

Jessica L. Roe  
Attorney

612-351-8305 (D)  
612-810-1807 (C)  
jroe@roelawgroup.com

60 South Sixth Street  
Suite 2670  
Minneapolis, MN 55402  
612-351-8300 (O)  
612-351-8301 (F)  
www.roelawgroup.com

November 8, 2016

Jill Kielblock  
Minnesota Bureau of Mediation Services  
1380 Energy Lane, Suite Two  
St. Paul, MN 55108

VIA U.S. MAIL AND EMAIL (Jill.Kielblock@state.mn.us)

Re: BMS Case No. 16PCE0644

Dear Ms. Kielblock:

We are in receipt of your letter dated November 7, 2016. Unfortunately, the BMS has incorrectly analyzed our request for data dated November 4, 2016.

Our request is made under the Minnesota Government Data Practices Act (“MGDPA”), which provides that all government data are presumed to be public unless a statutory classification exception applies. Minn. Stat. § 13.03, subd. 1. In reference to data received or maintained by the BMS, the MGDPA exempts only: (1) the authorization signatures or cards furnished in support of a petition or election; and (2) data pertaining to mediation services provided under chapter 179. Minn. Stat. § 13.7908.

Neither of these exceptions applies here. UMN FE did not request the authorization signatures or cards that SEIU submitted in support of its petition, and the action here is a unit determination under chapter 179A, not a mediation under chapter 179. Because neither exception applies, the data we requested are public.

You indicated that our request was denied because the “information demanded . . . is ‘privileged and confidential information available to the commissioner only’ pursuant to Minn. Stat. § 179A.12, Subd. 6.” However, there is no basis for such a claim. As in the MGDPA, section 179A.12, subdivision 6 classifies only the “authorization signatures” as “privileged and confidential information available to the commissioner only.” UMN FE did not request the authorization signatures themselves, and no other data are exempted under Minn. Stat. § 179A.12, subd. 6.

Not one item requested demands anything that would be deemed privileged and confidential under the MGDPA or Minn. Stat. § 179A.12, subd. 6. By requesting the total

Jill Kielblock  
November 8, 2016  
Page 2

number of authorization signatures or cards submitted, the total number of authorization cards dated prior to July 20, 2015, and a numerical breakdown by job classification, UMN FE has only requested public data.

Therefore, we respectfully request reconsideration of our letter dated November 4, 2016, with the appropriate analysis of our request.

Yours very truly,

ROE LAW GROUP, PLLC

*/s/ Jessica L. Roe*

Jessica L. Roe

cc: Josh Tilsen, Commissioner  
Doug Peterson, General Counsel  
Shelley Carthen Watson, Senior Associate General Counsel  
Karen Schanfield, Esq.  
Brendan Cummins, Esq.