

**From:** [Jordan, Michelle \(BWSR\)](#)  
**Subject:** Fw: FYI Newsletter - July 2025  
**Date:** Tuesday, July 8, 2025 10:38:58 AM  
**Attachments:** [image.png](#)

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**Caution:** This email originated outside our organization; please use caution.

Good morning SWCD and Watershed administrators,

I imagine that you are likely already on this list-serve, and, that your talented legal counsels are keeping you up-to-date on matters of the Data Practices Act and Open Meeting Law. However, as there were legislative changes related to both data practices and open meeting law, I figured I would send this along any way.

One thing that stuck out to me of interest was the striking of needing to post the location of public body members participating in meetings remotely:

### Open Meeting Law

The Minnesota Legislature also made the following change to the Open Meeting Law during the 2025 legislative session.

**Minn. Stat. § 13D.02, subds. 1 & 2** ([Session Law ch. 39](#), art. 6, secs. 1 & 2)  
(effective May 24, 2025)

Removes requirement that the location of public body members attending a meeting via interactive technology be open to the public. Removes requirement that the location of the public body member attending meeting via interactive technology must be noticed to the public, but requires bodies to notice the fact that members may participate by interactive technology.

It's also always fun to read the advisory opinions at the bottom of the newsletter.

All the best,

### Michelle Jordan | Board Conservationist

Minnesota Board of Water and Soil Resources (BWSR)  
520 Lafayette Road North  
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651-308-6724  
(she/her)

**New: Grants Streamlining project.** Did you know, BWSR has been working to streamline its delivery and structure of grant program requirements. Updates are expected to be rolled out **July 1, 2025**. Read more on the Grants Streamlining page:  
<https://bwsr.state.mn.us/grantsstreamlining>

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**From:** Minnesota Department of Administration

<Admin\_Minnesota@public.govdelivery.com>

**Sent:** Tuesday, July 8, 2025 9:30 AM

**To:** Jordan, Michelle (BWSR) <Michelle.Jordan@state.mn.us>

**Subject:** FYi Newsletter - July 2025

FYi Newsletter – From the Data Practices Office at the Department of Administration



JULY 2025

## 2025 Legislative Summary: Data Practices and Open Meetings

The following summaries highlight the changes made to Chapter 13 (Data Practices Act) and other data practices related statutes during the 2025 Minnesota regular and special legislative sessions that affect a broad number of government entities.

The Legislature also passed several bills containing data provisions that are unique to specific entities, which are not included in the summary below. DPO encourages data practices staff at government entities to review their enabling statutes to determine whether the Legislature made changes to data practices requirements that solely impact their entity.

Unless otherwise noted in the summaries, effective dates are July 1, 2025.

[Note: Click here to jump to the remainder of the newsletter covering policy updates, Open Meeting Law guidance, an upcoming training, as well as advisory opinion summaries.](#)

## Data Practices

**Minn. Stat. § 13.03, subd. 3(g)** ([Session Law ch. 35](#), art. 9, sec. 1)

Allows a responsible authority to suspend any further responses to a data request if a requester does not inspect or collect copies of data within five business days after being notified data are available. The response must resume after requester inspects or collects the produced data.

**Minn. Stat. § 13.04, subd. 4** ([Session Law ch. 39](#), art. 2, sec. 15)

Allows government entities to share not public data with the Commissioner of Administration to respond to a data challenge appeal under section 13.04, subd.4. Classifies data submitted by either a data subject or government entity as the same classification as maintained by the entity. Allows sharing of not public data between the Commissioner of Administration and the Office of Administrative Hearings. Classifies data on individuals maintained by the Department of Administration as private if the data were completed, corrected, or destroyed as a result of the informal resolution process in a data challenge appeal.

**Minn. Stat. § 13.32, subds. 2 & 5** ([Session Law ch. 35](#), art. 9, secs. 2 & 3) (effective May 24, 2025)

Prohibits schools from designating certain data about a student's parents, including home address, telephone number, email address, or other personal contact information, as directory information.

**Minn. Stat. § 13.357** ([Session Law ch. 39](#), art. 2, sec. 16)

Allows government entities to disclose data related to suspected or confirmed fraud in a public program to any other government entity if access would promote the protection of public resources, promote the integrity of public programs, or aid the law enforcement process.

**Minn. Stat. § 13.43** ([Session Law ch. 35](#), art. 9, sec. 4)

Removes population threshold for cities and counties when determining who is a public official for personnel data purposes. Adds members of the Metropolitan Council appointed by the governor to definition of "public official" in section 13.43. Also adds the Met Council's principal administrative officer, deputy regional administrator, general counsel, executive heads of divisions, executive head responsible for compliance with EEO provisions of federal law, and chief law enforcement officer to public official definition.

**Minn. Stat. § 13.821, § 13.03, subd. 6** ([Session Law ch. 35](#), art. 5, secs. 1 & 2)

Updates language to apply to "recordings" of child abuse victims rather than "videotapes."

**Minn. Stat. § 13.825, subd. 4** ([Session Law ch. 35](#), art. 9, sec. 5)

Allows individuals who can obtain a state accident report under 169.09, subd. 13 to

obtain copies of body camera data created during a collision investigation. Limits use of the body camera data provided under this section and subjects requesters who receive the footage to section 13.08. Law enforcement agencies may deny these requests if there is a compelling reason that providing these data would interfere with an active investigation, the data are clearly offensive to common sensibilities or are classified as not public by other sections of the Data Practices Act. These new requirements do not apply to the Minnesota State Patrol.

**Minn. Stat. §§ 13.991, 480.40, 480.45, 480.50** ([Session Law ch. 35](#), art. 5, secs. 6, 10-13) (effective January 1, 2026)

Defines real property records and creates additional protections and responsibilities for government entities maintaining real property records on a subset of judicial officials. Requires a judicial official to submit a real property notice to a county recorder for classifications and additional rights to apply. Adds the Department of Human Services Appeals Division to the definition of “judicial official” that receives protection of their personal information held by government entities.

**Minn. Stat. § 15.013, subd. 3** ([Session Law ch. 39](#), art. 2, sec. 22) (effective May 24, 2025)

Classifies data at state agencies related to evidence of fraud as confidential or protected nonpublic data, allows state agencies to disclose these data to federal, state, or local government agencies or a law enforcement agency if disclosure will help prevent fraud against public programs or aid the law enforcement process.

**Minn. Stat. § 16C.05, subd. 8** ([Session Law ch. 39](#), art. 2, sec. 45)

Prohibits contracts entered into by the state from containing terms that are inconsistent with the Data Practices Act.

**Minn. Stat. § 299C.061** ([Session Law ch. 35](#), art. 3, sec. 19)

Requires state agencies that make a mandatory or discretionary referral to the BCA’s Financial Crimes and Fraud Section to provide any data related to the suspected fraudulent activity, regardless of classification. Authorizes sharing of active criminal investigative data concerning insurance fraud with the Department of Commerce.

## Open Meeting Law

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## Upcoming Data Practices Trainings

**Legislative Update & Data Practices Potpourri Webinar on July 15**

The Data Practices Office will be offering a free webinar on **Tuesday, July 15 at 11 a.m.** to highlight changes the Minnesota Legislature made to data practices statutes and the Open Meeting Law during the 2025 legislative sessions. We will also discuss recent questions our office has received and hold a live Q&A session.

More information about this free webinar is [available on our website](#), and you can view recordings of past webinars on our [YouTube Channel](#).

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## Reminder: Update your policies by August 1

[Minnesota Statutes](#), section 13.025 requires all government entities subject to the Data Practices Act to create policies about access to public data as well as the rights of data subjects. The law also requires government entities to review and update these policies by August 1 of each year.

This is our friendly reminder to data practices officials to review and update your entity's data access policies by the August 1 deadline. The [Data Practices Office website](#) has sample policies and a guidance worksheet to help you consider different factors to keep your policies up to date.

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## Are You a New Public Body Subject to the OML? Check Out These Resources!

During recent sessions, the Legislature has created several new boards, commissions, councils, and task forces that are subject to the [Open Meeting Law](#).

The Data Practices Office has a variety of resources that can help these new public bodies (or anyone interested in open meetings) understand the OML's requirements, which include:

- [Open Meeting Law One-Page Overview](#)
- [Open Meeting Law in Minnesota PowerPoint training slides](#)
- [Open Meeting Law guidance webpages on the DPO website](#)
- [Open Meeting Law myths and misconceptions webpage](#)
- [Minnesota Open Meeting Law Training Video on YouTube](#)
- [Open Meeting Law Overview Webinar on YouTube](#)
- [Open Meeting Law Potpourri Webinar on YouTube](#)

As always, DPO staff are happy to answer any of your OML questions. You can reach us by email at [info.dpo@state.mn.us](mailto:info.dpo@state.mn.us) or by phone at 651-296-6733.

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## Advisory Opinion Updates

### Classification of personnel data

In [Advisory Opinion 25-003](#), a school district asked about the classification of personnel data about a public official who resigned after a personnel investigation was completed but prior to the school board taking any official action based on the results of the investigation. The district also asked whether data contained in a resignation letter were classified as private. The Commissioner noted that section 13.43, subdivision 2(f) states that all data related to a complaint or charge against a local public official become public when the employee resigns while the complaint or charge

is pending. In this situation, the public official resigned after an investigation was completed, but the school board had not yet decided whether it would discipline the employee or formally close the complaint. Therefore, the complaint was still pending at the time of the public official's resignation, and data related to the complaint became public. Additionally, the Commissioner opined that data within an employee's resignation letter are classified as private data under section 13.43, subdivision 4.

### **Municipal utility customer data**

In [Advisory Opinion 25-004](#), a city asked whether Minnesota Statutes, section 13.685 classified data about a future municipal electric utility customer. The Commissioner determined that an individual or entity is a customer of the municipal electric utility if it has purchased or has a contract or agreement to purchase electric utility services from the municipal electric utility. As a result, a future municipal electric utility customer is not a customer for purposes of section 13.685, and data about the future customer are presumptively public.

### **Response to data requests**

In [Advisory Opinion 25-005](#), a member of the public asked whether a state agency responded appropriately to a data request for "all emails" related to specific topics when the agency did not also provide documents attached to the responsive emails. The state agency's email retention policy then automatically destroyed several of the emails and attachments before the agency provided access to the missing responsive documents. The state agency maintained that the requester was not clear that the request for "all emails" included the attached documents. The Commissioner noted documents attached to an email message are part of an email itself. Therefore, the agency did not respond appropriately when it failed to provide access to email attachments in its response to the request. Further, the agency could not remedy the situation because the email auto-delete policy destroyed responsive data. The Commissioner encouraged government entities to ensure they have procedures in place to retain official records and data responsive to a request when using email auto-delete policies.

### **Response to data requests**

In [Advisory Opinion 25-006](#), a member of the public asked whether a school district responded appropriately to a request for public data. The requester asked for data 11 months prior and had received only portions of the data after inquiries from the Department of Administration and the requester. Additionally, the District indicated it was providing only a subset of the data due to technical difficulties with retrieving all the data requested. The Commissioner determined that the District did not respond appropriately to the request.

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## **Data Practices or OML Questions?**

Have questions about data practices or the Open Meeting Law? Contact us by email at [info.dpo@state.mn.us](mailto:info.dpo@state.mn.us) or by phone at 651-296-6733. We are here to help!