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MSBA seeks relief from burdensome data requests on members' behalf

By Cathy Miller, MSBA Director of Legal & Policy Services

MSBA is advocating your interests at the court level by joining in an amicus (friend of the court) brief by the League of Minnesota Cities in the case of Webster v. Hennepin County, et. al., No. A16-0736, decided April 10, 2017, by the Minnesota Court of Appeals. The Minnesota Supreme Court has agreed to review the case.

The Webster case involves a data request to Hennepin County by an investigative journalist. The journalist specified 20 search terms he wanted the county to locate within paper, information technology files, and emails. Hennepin County estimated the search of emails alone would require its servers to be devoted to the search 24 hours a day for more than 15 months. The Minnesota Court of Appeals held that the county could determine how to compile the data in response to the request because, “the [Minnesota Government Data Practices Act] MGDPA does not contemplate requests for particular searches or enable a requestor to dictate how a government entity gathers the requested data.” Instead, the court found, “the government entity, and not the requestor, determines how and where to search for the requested data.”

The Court of Appeals specifically rejected the analogy to the federal Freedom of Information Act (FOIA) and interpretations of that law from federal courts, because prior Minnesota case law has determined that FOIA is “fundamentally different” from Minnesota’s MGDPA. However, the Court of Appeals also indicated that applying a reasonableness requirement to government data requests under the MGDPA as the federal courts have done under FOIA may be “sound public policy,” but this determination is outside the scope of the authority of the Court of Appeals to decide.

MSBA is supportive of requiring requests for data from government entities to be reasonable. The burden of responding to public data requests has grown exponentially for government entities, including school districts, and they need relief.