

**STATE OF MINNESOTA  
DEPARTMENT OF ADMINISTRATION**

FINDINGS OF FACT AND CONCLUSIONS

REGARDING: Application for Temporary Classification of data pursuant to Minnesota Statutes, section 13.06, subdivision 3, submitted by:

The City of Rochester

The Commissioner of Administration has examined the above application together with all comments received, and makes the following:

FINDINGS OF FACT

1. The application was filed pursuant to Minnesota Statutes, section 13.06, and was received by the Department of Administration on August 10, 2018.
2. The application was filed on forms provided by the Department of Administration.
3. The application requested the classification of not public for the following data related to participants in a rideshare program administered by the City:
  - (1) address and telephone number;
  - (2) beginning and ending work hours;
  - (3) place of employment;
  - (4) current mode of commuting to and from work;
  - (5) type of rideshare service information requested;
  - (6) photo; and
  - (7) biographical data supplied by the commuter in the "about me" field/section.
5. The applicant met the first criteria set forth in Minnesota Statutes, section 13.06, subdivision 3, by clearly establishing that no statute currently exists which either allows or forbids classification as not public for a portion of the data.
6. The applicant has met the additional criteria set forth in Minnesota Statutes, section 13.06, subdivision 3, for certain data elements, by clearly establishing one or more of the following:
  - a. That data similar to that for which the temporary classification is sought has been treated as not public by other government entities; or
  - b. Public access to the data would render unworkable a program authorized by law.

The applicant met the criteria indicated above in the following manner:

- a. Currently, rideshare data collected and maintained by the Minnesota Department of Transportation and the Metropolitan Council are classified as private by Minnesota Statutes, section 13.72, subdivision 9. The data elements classified by that section are: residential address and telephone number; beginning and ending work hours;

current mode of commuting to and from work; and type of rideshare service information requested. The City of Rochester is collecting substantially the same information and using it for the same purposes.

- b. This program is authorized by Minnesota Statutes, section 469.41, establishing Destination Medical Center Corporation (DMCC) and Minnesota Statutes, section 469.43, requiring the adoption by the DMCC board and City of Rochester of a development plan to include "transit and transportation planning." The adopted document, Destination Medical Center Plan Vol. II Sect. 7 (Transportation Plan), specifies the formation of a Transportation Management Association (TMA).

The program would become unworkable if temporary private classification is not granted, because: 1) Commuters will be unwilling to provide the necessary data to participate out of fear for their own safety and well-being, knowing that such sensitive and personally identifiable information could be obtained upon request; and 2) Employers (including Mayo Clinic), whose participation is essential for success, have stated that they would be unwilling to support and promote the service, out of concern for their employees' privacy and safety.

7. The applicant met the additional criteria in Minnesota Statutes, section 13.06, subdivision 3, by clearly establishing that a compelling need exists for immediate temporary classification, which if not granted could adversely affect the health, safety, or welfare of the public, or the data subject's well-being or reputation, for a portion of the data listed in the application.

The applicant met the criteria indicated above in the following manner:

The applicant argued that the data in question is sensitive and personally identifiable. Without a private classification, participant data would be made available upon request and could be used to identify, contact, and even locate a participant at a given time, which could be a threat to their safety and welfare.

8. The Commissioner did not receive any comments on the application for temporary classification.


Based upon the foregoing findings of fact, the Commissioner makes the following conclusions:

#### CONCLUSIONS

1. Based upon the application and the statutory requirements, the Commissioner concludes that the applicant has met the criteria set forth in Minnesota Statutes, section 13.06, subdivision 3, for data elements (1) through (7) (as numbered in Finding Number 3) to temporarily classify as not public certain data requested in the application.

2. For the reasons set forth above, the following data related to participants in a rideshare program administered by the City are approved by the Commissioner as not public data:
- (1) address and telephone number;
  - (2) beginning and ending work hours;
  - (3) place of employment;
  - (4) current mode of commuting to and from work;
  - (5) type of rideshare service information requested;
  - (6) photo; and
  - (7) biographical data supplied by the commuter in the "about me" field/section.

By:

  
Matthew Massman  
Commissioner

Date: 9/5/18