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**STATE OF MINNESOTA
IN COURT OF APPEALS
A17-1967**

The Echo Newspaper,
Appellant,

vs.

St. Louis Park Public Schools,
Independent School District #283, et al.,
Respondents

**Filed August 13, 2018
Affirmed
Worke, Judge**

Hennepin County District Court
File No. 27-CV-17-656

Christopher A. Seidl, George B. Ashenmacher, Robins Kaplan LLP, Minneapolis, Minnesota (for appellant)

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Considered and decided by Johnson, Presiding Judge; Worke, Judge; and Reyes, Judge.

UNPUBLISHED OPINION

WORKE, Judge

Appellant argues that the district court erred in determining that a video recording of a student incident in a school hallway is “educational data” under the Minnesota Government Data Practices Act (MGDPA), Minn. Stat. §§ 13.01-.90 (2016). We affirm.

FACTS

Respondent St. Louis Park Public Schools, Independent School District #283 (the district) maintains video cameras in the hallways of St. Louis Park High School. A camera captured the identities of two students who were allegedly involved in an altercation on November 14, 2016.

On November 15, 2016, appellant The Echo Newspaper (Echo) submitted a data practices request for the video footage. After the district received the request, it downloaded a copy of the video so that it would not be relooped. The district does not archive video tapes, but retains the footage until it is relooped. The record is unclear as to how much footage the district retains before the video is relooped.

On or about November 16, 2016, the district informed Echo that the contents of the video were private student data not accessible to Echo. In January 2017, Echo brought suit against the district seeking compliance with its request for the video footage pursuant to the MGDPA. The parties filed cross-motions for summary judgment, contesting whether the requested data was private “educational data” under state and federal law. The district court granted the district’s motion and denied Echo’s, concluding that the video footage was “educational data” under the MGDPA. This appeal followed.

DECISION

Echo argues that the district court erred in its interpretation of the MGDPA. This court reviews questions of statutory interpretation *de novo*. *Hyatt v. Anoka Police Dep’t*, 691 N.W.2d 824, 826 (Minn. 2005).

“The object of all statutory interpretation is to ascertain and effectuate the intention of the Legislature.” *Cocchiarella v. Driggs*, 884 N.W.2d 621, 624 (Minn. 2016). First, this court “examine[s] the statutory language to determine whether the words of the law are . . . free from all ambiguity.” *Id.* (quotation omitted). “A statute is ambiguous only if it is susceptible to more than one reasonable interpretation.” *500, LLC v. City of Minneapolis*, 837 N.W.2d 287, 290 (Minn. 2013). To determine whether a statute is ambiguous, this court interprets the statute “as a whole so as to harmonize and give effect to all its parts.” *328 Barry Ave., LLC v. Nolan Props. Grp., LLC*, 871 N.W.2d 745, 749 (Minn. 2015) (quotation omitted). When the language of a statute is unambiguous, this court applies the statute’s plain language and will not “explore its spirit or purpose.” *Cocchiarella*, 884 N.W.2d at 624.

The MGDPA “regulates the collection, creation, storage, maintenance, dissemination, and access to government data in government entities.” Minn. Stat. § 13.01, subd. 3. The MGDPA “presum[es] that government data are public and are accessible by the public.” *Id.* However, as a general rule, the MGDPA establishes that “educational data is private data on individuals and shall not be disclosed” unless an exception applies. Minn. Stat. § 13.32, subd. 3. The MGDPA defines “[e]ducational data” as “data on individuals maintained by a public educational agency or institution or by a person acting for the agency or institution which relates to a student.” *Id.*, subd. 1(a). Echo argues that the district court erred by concluding that the district “maintained” the hallway video and that the video contains information “which relates to a student.”

“Maintained”

Echo argues that the video is not “educational data” because the video was not “maintained” by the district. In *KSTP-TV v. Metro. Council*, the supreme court recently analyzed the definition of “maintained” in the context of the MGDPA. 884 N.W.2d 342, 345-46 (Minn. 2016). In that case, the supreme court considered whether Metro Transit “maintained” video recordings from its buses when the recordings were initially stored on hard drives that held up to 330 hours of video before the system would begin recording over the older data. *Id.* at 344. The court considered dictionary definitions and determined that “[t]he common and ordinary meaning of the term ‘maintained’ is to ‘keep in an existing state; [to] preserve or retain.’” *Id.* at 345 (quoting *The American Heritage Dictionary of the English Language* 1058 (5th ed. 2011)). The supreme court reasoned that the videos “were initially ‘maintained’ on hard drives” and were later “‘preserv[ed] or retain[ed]’ on DVDs because Metro Transit employees downloaded them.” *Id.* at 345-46.

Here, because the hallway video was stored and accessible for at least one day after the incident, we conclude that the security video was “maintained” within the meaning of the MGDPA. This interpretation is bolstered by Minn. R. 1205.0200, subp. 4 (2017), which defines “data” for purposes of the MGDPA. Subpart 4 states that “[d]ata can be maintained in any form[.] . . . The duration of the existence of data, including whether certain data is temporary rather than permanent, is not relevant to compliance with [the MGDPA].” Minn. R. 1205.0200, subp. 4. The district court did not err by concluding that the district “maintained” the security video within the meaning of the MGDPA.

“Relates to a student”

Echo argues that the term “relates to a student” is ambiguous and that the district court erred in interpreting that phrase. This court interprets the words used in a statute according to their plain meaning. *Shire v. Rosemount, Inc.*, 875 N.W.2d 289, 292 (Minn. 2016). “To determine the plain meaning of a word, we often consider dictionary definitions.” *Id.* “[R]elate” is defined as “[t]o have connection, relation, or reference[.]” *The American Heritage Dictionary of the English Language* 1482 (5th ed. 2011); *Merriam-Webster’s Collegiate Dictionary* 1050 (11th ed. 2003) (defining “relate” as “to have relationship or connection”).

The word “relates” as it is used in the MGDPA appears to cover a wide range of data. However, this breadth does not necessarily imply ambiguity. “A statute is ambiguous only if it is susceptible to more than one reasonable interpretation.” *500, LLC*, 837 N.W.2d at 290. Echo asserts that the term “relates to a student” is ambiguous, but does not offer more than one reasonable interpretation. We conclude that “relates to a student” is not ambiguous and that it covers data that has a relationship or connection with a student. We also conclude that a security video depicting identifiable students allegedly involved in an altercation “relates to a student” within the meaning of the statute. Therefore, the district court did not err by concluding that the video footage was “educational data” within the meaning of the MGDPA and inaccessible to Echo.

Echo also argues that the district court erred in concluding that the video footage was an “education record” under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g (2012). Because we conclude that the district court did not err in its

interpretation of the MGDPA, the data is inaccessible regardless of its classification under FERPA. Thus, we need not reach this issue and decline to address it.

Affirmed.