

**STATE OF MINNESOTA  
DEPARTMENT OF ADMINISTRATION**

FINDINGS OF FACT AND CONCLUSIONS

REGARDING: Application for Temporary Classification of data on individuals pursuant to Minn. Stat. § 13.06, subdivision 3, submitted by:

Minnesota Department of Labor and Industry

The Commissioner of Administration has examined the above application and makes the following:

FINDINGS OF FACT AND CONCLUSIONS

As Amended

1. The Commissioner of Administration received a completed application filed by the Minnesota Department of Labor and Industry (“Department”), pursuant to Minn. Stat. § 13.06, on July 20, 2023.
2. The application was filed on forms provided by the Department of Administration.
3. The application requested the classification of private and nonpublic for the following data collected, created, and maintained by the Department of Labor and Industry:
  - a. Per-Trip Data
    - i. Rider pick-up/drop-off locations
    - ii. Date and time
    - iii. Trip duration
    - iv. Trip miles
    - v. Wheelchair accessible trip
    - vi. Shared ride
    - vii. Fare
    - viii. Vehicle identification number (“VIN”), make, model, year
    - ix. Driver earnings and tips per trip
    - x. Driver daily hours worked
    - xi. Time driver activated app
    - xii. Time driver received ride request
  - b. Driver compensation data: These data elements include driver earnings, deductions, and hours worked *not* on a per-trip basis.

- c. Personal email addresses and phone numbers of transportation network company (“TNC”) drivers
  - d. Driver-level deactivation data: driver reference number, VIN, date of deactivation, reason(s) for deactivation, date of any reinstatement, and city of residence of the deactivated driver.
4. The applicant partially met the first criteria set forth in Minn. Stat. § 13.06, subdivision 3, to establish clearly that there are not any existing statutes that currently either allow or forbid classification as not public for a portion of the data.
  5. The applicant has met the additional criteria set forth in Minn. Stat. § 13.06, subdivision 3, to establish clearly, for certain data:

That data similar to that for which the temporary classification is sought are classified as private or nonpublic at other government entities.

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

The applicant identified the following provisions that classify similar data as private or nonpublic:

- a. Minn. Stat. § 13.643 telephone numbers and email addresses are private data on individuals when collected from study participants during research and assessment by the Department of Agriculture or the University of Minnesota.
- b. Minn. Stat. § 13.72, subd. 8, payroll reports including wages, hours or miles worked, hours earned, employee benefit data, and terminal and route-specific operating data including percentage of revenues paid to agent operated terminals, line-haul load factors, pickup and delivery (PUD) activity, and peddle driver activity submitted to the Department of Transportation by intrastate motor carriers are classified as nonpublic.
- c. Minn. Stat. § 13.72, subd. 14, classifies names, home addresses except for zip codes, home email addresses, and home telephone numbers obtained for or received in response to a survey conducted by or on behalf of the Department of Transportation are classified as private data on individuals.
- d. Minn. Stat. § 13.72, subd. 19 classifies “data on applicants, users, and customers of public transit collected by or through a government entity’s personalized web services” as private. “Personalized web services” means services for which transit service applicants, users, and customers must establish a user account. (Minn. Stat. § 13.72 subd. 19(a)(2).)

6. The applicant met the additional criteria in Minn. Stat. § 13.06, subdivision 3, by establishing clearly 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 rideshare data maintained by private companies contain information related to TNC riders and TNC drivers that could jeopardize public safety, driver safety, and contravene the purposes of the Executive Order if made public. There are potential public safety and security risks should the data become public and be misused. For example, riders may use rideshare services to visit domestic abuse shelters, obtain medical services (e.g., at a clinic providing abortions), or attend treatment for substance abuse. Moreover, these public safety and security risks may disproportionately impact riders in the disability community, low-income communities, and other disadvantaged individuals who rely on rideshare services for their mobility, commuting, and safety needs.

The rideshare data will also contain personal information related to TNC drivers. This includes personal email address, personal telephone number, compensation data, and information specific to their vehicles like make, model, and VIN. The personal information combined with geolocational data could create safety and security risks for TNC drivers if information about their driving patterns, routes, and locations could be ascertained from the data set. In addition, data on deactivations (i.e., employment discharges) and reinstatements will be requested to assess the fair treatment and working conditions of TNC drivers. If publicly available, these data could adversely affect a driver's reputation, which is contrary to the purpose of collecting the data.

7. The Commissioner did not receive any comments regarding the application.

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

### CONCLUSIONS

1. Based upon the application and the statutory requirements, the Commissioner concludes that the applicant has met the criteria set forth at Minn. Stat. § 13.06, subdivision 3, for the data described in Conclusion 2 below.
2. For the reasons set forth above, the Commissioner **grants** the temporary classification of private for:

Data identified in Findings of Fact number 3 above to the extent the data identify a TNC driver or a TNC rider.

The Commissioner **grants** the temporary classification of nonpublic for driver VINs.

The Commissioner **disapproves** as private or nonpublic data the following data. The data not covered by the temporary classification include:

Data identified in Findings of Fact number 3 above that do not identify a TNC driver or TNC rider, trade secret data, and certain data on individuals the Department knows to be minors.

3. With regard to the data not covered under the temporary classification, the applicant did not fully meet the requirement in Minn. Stat. § 13.06, that a statute does not currently exist that allows or forbids the classification as not public.

As required under Minn. Stat. § 13.06 subdivision 5, the following data not covered by the temporary classification are currently classified under law as private data on individuals or nonpublic data not on individuals:

- a. Trade secret data are private and nonpublic by Minn. Stat. § 13.37.
- b. The following data on individuals known by the Department to be minors are classified as private by Minn. Stat. § 181A.112.
  - i. Name;
  - ii. Date of birth;
  - iii. Social Security number;
  - iv. Telephone number;
  - v. Email address;
  - vi. Physical or mailing address;
  - vii. Location data;
  - viii. Online account access information.

Stacie Christensen  
Temporary Commissioner