

## Minnesota – State Public Record Laws

<b>Citations</b>	<p>Minnesota Statutes Annotated, Data Practices (Ch. 13-13C)  <a href="https://www.revisor.mn.gov/statutes/?id=13">https://www.revisor.mn.gov/statutes/?id=13</a></p>
<b>Exemptions to Disclosure</b>	<ul style="list-style-type: none"> <li>• Proprietary info</li> <li>• Records of the University of Minnesota, Minnesota State Agriculture Society, or Minnesota Historical Society</li> <li>• Trade secrets (including records government has acquired a copyright or patent over)</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• All records transferred to archives are accessible to public unless archives determines info should not be disclosed</li> <li>• May be charged fee for remote access to data where either data or access is enhanced at request of requestor</li> <li>• No requirement for recipient of request to pass along to proper custodian</li> <li>• No fee for inspection</li> <li>• “inspection” includes “printing copies” if printing copies is the only way inspection can occur</li> <li>• Full convenience and comprehensive accessibility for researchers and scholars except as otherwise expressly provided by law</li> <li>• Copies of records that have commercial value and are a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, database, or system developed with a significant expenditure of public funds by the government entity, the responsible authority may charge a reasonable fee for the information in addition to the costs of making and certifying the copies. Any fee charged must be clearly demonstrated by the government entity to relate to the actual development costs of the information. The responsible authority, upon the request of any person, shall provide sufficient documentation to explain and justify the fee being charged.</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• §§ 138.161 through 138.22 control the disposition and destruction of public records.</li> <li>• A public officer may certify that a public record is no longer of any administrative, legal or fiscal value even though the record has not been kept the specific period of time required by a statute enacted prior to Laws 1971, c. 529 – Op.Atty.Gen., 851-f, Feb. 5, 1973</li> <li>• 138.17 – members of Records Disposition Panel vote on whether to destroy, sell, or salvage government records determined no longer to be of any value</li> <li>• Each agency must have retention and disposal schedules</li> <li>• Disposal of Records ( Minn. Stat. § 138.20)             <ul style="list-style-type: none"> <li>▪ The archivist must keep a record of all orders authorizing the disposition of records.</li> <li>▪ Orders must be in writing and signed by the Records Disposition Panel.</li> <li>▪ Orders must identify the records referred to in them.</li> <li>▪ Records are preserved in the Office of the Archivist and are open to public inspection.</li> <li>▪ Disposal citation includes more than just §§ 138.161 through 138.22, should be §§ 138.161 through 138.25                 <ul style="list-style-type: none"> <li>• Note several of the sections in-between have been repealed.</li> </ul> </li> </ul> </li> </ul>