

Senate Judiciary Finance and Civil Law Committee
March 21, 2025

Written Testimony In Support of SF 2062
Matt Ehling, Board Member
Minnesotans for Open Government
(Formerly Minnesota Coalition on Government Information - MNCOGI)

Chair Latz, Senator Howe, and committee members,

I am writing to you on behalf of our board, in order to state our support for SF 2062. We thank Senator Howe for bringing this bill forward, and for pursuing it over multiple sessions.

This is an important bill, intended to correct language that we believe should not have been placed in the Data Practices Act to begin with. That language was added over a decade ago, when the “personnel data” section of the Act (Minn. Stat. § 13.43) was updated to clarify disclosure buyout agreements for public employees. Other updates were made at that same time, including to the section on complaints related to “public officials,” and what data is available about those complaints in certain circumstances — including when a public official resigns after a complaint has been filed.

The language in the current “public official” definition in § 13.43 makes a distinction between large cities and counties, and smaller cities and counties. In cities over 7500 or counties over 5000, “public officials” include chiefs, managers, heads of departments, divisions or boards, or any equivalent position. In smaller cities and counties, those same positions are not necessarily covered, which puts citizens in many parts of Greater Minnesota (as well as in smaller metro area cities like Hilltop) at a disadvantage relative to people who live in larger cities and counties.

If you live in Eagan, for instance, and your fire chief resigns after a complaint is filed, you would be able to discover the substance of what that complaint was all about, since the data underlying the complaint is classified as public. However, if you live in a small town, you would *not necessarily* be able to discover that same data, given the same set of circumstances.

We believe that this population-based distinction is arbitrary, and should be corrected, and that's what this bill does. John Finnegan, the late editor of the Pioneer Press newspaper — who was the key mover behind the passage of the Data Practices Act — believed that the Act was not primarily for the news media; it was for the *people* first, and for *all* the people equally. He believed that if a category of government data was going to

be public, it should be public for everyone, in equal measure.

One final note: As the committee considers this bill, we'd ask the committee to think about the data that's at stake — which is data related to complaints about official misconduct. We believe that the ultimate cost of withholding such data is much higher than disclosing it — not only in monetary terms, due to potential liability for bad actions, but also in terms of lost public trust.

Thank you very much for your attention.

Sincerely,

Matt Ehling
Minnesotans for Open Government