

WRITTEN TESTIMONY OF MATT EHLING
MINNESOTA COALITION ON GOVERNMENT INFORMATION (MNCOGI)
Comments on HF 90 (Special Session)
House Judiciary Committee June 16, 2020

Dear House Judiciary Committee members,

MNCOGI has suggested a number of data practices and Open Meeting Law changes to HF 90, and thanks the committee and Representative Noor for reviewing them.

HF 90 creates a “special master panel” for disbursing funds to individuals, non-profit organizations, and for-profit businesses within various geographical sections of the Twin Cities metropolitan area that suffered financial losses and/or property damage during recent civil unrest. As written, the “data practices” and “meetings” section located in subdivision 8 of the bill will make it difficult for members of the public, the press, or others to review the proceedings and operations of the special master panel that disburses the funds appropriated by the bill. As the panel would be disseminating public monies, MNCOGI believes that the panel should be subject to the data practices and open meeting frameworks that apply to public entities generally.

MNCOGI has suggested the following changes to HF 90:

- 1) We would suggest making the panel subject to Minn. Stat. § 13D, the Open Meeting Law;
- 2) We would suggest removing the language that makes all data “collected, created, or maintained” by the panel related to a claim filed by an eligible person “private data on individuals.” Since the panel’s overall function is to take action regarding claims, this language would classify most of the panel’s correspondence, meeting minutes, and memoranda as “not public” data, since all of that data is “created” by the panel in relation to the claims it oversees;
- 3) In place of the existing data classification language, we would suggest keeping data about the panel’s activities presumptively public, and then only classify the data submitted by individuals, businesses, and non-profit organizations that relates to their claims. There are existing provisions of the Data Practices Act that can be cross-referenced to perform this function. For instance, there is an existing section on data regarding benefits sought by business entities (Minn. Stat. § 13.591) as well as a general section on benefit data (Minn. Stat. § 13.462) that references benefits relating to the rehabilitation of real property.

In the case of § 13.591, there is a mix of “public” data (for oversight about what the business does with public money) and “not public” data (that protects financial information, customer lists, and related sensitive data). In the case of § 13.462, the data classification is tighter, and only permits the name, address, and amount of the value of aid received to be “public.” Everything else is “not public.” We would recommend applying this to individual claim data only, while organizational data would be classified under § 13.591.

Language for our recommended changes appears below. These changes serve a similar function to changes made by this committee earlier this year to ensure oversight of public monies paid to private health care companies for COVID-19 pandemic preparations. Thank you for your attention to this important government transparency matter.

Sincerely,

Matt Ehling
MNCOGI board member

Subd. 8. Data practices; meetings. (a) Data submitted to the panel by an eligible person who is a non-profit organization or for-profit business as defined by section 2, subdivision 3(a)(1) and section 2, subdivision 3(b) are classified by section 13.591. ~~collected, created, or maintained by the panel related to a claim filed by an eligible person are private data on individuals, as defined in Minnesota Statutes, section 13.02, subdivision 12, or nonpublic data, as defined in Minnesota Statutes, section 13.02, subdivision 9, except for:~~

(b) Data submitted to the panel by an eligible person who is an individual are classified by section 13.462.

~~(1) the name of an eligible person to whom an award is paid; and
(2) the amount awarded to that person.~~

~~(b) Data created by a member of the panel related to the member's service as a member of the panel are not discoverable in any civil or administrative proceeding except a record relating to any statement or conduct that may constitute a crime.~~

(c) Meetings of the panel are ~~not~~ subject to Minnesota Statutes, chapter 13D.