



OFFICE OF THE LEGISLATIVE AUDITOR
STATE OF MINNESOTA • James Nobles, Legislative Auditor

July 31, 2014

Spencer Cronk, Commissioner
Minnesota Department of Administration
50 Sherburne Avenue
St. Paul, MN 55155

RE: Data Practices Advisory Opinion Requested by J.T. Haines for Public Record Media

Dear Commissioner Cronk:

Mr. Haines, Special Counsel for Public Record Media, has requested certain documents from the Office of the Legislative Auditor (OLA). The documents are related to an OLA audit of managed care organizations. OLA would not provide the documents to Mr. Haines, and he is seeking an advisory opinion from you as to their classification.

I am writing to inform you that the documents Mr. Haines seeks are part of an ongoing OLA audit and are, therefore, currently classified as not public. *Minnesota Statutes* 2013, 3.979, subd. 3(a), states the following:

...Data relating to an audit are not public or with respect to data on individuals are confidential until the final report of the audit has been released by the legislative auditor or the audit is no longer being actively pursued. Upon release of a final audit report by the legislative auditor, data relating to an audit are public except data otherwise classified as not public.

This provision of law is clear. It classifies all documents that are "related to" an ongoing audit as not public, even documents that are otherwise public. The not public classification does not end until the Legislative Auditor completes the audit and issues a final report, or is no longer conducting the audit. We anticipate that our audit of managed care organizations will be completed this fall.

To grant Mr. Haines access to the documents would violate state law and damage an important safeguard in the audit process. In fact, even legislators, including members of the Legislative Audit Commission, are not given access to OLA work papers until an audit is completed. In sum, Mr. Haines will have to be patient and allow the law to work as intended.

Sincerely,

James Nobles
Legislative Auditor

cc: Laurie Beyer-Kropuenske