

Blue Cross and Blue Shield of Minnesota
and Blue Plus

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November 5, 2012

Matt Ehling
President, Public Record Media, LLC
2375 University Avenue West - Suite 200
Saint Paul, MN 55114

Re: Request for data under the Minnesota Government Data Practices Act

Dear Mr. Ehling:

This replies to your letter addressed to the Legal Department, HMO Minnesota d/b/a Blue Plus received October 3, 2012. Your letter requests access to data maintained by Blue Plus "as a part of the contractual services it provided to the Minnesota Department of Human Services (DHS) during the calendar year 2008." The contract referenced is number B06778. Our records show that this is the contract between Blue Plus and the Minnesota Department of Human Services for Prepaid Medical Assistance Program Services for Persons under Age 65; Prepaid General Assistance Medical Program Services and MinnesotaCare Program Services.

Your letter states that you are seeking access to this data pursuant to Minn. Stat. § 13.05, subd. 11(a) of the Minnesota Government Data Practices Act. This authority does not permit access to the data requested in your letter. Minn. Stat. § 13.05, subd. 11 (b) provides that there is no duty to provide access to the requested data if the data are available from the government entity. Section 13.05, subd. 11(b) states " [t]his subdivision does not create a duty on the part of the private person to provide access to public data to the public if the public data are available from the government entity, except as required by the terms of the contract." Thus, under the applicable law, public data requests are required to be presented to the appropriate government entity before seeking access to data from a private entity. Accordingly we respectfully defer to the government entity to respond to your request.

If you are able to demonstrate that a proper governmental request was made and the appropriate government entity does not have the requested public data, you may be assessed for the reasonable costs associated with searching for and retrieving the data and making copies, pursuant to Minn. Stat. § 13.03, subd. 3(c) and Minnesota Rules, part 1205.0300. In addition, Blue Plus reserves all legal rights and remedies it may have in responding to the data requested in your October 3 letter and any subsequent requests.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. E. Colton', is written over a white background.

Alison E. Colton
Senior Policy Counsel

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