



## Proposed Resolution Submission Form

**Full name of School District** ISD 200 - Hastings Public Schools & ISD 192 - Farmington Area Public Schools

**Title, full name, phone number, and email address of individuals submitting for the school board**

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**This resolution is submitted with approval by the school board.**

**Please provide the date on which the authoring school board approved submission of this resolution.** 9/10/2024 (ISD 200)

**BE IT RESOLVED, MSBA URGES THE LEGISLATURE TO (please clearly and concisely state the action you would like the legislature to take):**

Urges the legislature to amend the Minnesota Government Data Practices Act Section 13.05 Subd. 12 to authorize the responsible authority in a school district to require a person to identify themselves by full legal name.

Urges the legislature to amend Minnesota Government Data Practices Act Section 13.03 Subd. 3 to authorize the responsible authority to assess and recover actual costs of searching and retrieving government data if the requesting individual abandons or fails to inspect the data once it has been prepared.

Urges the legislature to adopt MSBA Resolutions 4.034 introduced in 2021 and 4.035 introduced in 2017 to assist in retrieving excessive costs associated with data requests.

**DESCRIBE THE PROBLEM:**

Under the current statute, school districts are prohibited from requiring any identifiable information. As a result, requestors are able to submit data requests completely anonymously and may not reside in the district, state, or even within the United States.

Also, requestors are able to submit costly data requests and never appear to review the information.

In addition, requestors are able to force the districts to incur high costs and dedicated resources without receiving any reimbursement.

### **EXPLAIN WHY THIS IS A PROBLEM:**

The public has a right to access public information. However, complying with data requests can be very costly and require a large amount of resources. When requests are fulfilled by the district, but abandoned by the requestor without receipt of the data or appearing to inspect the information, it represents an enormous waste of resources, ultimately paid from a school district's general fund.

The current statute has the potential to bankrupt a district, should legal review/redaction be required and when the request is large enough.

### **PROVIDE SUPPORTING DOCUMENTATION:**

Recovering excessive costs for data requests has been a growing issue for school districts in Minnesota. In 2017, the Minnesota School Board Association Delegate Assembly approved resolution 4.035 as follows:

Urges the legislature to allow a school district/school board to assess a reasonable charge or require the requesting person to pay a reasonable fee to inspect data. (2017)

Then, in 2021, the Delegate Assembly again considered high costs of complying with data requests, and approved resolution 4.034 as follows:

Urges the legislature to amend the Minnesota Government Data Practices Act to authorize school districts and other units of local government to assess and recover all reasonable costs of fulfilling public data requests, including the cost of supplies, equipment, staff time, consultation with legal counsel and other resources necessary to adequately search, retrieve, redact private and confidential data, and prepare electronic files or printed documents for inspection or delivery of copies. (2021)

Hastings School District received multiple requests from a newly-created email address submitted by an anonymous individual. One request returned over 115,000 emails (in addition to reams of notes/printouts) which all need to go through legal review and possible redaction. It is estimated this process will cost the district several thousand dollars and many hours of time. It is unknown if this person will review the information or if they actually reside in the district/state/country.

In addition, the Hastings School District recently incurred ~\$6,000 in legal fees for a requestor who never showed up to an appointment to review the data. Allowing the district to require identification and to recover reasonable data request fulfillment costs is necessary to mitigate against the financial risks of frivolous or insincere requests.

### **For MSBA Staff Use Only:**

**Date Received:** Click or tap to enter a date.

**File Name:** Click or tap here to enter text.

**Category:** Choose an item.

**Recommendation:** Choose an item.

**Present Position(s):** Click or tap here to enter text.