

May 26, 2025

To: League of Women Voters Minnesota (LWVMN)

From: Kathleen Doran-Norton, LWV NORTHFIELD CANNON FALLS AREA (LWVNCFA)

RE: Resolution for a briefing paper to address LWVUS Citizens Right to Know Position

LWVUS CITIZEN'S RIGHT TO KNOW / CITIZEN PARTICIPATION POSITION

Democratic government depends upon informed and active participation at all levels of government. The League further believes that governmental bodies must protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible. (1984)

LWV Minnesota does not have a separate position on this issue.

Why a briefing paper?

Since the position was adopted in 1984, the use of electronic communication (email, chat, text, video, Zoom, Meet) has replaced paper-based and in-person communication in many ways.

Electronic modes of communication have allowed speedy and easily accessible communication about government actions and decisions, but more and more the public has difficulty getting answers to their questions in a timely way. In supporting our MEP partners this session I assisted with giving some updates to the data practices bill that the environmental community thought would make it easier to obtain information.

In looking through the docket we found several small data practices change bills from Rep. Scott. One of them, HF428, identified emails as government records and set a retention timeframe of 3 years for these records. This was similar wording to the bill the environmental organizations suggested, although though they were asking for 25-year retention (because of the length of time these actions would be in play). LWVMN leadership expressed their deep concern that HF428 would expose sensitive student or employee information to public scrutiny, and did not allow testimony because of those concerns. But we found there is a section of data practices law (13.32) that clearly excludes information about students as public information. Did this section override Scott's bill? Or does *not public information* retain that classification regardless of mode of communication?

In another instance, an environmental lawyer suggested the environmental organizations update include language from FOIA, the federal law, that requires a requester to give their reasons for a request. But Minnesota does not require a citizen to justify their query. There were other issues which came up as the session progressed.

Our use of electronic information will not change in the years ahead. The legislature will continue their attempt in striking a balance between the right to know and other concerns. We

need to find ways to both use those electronic tools at the same time we preserve our basic democratic rights. This is an opportunity for the League to become informed, to educate, and to advocate with other good government organizations for good solutions in the years ahead.

What issue(s) will the briefing paper include?

Citizens have a right to know about government actions. The briefing paper could provide information on:

- **Data retention practices and time limitations** - Sometimes, information has been destroyed by the governmental agency or entity, or the agency or entity delays their response over months or more than a year. Journalists comment the access to information has declined over the years. Environmental advocates say they are limited to one request at a time even though the agency is engaging in multiple projects at the same time.
- **Laws governing data requests** - Federally, the Freedom of Information Act (FOIA) is the enabling law. In Minnesota, it is the Data Practices Act (Chapter 13). While the intent is same, FOIA and Minnesota Data Practices are very different, and Minnesota Data Practices vary from other state laws enabling the right to know.
- **Laws about preserving privacy** - Existing Minnesota law identifies public and not public information. It requires different treatment for not public information that identifies individuals. Examples include some data on public employees and information about students. In an electronic information age, are those laws sufficient to protect individual privacy?
- **Enforcement of Citizens right to know** – Environmental organizations, the press, and citizens have great difficulty getting answers to their questions. What changes need to be made so that citizens can get answers to what their government is doing?
- **Emerging questions:** What are emerging questions local governments and state agencies have about the Citizens Right to Know (e.g. schools use of security videos, non-disclosure acts by city staff and elected officials, harassing questions by organizations (like find a word like employee in all the government files)? How are they approaching these questions?

Should this resolution be approved, how can members participate in the briefing paper process?

Join the committee! The committee will narrow the scope, compile resources, footnote everything, and write a summary document. After final approval by the LWVMN Board, the briefing paper will be distributed to local Leagues for use.