

13.1 INTRODUCTION

The Minnesota Government Data Practices Act¹ (Data Practices Act) is a legislative attempt to balance competing interests with respect to various types of information held by the government.² In *Minnesota Medical Association v. State*,³ the Minnesota Supreme Court stated that the purpose of the Data Practices Act was to “control the state's collection, security, and dissemination of information in order to protect the privacy of individuals while meeting the legitimate needs of government and society for information.”⁴

In concept, at least, the Data Practices Act is analogous to the federal Freedom of Information Act⁵ and the federal Privacy Act.⁶ The federal Freedom of Information Act deals with how the general public can obtain access to information in the possession of the federal government, while the federal Privacy Act provides certain rights for persons who are the subject of information held by federal agencies. The Data Practices Act combines access rights, privacy rights, and due process rights into one act. It is also important to understand that the Data Practices Act is not a records retention act and, thus, does not require the retention of data.⁷ It simply provides how data must be treated when it is collected and stored by the government.

In summary, the Data Practices Act sets up a classification system that determines what data is public and what is not public and who has access to that data that is not public.⁸ It also provides certain rights to individuals who are asked to provide data concerning themselves⁹ or who are the subject of stored data.¹⁰ Specific duties are imposed on those government entities that collect and store data,¹¹ and penalties are imposed for violations of the provisions of the Data Practices Act.¹²

¹ MINN. STAT. §§ 13.01-.90 (2014).

² Rules adopted by the Commissioner of Administration supplement the Data Practices Act. *See* MINN. R. 1205.0100-.2000 (2013).

³ 274 N.W.2d 84 (Minn. 1978).

⁴ *Id.* at 87.

⁵ 5 U.S.C. § 552 (2012).

⁶ *Id.* § 552a.

⁷ *See* MINN. STAT. §§ 15.17 (detailing what records must be kept by public officials), 138.17 (setting forth records destruction procedure for public documents) (2014).

⁸ *See, e.g., id.* §§ 13.02, .03.

⁹ *Id.* § 13.04, subd. 2.

¹⁰ *Id.* subd. 3.

¹¹ *Id.* § 13.05.

¹² *Id.* § 13.09.