



Proposed Resolution Form

Full name of School District

Independent School District 200; Hastings Public Schools

Full name of individual submitting for the school board Jessica Dressely.

Title/Position of individual submitting for the school board School Board Member.

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x 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. 08/24/2026.

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

Amend Minnesota Statutes § 13.03 to address repetitive public data requests made primarily for commercial or for-profit purposes that create a cumulative and disproportionate administrative burden on school districts and other governmental entities.

The Legislature should consider reasonable limitations on the frequency and scope of repetitive commercial data requests and expand the authority of governmental entities to recover the reasonable and documented costs associated with responding to such requests, including administrative staff time necessary to receive, review, evaluate, calculate costs for, retrieve, compile, reproduce, and transmit requested data.

Any amendment should preserve meaningful public access to government data for purposes of transparency and accountability while ensuring that taxpayer-funded staff and resources are not disproportionately diverted from governmental responsibilities to facilitate repetitive requests made primarily for private commercial gain.

DESCRIBE THE PROBLEM:

Minnesota Statutes § 13.03 establishes the public's right to access public government data and is an essential component of government transparency and accountability. School districts appropriately dedicate staff time and public resources to fulfilling requests for government information.

However, the statute also allows private, for-profit companies to repeatedly request government data for the acknowledged purpose of using that information commercially.

Hastings Public Schools has experienced this issue firsthand. The district receives multiple public data requests each week from a single out-of-state, for-profit company seeking records related to individual vendors. The company expressly acknowledges the commercial nature of its requests, stating:

“For full transparency, this request is for commercial purposes.”

Unlike other commercial entities that may request comprehensive accounts-payable information once annually, these requests are submitted repeatedly throughout the year for individual vendors.

Each request requires district employees to receive and review the request, determine the location and scope of responsive records, seek clarification when necessary, identify the staff and systems required to fulfill it, calculate the legally permissible charge, and communicate that cost to the requester. If the requester proceeds, staff must then retrieve, compile, review, reproduce, and transmit the responsive data.

The district has begun calculating and providing the allowable costs associated with these requests, which are frequently less than \$25 per request. In some instances, the requester does not respond after receiving the cost estimate, leaving the district with staff time already expended and no reimbursement for that work.

The result is a recurring administrative burden that existing cost-recovery provisions do not adequately address.

EXPLAIN WHY THIS IS A PROBLEM:

The Minnesota Government Data Practices Act exists to ensure that the government remains open, transparent, and accountable to the public. This resolution does not seek to diminish that important right.

The concern is whether a law designed to promote government transparency should also require taxpayers to repeatedly subsidize administrative work performed primarily to support a private company's commercial activities.

The burden of an individual request may appear relatively small. The problem becomes significant when requests are considered cumulatively. Multiple requests each week create repeated administrative processes that require staff to review requests, identify and retrieve responsive records, determine whether any information is not public under state or federal law, calculate allowable charges, communicate with the requester, and prepare records for release.

Some requests may also require review by legal counsel to determine whether information is classified as private, confidential, or otherwise not public and must be redacted before disclosure. This creates additional staff time and potential legal expenses borne by the governmental entity.

Even when a district charges the amount currently permitted by law, the amount recovered may not reflect the actual administrative cost of responding. When a requester does not proceed after receiving a cost estimate, the district may recover nothing for work already performed.

This creates an important distinction between the right to access public data and an unlimited right to consume taxpayer-funded administrative resources.

The issue is not whether a private company should be able to obtain public government data. Public data should remain accessible as required by law. The issue is whether the same commercial requester should be able to submit an effectively unlimited number of repetitive requests throughout the year while governmental entities have limited ability to manage the cumulative burden or recover the costs those requests impose.

For school districts, this burden directly affects resources intended to support educational and operational responsibilities. Time spent repeatedly processing commercial data requests is time employees cannot devote to their primary responsibilities.

Minnesota law should therefore recognize the cumulative number, frequency, scope, and administrative burden of repetitive commercial requests rather than evaluating each request entirely in isolation.

A reasonable statutory solution could permit governmental entities to:

1. Establish reasonable periodic limits on the frequency or scope of substantially similar requests submitted by the same commercial requester when necessary to prevent an undue administrative burden;
2. Require substantially similar commercial requests to be consolidated into periodic requests when the information can reasonably be provided in that manner;
3. Recover reasonable and documented administrative costs associated with repetitive commercial requests, including staff time necessary to review requests and determine the applicable cost of fulfillment;
4. Consider the cumulative number, frequency, scope, and administrative burden of requests from the same commercial requester when establishing authorized fees or reasonable procedures for subsequent requests; and
5. Require a commercial requester to accept and pay an authorized cost estimate before additional staff resources are expended retrieving, compiling, reviewing, reproducing, or transmitting the requested data.

These provisions would preserve access to public data while providing reasonable guardrails against the disproportionate use of taxpayer-funded administrative resources for repetitive commercial purposes.

PROVIDE SUPPORTING DOCUMENTATION:

Minnesota Statutes § 13.03 – Access to Government Data

Minnesota Statutes § 13.03 establishes the public's right to inspect and obtain copies of public government data and establishes requirements governing governmental entities' responses to public data requests.

Minnesota Statutes § 13.03, subdivision 3 – Requests for Access to Data

Subdivision 3 establishes requirements governing requests for access to public government data and the costs governmental entities may recover for providing copies.

The existing cost-recovery provisions do not adequately account for the cumulative administrative burden created when the same commercial requester submits numerous separate requests throughout the year.

Minnesota Statutes § 13.03, subdivision 3(d) – Commercial Value of Government Data

Existing Minnesota law already recognizes that government data may possess commercial value. Under specified circumstances, § 13.03, subdivision 3(d), permits a responsible authority to charge an additional reasonable fee when requested government data have commercial value and constitute a substantial and discrete portion of certain information developed through a significant expenditure of public funds.

This provision demonstrates that Minnesota law already recognizes circumstances in which the commercial use or value of publicly funded government information may appropriately affect the fees associated with obtaining that information.

Hastings Public Schools – Operational Experience

Hastings Public Schools receives multiple public data requests each week from the same out-of-state commercial entity seeking information regarding individual district vendors. The requester expressly acknowledges that its requests are made for commercial purposes..

Although the district calculates the costs it is legally permitted to charge, those amounts are often less than \$25 per request and may not reflect the full administrative burden involved. When the requester does not proceed after receiving a cost estimate, district employees have nevertheless already expended public resources reviewing the request and calculating the allowable charge.

By comparison, other commercial entities have requested comprehensive district accounts-payable information on an annual basis, demonstrating that commercial access to government financial data can occur without multiple vendor-specific requests each week throughout the year.

The central concern is therefore not commercial access itself, but the frequency and cumulative administrative burden of repetitive commercial requests and the limited tools currently available to governmental entities to manage and recover the costs associated with that burden.

Requested Legislative Principle

Public data should remain public, but access to public data should not provide a private, for-profit entity with an unlimited right to repeatedly consume taxpayer-funded staff resources for commercial purposes without reasonable limitations or appropriate cost recovery.

Minnesota Statutes § 13.03 should be amended to provide governmental entities with reasonable tools to manage repetitive commercial requests while preserving meaningful public access, transparency, and accountability.