



Minnesota Department of **Human Services**

Legal Management Office

October 17, 2014

Commissioner of Administration, c/o IPAD
Minnesota Department of Administration
201 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

RE: Request for Advisory Opinion

Dear Commissioner:

My letter of September 25, 2014, requested an advisory opinion from the Commissioner of Administration, regarding the classification of certain data. On October 3, the Information Policy and Analysis Division requested additional information and clarification. This letter provides the additional information requested. The representative samples of the supporting documentation and a copy of the lengthy communication to Internal Audits Office in response to the internal audit report, as requested, will be forwarded to Janet Hey under separate cover.

The Internal Audits Office of the Department of Human Services conducted a financial internal audit of a grantee. *See* Minn. Stat. § 13.392. The grantee in this situation is a private non-profit organization, Community Action of Minneapolis. The final report of the internal audit has been published.

In the September 25th request, the Department opined that it appeared that absent a statute classifying the data otherwise, the data would be presumptively public under Minnesota Statutes, section 13.03, subdivision 1. However, it has been determined that the grantee, Community Action of Minneapolis, is a community action agency under Minnesota Statutes, sections 256E.30 to 256E.32, and Minnesota Rules, Chapter 9571. As such, it is considered a political subdivision subject to the Minnesota Government Data Practices Act, to the extent it collects, stores, disseminates, and uses data on individuals because of a contractual relationship with a government entity. *See* Minn. Stat. § 13.02, subd. 11, and Minn. R. 1205.0100, subp. 4.

During the process of conducting the audit, the Internal Audits Office collected supporting documentation for the reimbursement requests made by the grantee. This supporting documentation is in a variety of formats, intertwines data for which reimbursement under the grant was not requested, and references data subjects that are neither employees of the grantee nor board members. In addition, after the internal audit report was published, the grantee sent a lengthy communication to Internal Audits Office in response to the internal audit report.

The Department requests an advisory opinion on the classification of this supporting documentation and the communication sent by the grantee in response to the internal audit report.

The Department has determined that some of the data in the supporting documents, such as credit card numbers would be private under Minnesota Statutes, section 13.37, as security data. Social Security numbers would also be classified as private under Minnesota Statutes, section 13.355.

The Department is unclear as to how the supporting documentation data received from a grantee in the course of conducting a financial internal audit, or the communication sent in response to the internal audit report, is properly classified. It appears that because the grantee is a community action agency, Chapter 13 would apply to the data.

The Department requests your opinion on the classification of the supporting documentation and the communication sent in response to the audit report. The Department also requests that the advisory opinion address whether any data should be redacted from the documents, such as the names or identifying information of various data subjects and data that appears in the supporting documentation for which the grantee did not request reimbursement under the grant.

In addition, the Department has paper copies of the grantee's audit reports dating back to June 30, 2007, which were prepared by the grantee's outside auditor. The Department also has electronic copies of some of the board minutes, but not agendas or documents distributed at board meetings, dating back to September 2010. The Department requests that the advisory opinion address how these board minutes and the grantee's audit reports, prepared by its outside auditor, are classified in the hands of the Department.

Please let me know if you would like more detail on the documents or additional clarification.

Sincerely,



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