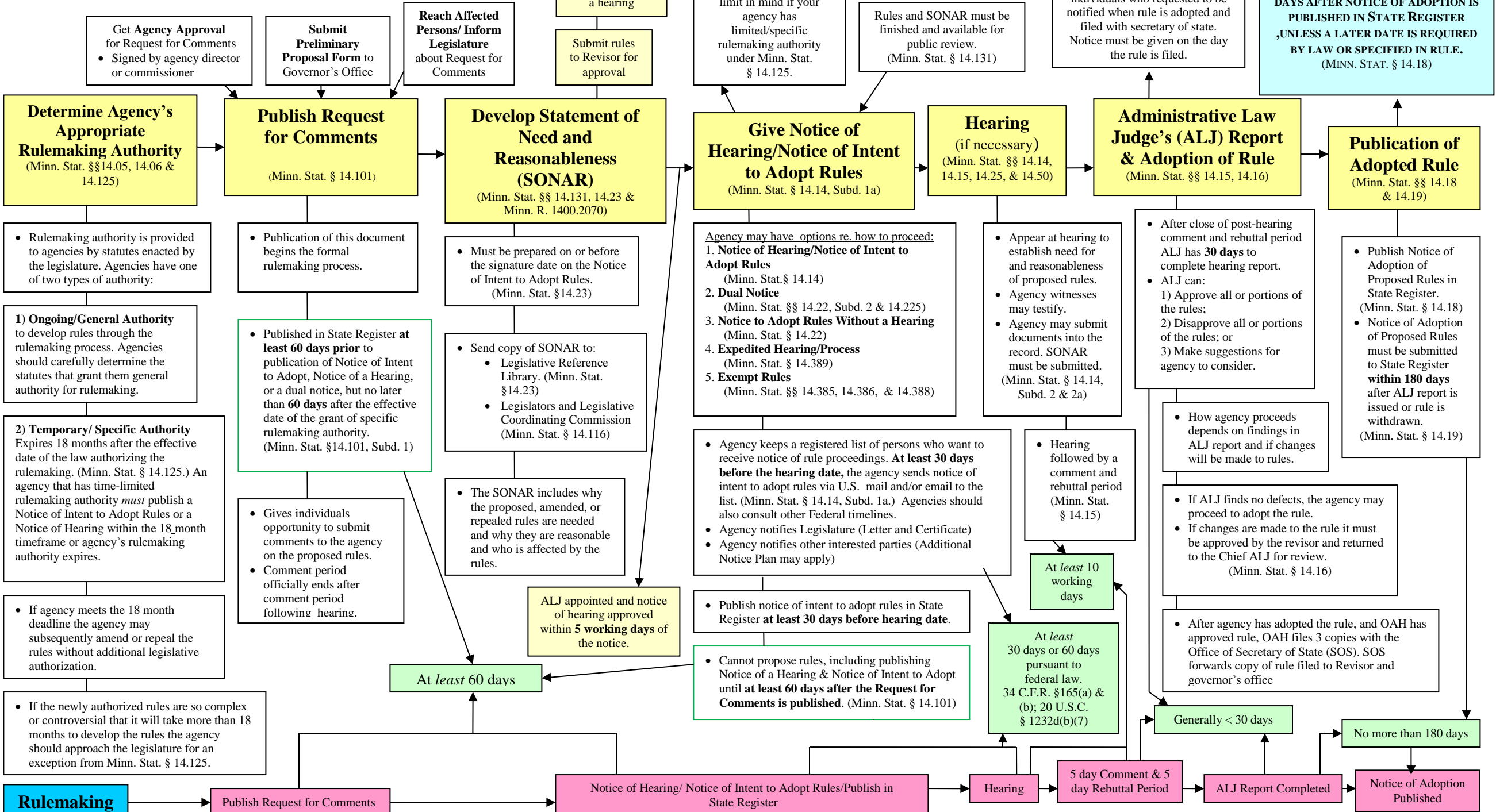
# Thank You!

Jeffrey F. Lebowski

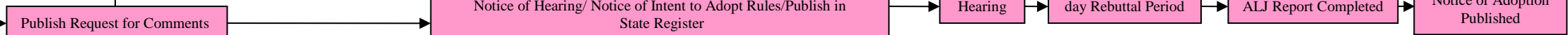
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# Overview of Minnesota Formal Rulemaking Process



## Rulemaking Timeline



Disclaimer: This chart provides a general overview of the rulemaking process. Variations in rulemaking procedure may occur depending on the rule. Last Modified, May 2010 by KPF

**RULES ARE EFFECTIVE 5 WORKING DAYS AFTER NOTICE OF ADOPTION IS PUBLISHED IN STATE REGISTER, UNLESS A LATER DATE IS REQUIRED BY LAW OR SPECIFIED IN RULE. (MINN. STAT. § 14.18)**