

Introduction to data practices and the Open Meeting Law

Brittany Wysokinski | Attorney
Minnesota Department of Labor and Industry

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 the committee 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

Takeaway

What do you need to know as committee members?

- You are working with government data.
- A lot of the government data you will be working with is public.
- If there is a data request for government data you might have, we will work with you directly to retrieve the data.
- Unless informed otherwise, committee members should maintain government data (emails, handouts, notes, etc.) for at least 30 days after the committee provides its report to the Governor. You may receive future guidance regarding record retention as committee work progresses.

Open Meeting Law

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?

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

Takeaway

- The committee meetings will be open to the public
- You should save your conversations and discussions about committee topics to those public meetings

Thank You!

Brittany Wysokinski

Brittany.wysokinski@state.mn.us

651-284-5295