

Subject Government Data Practices: Public Officials

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Summary

Section 13.43 of the Minnesota Government Data Practices Act (“GDPA”) deals with “personnel data” on government employees. The GDPA’s general rule is that government data is public unless the legislature gives it a protected classification. But section 13.43 essentially reverses that by classifying all “personnel data” as “private data on individuals” unless the data is specifically included as public data under subdivision 2 of that section.

For *most* government employees, when it comes to complaints/charges, investigations, and disciplinary outcomes, only the following data will be publicly available:

- 1) The existence and status of a complaint/charge; and
- 2) The final disposition of any disciplinary action (i.e. the final decision by the government employer) together with the specific reasons for the action and data documenting the basis of the action.

So for most government employees, there is an option of resigning or being terminated before a “final disposition” is reached, which keeps details of the investigation private. But this is not the case for employees that fall under section 13.43’s unique definition of “public official.”

For a “public official” under section 13.43, paragraph (e), clause (4), *all data relating to the complaint or charge* (not just the final disposition and its underlying rationale) become public if:

- 1) the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or
- 2) potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement.

This bill expands the applicability of section 13.43, paragraph (e), clause (4), by removing the current city population thresholds for certain kinds of city employees.