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Senator Katie Sieben
75 Rev. Dr. Martin Luther King Jr. Blvd.
Capitol, Room 208
St. Paul, MN 55155-1606

Dear Senator Sieben,

The Minnesota Chapter of the Society of Professional Journalists (MNSPJ) and the Minnesota Coalition on Government Information (MNCOGI) request your support in maintaining Minnesota's historic commitment to government transparency.

The MNSPJ is the state chapter of a national journalism society whose mission is to ensure "the perpetuation of a free press as the cornerstone of our nation and our liberty." MNCOGI is a tax exempt, non-profit organization that conducts education and advocacy on government transparency issues. MNCOGI's volunteer board members frequently testify at the Minnesota legislature on matters of information policy. Both organizations strongly support the aims and purposes of the Minnesota Government Data Practices Act (MGDPA). That statute should remain a robust tool for transparency, accountability, and the provision of information to members of the general public.

Recent legislative priorities pronounced by the School Board for South Washington County School District 833 threaten that statute. At its January 9, 2014 meeting, the School Board expressed several policy aspirations, including some "Modification of the government data practices act that would require data requests to be of general interest to the public" in order to "provide a benefit to more taxpayers as the workload for some requests proves to be extensive for the staff."

Both of our organizations oppose the School District's legislative priority, for the following reasons :

1. The District's proposed modification runs counter to the history and purpose of the MGDPA.

The Minnesota Government Data Practices Act exists to provide the public with statutory access to government information. Before this statute, governmental units held much control over the kind of information they released, as well as how quickly and to whom they chose to release it. This practice led to irregular results, and prevented many persons from gaining access to government records.

The MGDPA lowered barriers to information access for all members of the public, by establishing a clear, non-discriminatory system that provided access to government data via standardized, statewide policies.

The chief presumption underlying this policy framework was that all government data was presumed to be public, unless otherwise classified by law (as noted in Minn. Stat. 13.01, Subd. 3.) The law “defaults” on the side of disclosure, so that members of the public can inspect a wide variety of government data that they consider relevant to a multitude of interests and purposes.

This emphasis on expansive access can also be seen in Minn. Stat. 13.03, Subd. 3, which permits members of the public to inspect government data at no cost. Because government data is created at public expense, members of the public should not face undue impediments to its review. The absence of cost as a factor in data inspection underscores the authors’ intention to make access to government information an egalitarian and broad-based matter.

Modifying the MGDPA to permit only data requests that are of “general interest” would reverse the law’s longstanding presumption of broad-based, non-discriminatory data access.

2. The District’s proposed modification would allow government entities to “play favorites” with data requests and create layers of dispute, expense, and delay.

Modifying the MGDPA so that only data requests that are of “general interest to the public” could be answered would open the door for government entities to “play favorites” with data requesters.

The proposed criteria of “general public interest” is exceedingly vague. Some government entities might favor one requestor over another on the basis of mere political considerations, or turn aside “uncomfortable” requests that sought data related to government mismanagement, waste, fraud, or other unflattering conduct.

In general, we are opposed to any modification of the MGDPA that would vest a governmental body with any excuse to deny record requests based upon ill-defined criteria, or upon criteria that the government entity itself would interpret for its own benefit. Such denials would impose delays and costs as courts or the Department of Administration became embroiled in disputes over the meaning and application of the “general public interest” standard.

The MGDPA is a fixture of our state's political culture, and has enabled Minnesota citizens – including members of the press - to engage in civic education and governmental oversight activities for decades. The Legislature should keep the law robust in order to ensure that government records stay accessible to the public at large.

We suggest that the long-term interests of the School District in minimizing expense - and of the public in unfettered access to government data - would be better served by modernizing the District's record-keeping to permit electronic access to as much data as possible, particularly to frequently requested data.

Please feel free to contact us with any additional questions related to this matter.

Sincerely,

/s/Johnathan Kealing
Society of Professional Journalists, Minnesota Chapter

/s/Gary Hill
Minnesota Coalition on Government Information

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