Data Practices Training Video Transcript

[Music plays throughout]

[Text appears: Minnesota Government Data Practices: An Introduction for Council Board and Members]

This training will acquaint you with data practices in Minnesota.

[The state of Minnesota appears and is replaced by a government building.]

As a board or council member of a state agency, you have legal duties in regards to government information and records. If you have already worked in Minnesota government or served as a council or board member, you may be familiar with data practices. This will serve as a refresher.

Data practices describe how government handles data or information.

Let's begin.

[A checklist appears with each item checked off in turn: Open government, Accountability, Transparency.]

The Data Practices Act calls for an open government, accountability, and transparency.

[A laptop with a rotating @ symbol on screen is then replaced with a shield containing a lock.]

In Minnesota, this law means everything government creates as part of its official duties is public. For example, your email correspondence is public, unless there is a specific state statute or federal law that allows you to protect it from public view.

There are three key laws of data practices.

[A checklist with each item checked off in turn: Official Records Act, Records Management Act, Data Practices Act.]

They are the Official Records Act, Records Management Statutes and the Data Practices Act. The bulk of your data practices responsibilities are found in the Data Practices Act, but it is important that you are aware of the Official Records Act and the Records Management Statute.

The Official Records Act states that all government employees must "make and preserve all records necessary to a full and accurate knowledge of their official activities." This means it is the duty of government to create certain records.

[A laptop with its screen containing several file cabinets. One of the file drawers is open and extends beyond the screen.]

How a department chooses which documents to create as official records is within the mission and discretion of the agency.

[A document is fed through a shredder.]

To be effective and efficient, government must also destroy records periodically. The Records Management Statute applies to official records as it ends a "lifecycle." Official records may only be destroyed subject to this statute.

[Viewed from above, a group of people sitting around a table. The table spins.]

As a board or council member, you will want to be aware of your agency's records retention schedule, which lists when particular records may be destroyed.

[A calendar and a clock]

Make sure your board or council has a retention schedule and your staff is aware and complies with it.

The Minnesota Government Data Practices Act is in Chapter 13 of the Minnesota Statutes. The bulk of your board or council's government data responsibilities come from this law.

[A map of the United States with the state of Minnesota highlighted. The view zooms in on Minnesota.]

Minnesota is unique from other states' freedom of information laws because of our presumption that all government data are public. The only exception is if there is a specific classification in law that it is not public.

[A shield containing a lock, replaced by a folder labeled Not Public Data]

The law also places an obligation on government agencies to protect data classified as not public.

[A gavel coming down and up on a sounding board. As the gavel comes up, different text appears: first, the text: State and local government; then, the text: Does not apply to legislature or courts.]

Finally, it is important to remember that the Data Practices Act applies only to state and local government entities, not to the Legislature or the courts. They each have their own rules.

As a council or board member, everything you create and maintain as part of your board or council duties is called "government data." According to its definition, government data are anything collected or maintained by a government entity that can be recorded, including paper files, emails, electronic documents, photographs and maps.

[A checklist appears with each item checked off in turn: Public, Private or Non-public, Confidential or Protected Non-public.]

The Data Practices Act provides the classification for government data. There are three classifications for data: public, private or non-public, and confidential or protected non-public.

[A crowd of people]

Public data are available to anyone for any reason. They are not required to provide a reason for requesting public data.

[A person filling out an expense report]

Expense reimbursements claimed for travel expenditures is an example of public data that a state agency may have about you.

Private or nonpublic data are available only to the data subject, individuals within a government entity whose work requires access to the data, other entities that are legally able to access the data, and individuals with permission from the data subject.

[A family with stroller, replaced by a stethoscope]

Names of a government employee's dependents or reasons for using sick time are an example of private data.

Confidential or protected nonpublic data are not available to the data subject. Active civil investigative data maintained by a state agency is an example of confidential data.

[Viewed from above, a group of people sitting around a table. The table spins.]

Data collected and maintained about a board or council member is government data. Some data are public and some are private.

[A hand holding a magnifying glass over a house]

For example, your home address is public information.

[A mobile phone, a laptop, and then a tablet slide into view from the left.]

If you conduct council or board business on a personal portable device, like a smart phone or laptop, any related data you create or maintain on the device is government data and subject to the requirements of the Data Practices Act.

[Zoom out on a mobile phone with text messages emerging from the screen.]

Also, keep in mind that all council or board-related emails are government data, including those originating from your personal email account.

[A checklist with each item checked off in turn: Responsible Authority (RA), Data Practices Compliance Official (DPCO).]

Your agency must appoint a responsible authority, or RA, and a data practices compliance official, or DPCO. The same employee can serve both roles. Refer any questions related your board or council's data practices policies and procedures to the RA and DPCO.

[A checklist with each item checked off in turn: Data, Classifications, Records Retention Schedule.]

You may also want to ask about your board or council's data, the classifications, and your agency's records retention schedule.

The Department of Administration's Data Practices Office offers advice, training and expertise on Minnesota's government data practices and open meeting laws. Its services include:

- Consulting on data practices technical and policy issues
- Assisting with drafting data practices legislation
- Preparing and providing education resources on these laws
- And assisting the Commissioner of Administration with statutory responsibilities

Thank you for watching this training video. If you have any data practices questions, contact the Data Practices Office at 651-296-6733 or email info.ipad@state.mn.us. You can also visit our website at mn.gov/admin/data-practices.