

**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:

SouthWest Transit

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 17, 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 SW Prime program administered by SouthWest Transit (SW Prime data):
 - (1) Name
 - (2) Phone number
 - (3) Email address
 - (4) Pick-up address or location
 - (5) Drop-off address or location
 - (6) Time and date of pick-up and drop-off
 - (7) Number of riders in the group
 - (8) Whether the rider will have a mobility device or bicycle
 - (9) Credit card or other payment information
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.
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:

SW Prime data are similar to several types of data maintained by the Metropolitan Council, which are private under the Data Practices Act.

Minnesota Statutes, section 13.72, subdivision 19, provides that “[d]ata on applicants, users, and customers of public transit collected by or through the Metropolitan Council’s personalized Web services or the regional fare collection system are private data on individuals.” The identified SW Prime data are the same or similar to the data collected through the web service and the regional fare collection system.

Additionally, certain rideshare data collected and maintained by the Department of Transportation and the Metropolitan Council are classified by Minnesota Statutes, sections 13.72, subd. 9 and 13.201. This includes 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 identified SW Prime data are the same or similar to these elements.

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:

Public accessibility to SW Prime data threatens riders’ safety and security. If the SW Prime data remain public, any person could learn about riders’ movements through SW Prime. This could place victims, or potential victims, of domestic abuse, stalking, or other harassment-related crimes at risk. A perpetrator could request SW Prime data to try to determine where the victim may be living or working or to follow the victim’s movements throughout the community. The safety of victims, or those who could potentially be victims, is at risk by the availability of the SW Prime data.

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:

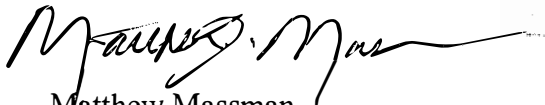
CONCLUSIONS

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 (9) (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 the SW Prime program administered by SouthWest Transit are approved by the Commissioner as not public data:

- (1) Name
- (2) Phone number
- (3) Email address
- (4) Pick-up address or location
- (5) Drop-off address or location
- (6) Time and date of pick-up and drop-off
- (7) Number of riders in the group
- (8) Whether the rider will have a mobility device or bicycle
- (9) Credit card or other payment information

By:



Matthew Massman
Commissioner

Date: September 17, 2018

