
Annual Report from the Data Practices Office

Fiscal Year 2020

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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 Minnesota's [Government Data Practices Act](#) and [Open Meeting Law](#). To further our mission, we provide the following services:

- Informal advice and technical assistance to the government 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 appeals of data challenges;
- 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, and training modules on our website; and
- Consultation on projects with data practices and open meetings issues.

The Office has four full-time staff members and an annual general fund budget of \$555,000. To supplement our budget, we generate approximately \$40,000 each fiscal year in revenue from our full-day and half-day training workshops.

Impact of the COVID-19 State of Emergency

The state of emergency impacted DPO's work. While the demand for services remained consistent, we were unable to deliver paid, in-person training during the last quarter of the year. Thus, the revenue from DPO workshops was approximately \$16,000 for Fiscal Year 2020 (July 2019 – June 2020).

Partner Contacts

To further our mission, we provide informal advice and technical assistance to the government and public. Our obligation and authority to provide this service is in [Minnesota Statutes, section 13.073, subdivision 5](#) and [Minnesota Rules, part 1205.1700](#).

This section details our interactions with government, public, media, and legislative partners, referred to as *partner contacts*. The information summarized below includes data on phone calls, emails, and in-person requests handled by the Office.

Contact summary

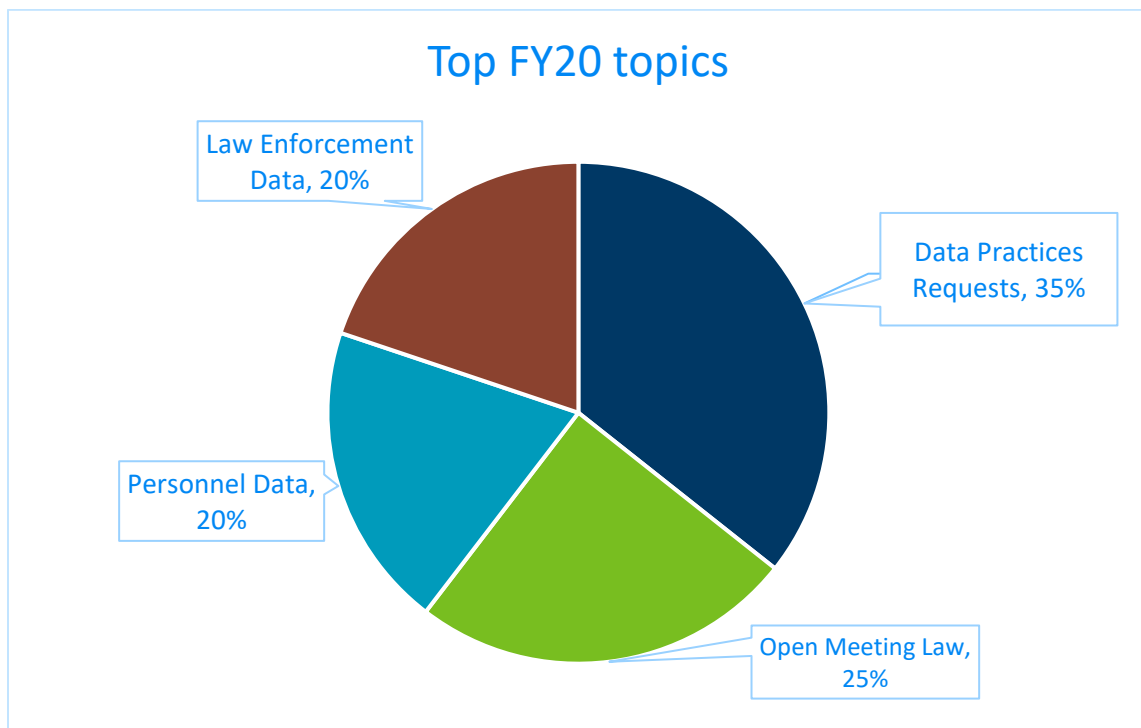
DPO staff track each incoming contact we have with our partners via phone calls, emails, and in-person visits. In our correspondence or conversation, we may discuss one or several topics, which we also track. Specific topic areas are noted below.

During FY20 we received and responded to **2,106** requests from our partners for informal advice or technical assistance. This partner contact number does not include the number of individuals we trained at workshops, seminars, or other training events.

Contact topics

The following are the top four topical areas of inquiry we addressed during FY20. These four topical areas resulted in over half (54%) of the questions we fielded in FY20.

1. **Data practices requests** – assistance with fulfilling data requests, status updates, understanding entity responses.
2. **Open Meeting Law** – understanding notice requirements, closed meetings, and technology.
3. **Law Enforcement Data*** - assistance obtaining and classifying information related to incident reports, investigations, and traffic accidents.
4. **Personnel Data** - assistance obtaining and classifying information related to public employees, volunteers, and independent contractors.



*The number of law enforcement data contacts includes questions related to body cameras, which are tracked separately, but accounted for 10% of all law enforcement questions in FY20.

The remaining 46% of inquiries involved the following topics:

- Automated license plate readers
- Data breaches
- Data practices issues in government contracts
- Education data
- Redaction
- Social services data
- Copy costs
- Tennesen warning notice and informed consent
- Contracts
- Advisory opinions
- Data classification
- Legislative
- Other statutory duties*
- Training
- Official Records
- HIPAA & MN Health Records Act
- Security and trade secret information
- Data sharing
- Data breaches
- Welfare data

After the top four, the next most requested topics were data classifications, other statutory duties (including questions about temporary classifications, new uses of data, notification requirements, data challenge determinations and appeals, and adoption of model policies), official records, and advisory opinions.

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](#). The Commissioner received 41 opinion requests and issued eight formal advisory opinions in FY20, addressing education data, law enforcement data, open meetings, data requests, and data classification. This is a significant decrease in opinion requests; in FY19, the Office received 74 requests. Our [website](#) hosts the full text of all advisory opinions.

While we respond to all formal advisory opinion requests, we resolve many of the requests outside the formal opinion request process in a more expedient way. In many situations, we provide specific guidance 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 34 opinion requests we received this year that did not result in an advisory opinion, we offered or provided informal resolution to at least 16 requesters. Eight opinion requests were outside the scope of section 13.072 or involved a factual dispute that the Commissioner could not resolve. (The Commissioner does not have fact-finding authority.) Three required additional information not provided by the requester. Six were declined on other grounds.

Data Practices and Open Meetings Training

Workshops and other training

The Office 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 topical areas for which we receive requests for technical

assistance. 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 a more in-depth experience for our partners and take additional staff time to develop and facilitate. Therefore, we charge a fee to recoup our costs. Short presentations, trainings, webinars, or overviews that we conduct on an ad-hoc basis remain free for our partners.

The Office presented or trained at 32 events in FY20, including six full-day and half-day workshops and three in-person events in Greater Minnesota.

DPO also launched remote training via WebEx in FY20. We offered ten free webinars: a three-part series on the Open Meeting Law, a four-part series on personnel data, and a five-part series on law enforcement data that concluded in FY21. We also presented an hour-long webinar on responding to data practices and Open Meeting Law challenges during the COVID-19 state of emergency. Remote training has allowed us to reach a broader audience, including those in Greater Minnesota. We reached over 1,300 attendees with our webinars.

Between in-person and remote trainings, the Office trained a total of 2,240 partners in FY20.

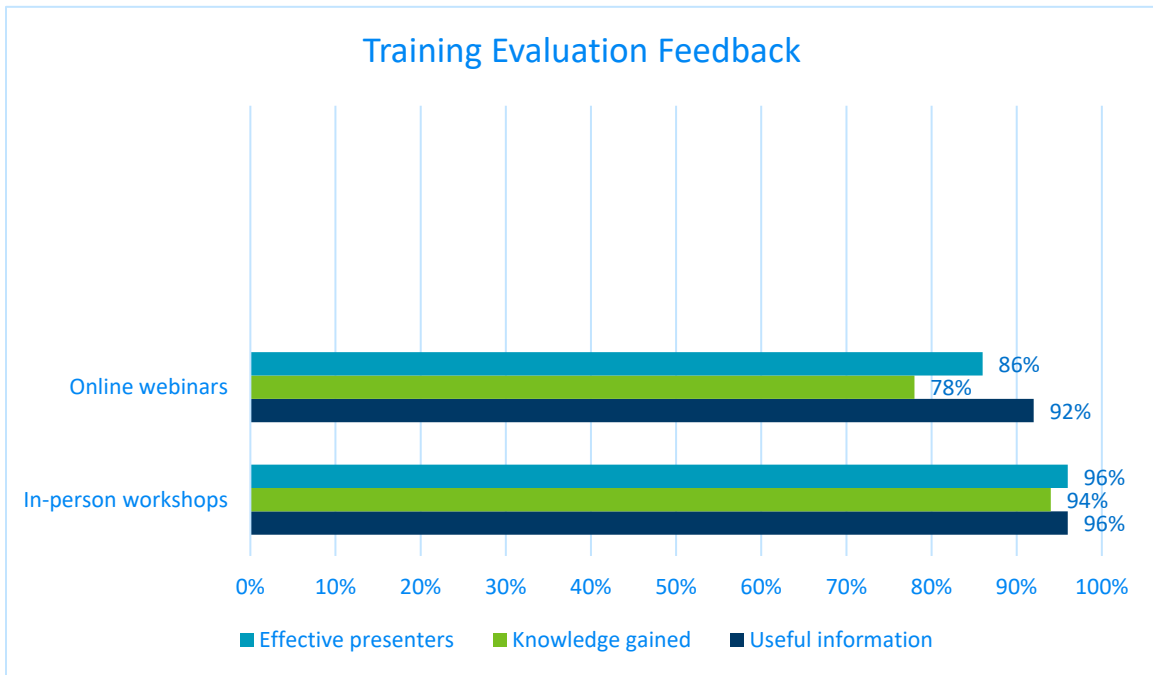
Partner feedback

At each workshop, and at many of the other trainings, presentations and seminars we conduct, we ask our partners to provide feedback. We use this feedback to determine the content of workshops and webinars and to develop new content to address partner needs.

In evaluating our training content, we ask for feedback in three areas:

1. Whether the information presented will be useful to the attendee in the future;
2. If the attendee gained new knowledge about data practices and/or open meetings; and
3. Whether the presenters were knowledgeable and effective presenters.

The below chart details the feedback we received in FY20 at our trainings.



Note: Although all webinar attendees are invited to provide feedback, we had a much lower survey response rate with webinars than in-person workshops (near 100% response rate).

Evaluation comments from workshop and webinar attendees:

Introduction to Data Practices Policies and Procedures

“One of the best trainings I’ve been to as a state employee”

“Thank you for making what could be a dry topic very interesting, with practical applications to my work.”

Webinars

“Very professional, liked the topic. I look forward to more webinars in the future! Thank you.”

“I appreciated when example cases were discussed. It helped me better apply the knowledge to future potential situations that I might need to better be familiar with Data Practices.”

“Excellent. These webinars are consistently helpful.”

Other activities

Temporary classification requests

The Commissioner of Administration has authority to approve requests for temporary classification of government data under [Minnesota Statutes, section 13.06](#). The Commissioner did not receive any applications for temporary classifications in FY20.

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 FY20.

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. Complete appeals that meet the requirements are offered informal resolution and then set for an administrative hearing at the Office of Administrative Hearings. The Commissioner may agree or disagree with the administrative law judge's findings.

Projects/consultations

For the duration of FY20, the office played an integral role in a Children's Cabinet effort regarding data sharing and children and families as part of the state's Preschool Development Grant. Working in partnership with the Departments of Education, Human Services, and Health, and Attorney General's Office, DPO has identified a strategy to address data sharing barriers and y to improve the way our state systems serve children and families.

The Minnesota Department of Health also contracts with DPO staff to provide subject matter expertise on the intersection between the Data Practices Act, the Minnesota Health Records Act, and the federal Health Information Portability and Accessibility Act (HIPAA).

DPO also authored an article for Bench & Bar regarding government transparency during a pandemic.

Areas for growth and looking forward

Web-based training

During FY21, DPO will continue to provide free web-based training via WebEx. We also plan to begin offering web-based versions of our in-person trainings. These trainings, held via WebEx, will allow us to continue to host live trainings during the COVID-19 state of emergency. We will continue to offer online trainings in coming years to reach more partners throughout Minnesota.

Legislative

The Office will monitor and work with the Minnesota Legislature on data practices and open meeting issues, including work with the Legislative Coordinating Commission's Subcommittee on Data Practices in its efforts to study issues relating to government data practices and individual privacy rights (see [Minnesota Statutes, section 3.8843](#)).

COVID-19

We will continue to adjust our services to meet the needs of our partners, who are rising to the challenges of the COVID-19 state of emergency. This may include additional webinars or information pieces, as well as remote trainings and consultations.

Accessibility and inclusion

In the next fiscal year, DPO will review our materials and website for ways to incorporate inclusive language and broader accessibility. We will identify our needs and develop a plan to implement changes.