



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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☐ **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. 09/23/2026.

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/or 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 the 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 their 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 legitimate 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 and seek information regarding individual vendors.

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

The district has begun calculating and providing the allowable costs associated with these requests. Those costs are frequently less than \$25 per request.

In some instances, after district employees have already expended time reviewing the request and calculating the applicable cost, the commercial requester does not respond.

The result is a recurring administrative burden for which the district may receive little or no reimbursement.

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 the use of a law designed to promote government transparency as a mechanism through which a private company can repeatedly require taxpayer-funded employees to perform administrative work for the purpose of acquiring information for private commercial gain.

The burden of an individual request may appear relatively small. The problem becomes apparent when requests are considered cumulatively rather than individually.

When a commercial entity submits multiple requests every week, each request creates a new administrative process that can require substantially more public resources than simply locating and transmitting records. District staff must review the request, identify and retrieve responsive records, determine whether the information contains data that are not public under state or federal law, calculate allowable costs, communicate with the requester, and prepare the records for release. In some instances, responsive records must also be referred to the district's legal counsel for review to determine whether information is classified as private, confidential, or otherwise not public and must be redacted prior to disclosure. This creates additional staff time and may result in legal expenses borne by the district. When these requests are submitted repeatedly by a for-profit entity for acknowledged commercial purposes, the cumulative administrative and legal burden can be significant.

Even when a district charges the amount currently permitted by law, the amount recovered may not reflect the full administrative cost of responding to the request.

Moreover, when a requester does not proceed after receiving the district's cost estimate, the district has already expended taxpayer-funded employee time reviewing the request and determining the applicable charge, yet may recover nothing for that work.

This creates an important distinction between access to public data and unlimited use of public 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 a private, for-profit company should be permitted to submit an effectively unlimited number of repetitive commercial requests throughout the year, requiring public employees to repeatedly divert time from their regular responsibilities, while the governmental entity has limited ability to recover the actual cumulative cost imposed by those requests.

School district employees are hired and funded to support the educational and operational responsibilities of the district. Time spent repeatedly processing commercial data requests is time those employees cannot devote to their primary responsibilities.

Minnesota law should therefore recognize the cumulative administrative burden created by repetitive commercial requests rather than evaluating the burden and recoverable cost of each request in isolation.

A reasonable statutory solution could permit governmental entities to:

1. Establish reasonable annual or other periodic limits on the frequency of substantially similar requests submitted by the same commercial requester;

2. Require repetitive commercial requests concerning substantially similar information to be consolidated into a single periodic request when the requested information can reasonably be provided in that manner;
3. Establish reasonable limitations on the scope of repetitive commercial requests when necessary to prevent an undue administrative burden;
4. Recover reasonable and documented administrative costs associated with repetitive commercial requests, including staff time necessary to review the request and determine the applicable cost of fulfillment;
5. Consider the cumulative number, frequency, scope, and administrative burden of commercial requests submitted by the same requester when determining applicable fees or reasonable procedures for fulfilling subsequent requests; and
6. 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 information.

These provisions would not prevent access to public data. Rather, they would establish reasonable guardrails so that the statutory right to access government information does not create an unlimited obligation for taxpayers to provide administrative services that primarily support a private company's commercial activities.

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 of requested information.

The existing cost-recovery provisions do not adequately address 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 can 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 a legitimate distinction between ordinary public access and circumstances in which publicly funded government information provides commercial value to a requester.

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 has begun calculating the costs it is legally permitted to charge, those amounts are often less than \$25 per request and do not necessarily reflect the full administrative burden associated with receiving, reviewing, evaluating, costing, retrieving, compiling, reviewing, and fulfilling the requests.

When a requester does not respond after receiving a cost estimate, district employees have nevertheless already expended public resources reviewing the request and calculating the allowable charge.

Other commercial entities have requested broad district accounts-payable information on an annual basis. Those requests demonstrate that commercial access to government financial data can occur without requiring multiple vendor-specific requests every week throughout the year.

The frequency and cumulative administrative burden of repetitive commercial requests—not merely the commercial status of the requester—is therefore the central concern addressed by this resolution.

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.