

# LEGISLATIVE RESOURCE SHEET | 2019 SESSION

Minnesota Chiefs of Police Association

## ISSUE/LEGISLATION:

### UPDATE OF MINNESOTA DATA PRACTICES ACT

The MCPA fully supports the importance of the current Minnesota Government Data Practices Act for accountability and transparency purposes. However, the MCPA supports legislation to update the Minnesota Government Data Practices Act to comprehensively address technological changes in the type of sensitive data collected since the Act was first enacted in 1979.

## PROPOSAL STATUS

MCPA will actively support this proposal as part of its 2019 Legislative Agenda

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## BACKGROUND

The “Act” was adopted in 1974. It is a comprehensive regulatory statute falling under Chapter 13. Its scope applies to all political subdivisions **except** townships, Courts and the Legislature. It is similar to and follows the Freedom of Information Act (FOIA).

The premise is that data maintained by the government be available to the public. Dependent upon whether the requested data is private or public a timeline on providing the requested information is set forth in statute; e.g. Private Data must be furnished within 10 Days.

The types of law enforcement agency communications and data generating media – and the data storage, retrieval and redaction applications – in 1974 were worlds removed from what exists now more than four decades later.

Persons can and do make vast and broad data requests. Some can be crippling to Law enforcement agencies and political subdivisions operations from staffing, technological and budget/monetary perspectives.

Many of the data requests are “view only” meaning that there is no cost to the requesting party regarding the searching, collecting, preparation and displaying of the documents.

Agencies have experienced such requests<sup>2</sup> at the hands of data requesters who have a desire – not for the data – but to burden the agency. A colleague has coined the term, “Data Terrorist” out of operational fatigue and frustration.

The Act has not kept up with the quantum leaps information/communication technology has evolved to and thus been incorporated into public safety systems and law enforcement agencies.