

Subject Government records: Penalties

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Summary

This bill amends the Official Records Act to provide that the remedies available under the Government Data Practices Act apply to a violation of this section. Those remedies include a civil action for damages or to compel compliance and an administrative remedy to compel compliance.

Minnesota's Official Records Act requires all officers and agencies within state and local government to create and preserve all records necessary to provide complete and accurate knowledge of their official activities. Currently, the Official Records Act is silent as to enforcement, and the Minnesota Supreme Court has held that it does not provide a private right of action. *See Halva v. Minnesota State Colleges and Universities*, 953 N.W.2d 496 (Minn. 2021). However, most violations of the Official Records Act would also be violations of the Minnesota Government Data Practices Act under current law. *See* Minn. Stat. § 13.03, subd. 1.