

I. Introduction

A. ~~Japan~~ story?

Base & scope of MGDPA  
classes of data. Do different things <sup>where</sup>  
because of those classes

II. Plaque of the unanswerable question.

A. Until 1985, chief among those plaques  
type questions was the  
MGDPA Open Meeting Law?

B. Briefly put the issue was:

How <sup>over</sup> does a public body, subject  
to the Open Meeting Law discuss  
data which is classified as  
not public under the MGDPA  
or other statute do so w/o  
subjecting itself <sup>either</sup> to liability for  
wrongful dissemination of data.  
or to a civil penalty ~~off~~ for  
violation of open meeting law -

C. my answer: you don't. So pick  
which one you will violate &  
baseed a risk analysis of impact  
and hope for a reasonable  
judge

high  
activity

Bad  
assumption

D. Since August, 1985 there is an clearer answer to that issue but not a satisfactory answer

E. Itasca v. Olson materials

1. Facts. Hospital Admin. County Board. "Setup"  
Evaluation of Perf. = Private Data  
Dec. Judgment

2. TC said case <sup>to court</sup> & do this on a case by case basis. Court will balance privacy v. public disclosure

3. County appealed. Ct of App held:

a. Given express except required by open meeting law  
See 1st <sup>sentence</sup> ~~sentence~~ of 471.205 to case a meeting a classification as not public under MBDPA or other statute, <sup>classifying data</sup> is not express exception

b. MBDPA itself (S. 13.03 sub 4 quoted requires class of data to change from private

4. Result: Cannot close a meeting to discuss <sup>not public</sup> data. Once discussed at open meeting it becomes public data.

~~5. go to far~~  
~~But say Apps. result ~~do not~~~~  
~~go to far.~~

Clinker

5. If the Ct of Apps had just stopped here life would be simple for you in ~~advising~~ <sup>advising</sup> your clients on this issue but they did not, they said:

Do not go too far w/ this <sup>holding</sup>.  
Open meeting Law should not used to destroy integrity of MEDPA as it concerns all levels of public emp/tyeeds in personnel matters.

What does that mean?

6. Legislative Response <sup>Activity on this issue</sup>  
<sup>1985</sup> Last session: Sweathand deal between media & Gov  
Leg did not like  
Current AHC Plan

III Had planned to stop at this point  
but have a recent DC <sup>11/5/87</sup>  
~~case~~ decision of interest to you

- In materials is Excerpt  
from that case  
Wiborg v. City of Anoka

A. Facts 1983

Stag party

IA investigation, Discipline of  
officers. Subsequent disclosure  
of date to personnel within city  
but out of PD, to other law  
enforcement agencies. to public

B. Problem:

1. Gaurity

B. Background

1. Attempts to improve prosecution  
of IA investigations
2. Post Board rules on IA's
3. Training by cops - No Atty.
4. Emphasis on Gaurity  
statement
5. Gaurity sounds like TW &  
also notes what could be  
viewed as promises to on  
officers has ...

C. Anka cops disciplined got a Garrity statement. which inter alia said info requested from them was confidential would only be used within the Dep Anka PD

D. Problem: Garrity sounds like Texas law warning.

- 1. What is a TW. 13.14 sub 2  
Our view is in materials
- 2. Rationale behind TW
- 3. So on

E. Subsequently some disciplined officers sued Anka alleging violation of cause of Actin under common law and violation of MGPPA

- 1. Case has worked its slow way through court until now
- 2. Latest development a ruling on summary judgment by Judge Kavanaugh in Anka

Except from his decision is in materials. Deals only w/ MGPPA cause of Actin (cover)