

**Minnesota Coalition on Government Information (MNCOGI)  
Written Testimony of Matt Ehling, MNCOGI board member  
in support of Senate File 186**

**Senate Judiciary and Public Safety Committee  
January 30, 2023**

**Summary:** SF 186 requires the creation of an annual, public summary report containing information about the operations of the Minnesota Fusion Center (“MNFC”), an intelligence-gathering and analysis component of the Minnesota Bureau of Criminal Apprehension (BCA). MNCOGI believes that public reporting about the activities of the MNFC is important, and accords with Minnesota’s bi-partisan tradition of supporting government transparency.

**Background:** The Minnesota Coalition on Government Information is a non-partisan, nonprofit organization whose all-volunteer board of directors focuses on ensuring public access to government information in order to support government accountability and safeguard democratic self-governance.

MNCOGI is pleased to see broad, bi-partisan authorship for SF 186, and our board extends its thanks to Chair Latz; Senators Carlson, Maye Quade, and Lucero; as well as Senator Limmer, who first introduced this reporting initiative in 2021 as a budget amendment. The House companion is authored by Representative Feist, who deserves thanks for shepherding the initiative through last year’s legislative session. MNCOGI also appreciates that BCA Superintendent Drew Evans worked with Representative Feist and Senator Limmer to arrive at the bill’s current structure and content.

**Detail:** SF 186 requires the creation of an annual, public summary report on the operations of the MNFC. The MNFC is a component of the Minnesota BCA, and is tasked with the collection, analysis, and dissemination of both raw intelligence data and intelligence work product on terrorist and criminal threats. Such threats are real, as events of the last few years have certainly demonstrated. From the rioting and arson that occurred in the Twin Cities metro area in 2020, to the riot at the U.S. Capitol in early 2021, violent civil disorder has been part of our recent history, and organized intelligence collection and analysis is a significant part of countering threats that arise from such activity.

At the same time, governmental intelligence-gathering holds the potential for over-reach and abuse. America’s founding generation certainly understood this, and crafted institutional checks on governmental authority — including the Fourth Amendment — in response. During the 1960s, extensive governmental surveillance was conducted on

individuals who were purely exercising their First Amendment rights — including anti-war and civil rights activists. And governmental intelligence gathering continues to be a subject that attracts scrutiny, as witnessed by recent controversy over the operation of a COVID-era State of Minnesota hotline, where the public was encouraged to make reports about purported violations of COVID-related executive orders, such as various public or private gatherings.

MNCOGI's focus on maintaining public information about governmental operations is undertaken with the understanding that independent, external review of such operations is the surest way to both identify and avoid problems that arise in the administration of government. SF 186 does this by requiring the Superintendent of the BCA to compile an annual summary report on the operations of the MNFC; to present that report to the legislature; and to make it publicly available.

In regard to the data elements that would be included in the report (*see* lines 1.6 - 12.21), the list of reported elements was created by examining the MNFC's "Privacy, Civil Rights, and Civil Liberties Policy" in order to identify the kinds of data collection undertaken by the MNFC (such as the gathering of suspicious activity reports); as well as the kinds of work product generated by the MNFC (such as threat assessments). Then, aggregated lists of those data elements were included in the report's requirements, in order to provide a sense of the relative scale of the MNFC's data collection, and the scope of its annual operations.

MNCOGI has supported this kind of summary-level reporting in other contexts as well, including in the context of "critical incident" reviews conducted by the Department of Human Services. For instance, in 2022, MNCOGI worked with authors on both side of the aisle to amend HF 3446/SF 3492 to include public, summary reporting requirements on certain DHS investigations, in order for the public and the legislature to better understand the DHS critical incident review process.

MNCOGI supports the reporting requirements established by SF 186, and thanks its authors for their attention to the important matters that it illuminates.