STATE OF MINNESOTA

IN SUPREME COURT

A18-1981

Court of Appeals

Hudson, J.
Took no part, Anderson, Moore, JJ.

Kristina Greene, et al.,

Respondents/Cross-Appellants,

vs.

Filed: September 16, 2020
Office of Appellate Courts

Minnesota Bureau of Mediation Services, et al.,

Appellants/Cross-Respondents.

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S Y L L A B U S

1. A group of personal care assistants seeking to decertify a public union was not entitled under Minn. Stat. § 179A.54, subd. 9 (2018), to a list containing contact information for individual personal care assistants compiled by the Department of Human Services under Minn. Stat. § 256B.0711, subd. 4(f) (2018).

2. The Department of Human Services and Minnesota Management and Budget did not violate the Minnesota Government Data Practices Act, Minn. Stat. §§ 13.01–.90 (2018), by declining to disclose the list to a group of personal care assistants seeking to decertify a public union.

Affirmed in part, reversed in part, and remanded.

O P I N I O N

HUDSON, Justice.

In this case we consider the statutory framework governing public access to a list of contact information for personal care assistants who provide home-based services to participants in state programs. Here, a group of individual personal care assistants requested access to the list to garner support for their attempt to decertify a public union as their exclusive representative. These personal care assistants sued the relevant government agencies when they were denied access to the list under a provision of the Public Employment Labor Relations Act, Minn. Stat. § 179A.54, subd. 9 (2018) (the PELRA provision).

The district court concluded that personal care assistants are state employees for purposes of the Minnesota Government Data Practices Act, Minn. Stat. §§ 13.01–.90

(2018), and ordered disclosure of the list. The court of appeals concluded that the personal care assistants were not entitled to the list under the PELRA provision, but they were entitled to it under the Data Practices Act. We conclude that the personal care assistants were not entitled to the list under either the PELRA provision or the Data Practices Act. Therefore, we affirm in part, reverse in part, and remand to the district court.

FACTS

Appellants (the agencies) include the Department of Human Services (DHS) and Minnesota Management and Budget (MMB).[1] Respondents are Kristina Greene and six other individual personal care assistants (PCAs) who seek to decertify the Service Employees International Union (SEIU) as the exclusive representative for the bargaining unit of PCAs.

PCAs provide in-home health care and daily living assistance to elderly individuals and people with disabilities who participate in DHS-operated state programs (participants). Participants may either hire a PCA from a traditional agency provider, Minn. Stat. § 256B.0659, subd. 24 (2018), or hire a PCA directly under a so-called self-directed option such as PCA Choice, *id*., subd. 18 (2018). Participants who choose a self-directed option like PCA Choice may independently recruit, hire, and train the PCAs who provide their care. *Id.*, subd. 19(a) (2018). This case concerns PCAs who were hired by a participant directly under PCA Choice or another self-directed option.

[1] The Bureau of Mediation Services (BMS) was originally a party to the lawsuit. The district court concluded that BMS could not be held liable and dismissed all claims against BMS. Respondents did not appeal this conclusion.

According to DHS, "many of the elderly individuals and persons with disabilities who participate in DHS programs receive care from a relative who lives with them." Participants do not pay their PCAs directly; instead, DHS pays PCAs involved in self-directed programs through fiscal intermediaries. Minn. Stat. § 256B.0659, subd. 18.

In-home care providers are generally excluded from collective bargaining under the National Labor Relations Act. 29 U.S.C. § 152(3). But in 2013, the Legislature enacted the Individual Providers of Direct Support Services Representation Act, a section of PELRA, Minn. Stat. §§ 179A.01–.60 (2018). Act of May 24, 2013, ch. 128, art. 2, § 1, 2013 Minn. Laws 2170, 2173–75 (codified at Minn. Stat. § 179A.54 (2018)). This Act allows PCAs to organize for collective bargaining under PELRA by categorizing PCAs as "executive branch state employees employed by the commissioner of management and budget" for purposes of collective bargaining. Minn. Stat. § 179A.54, subd. 2. To facilitate the collective bargaining process, DHS must, on a monthly basis, "compile and maintain a list of the names and addresses of all individual providers who have been paid for providing direct support services to participants within the previous six months." Minn. Stat. § 256B.0711, subd. 4(f) (2018) (the Medical Assistance provision). DHS compiled and maintained a list of the names and home addresses of PCAs pursuant to this Medical Assistance provision. The PELRA provision specifies when the list that DHS compiles and maintains under the Medical Assistance provision becomes "publicly available." Minn. Stat. § 179A.54, subd. 9.

In 2014, SEIU gained access to the list by satisfying the PELRA provision criterion specifically identified for employee organizations—a showing to the Bureau of Mediation

Services that 500 individual PCAs support such representation. *See id*. SEIU then requested and won a certification election. Since the election in 2014, SEIU has been the exclusive representative for PCAs.

On May 25, 2016, respondents requested the most recent list of PCAs as part of their effort to decertify SEIU as their exclusive representative under PELRA. *See* Minn. Stat. § 179A.12, subd. 3. PELRA effectively allows a 60-day window to seek a decertification election. *See id.*, subds. 3–4. To obtain a decertification election, respondents had to demonstrate that "at least 30 percent of the employees wish to be unrepresented." *Id.*, subd. 3. Respondents sought the most recent list so that they could contact PCAs to garner support for decertification. The Bureau of Mediation Services (BMS) gave respondents the 2014 list after determining that it was the only list that was "publicly available" under the PELRA provision. Minn. Stat. § 179A.54, subd. 9.

After receiving the 2014 list, respondents again requested the most recent 2016 list. Like BMS, the agencies denied respondents' request for an updated list after determining that the 2016 list was not "publicly available" under the PELRA provision, *id.* Challenging this denial, respondents claimed that "their efforts to collect the required number of signatures" for their decertification effort was "significantly impaired by the inaccurate and outdated 2014 PCA list."

In October 2016, respondents sued the agencies for failing to provide the 2016 list. Respondents sought injunctive relief under the Data Practices Act. They relied on Minn. Stat. § 179A.54, subd. 2, which states that PCAs are considered "executive branch state employees" for purposes of PELRA, although the statute "does not require the treatment

of individual providers as public employees for any other purpose." *Id.* Respondents argued that PCAs are state employees for purposes of the Data Practices Act, rendering their "personnel data" publicly accessible. *See* Minn. Stat. § 13.43, subd. 2 (providing that specified "personnel data on current and former employees . . . of a government entity is public").

The district court granted a temporary injunction, ordering disclosure of the 2016 list under the Data Practices Act, ultimately requiring the agencies to provide a current list of names and addresses that DHS compiled under Minn. Stat. § 256B.0711, subd. 4(f), as well as the telephone number that DHS maintained for each PCA. Following an unsuccessful appeal, the agencies complied with the order. *See Greene v. Minn. Bureau of Mediation Servs.*, No. A16-1863, 2017 WL 3122343 (Minn. App. July 24, 2017) (affirming temporary injunctive relief requiring the disclosure of names, addresses, and telephone numbers of PCAs).

The parties then filed cross-motions for summary judgment. Respondents argued that the agencies violated the Data Practices Act by failing to release the 2016 list and asked the district court to make permanent the temporary injunctive relief previously granted. According to respondents, DHS had an obligation to provide access to the current list of PCAs as public "personnel data" under the Data Practices Act, Minn. Stat. § 13.43, subd. 2, and as "publicly available" information under the PELRA provision, Minn. Stat. § 179A.54. The agencies argued that respondents were not entitled to the list because the information in the list is not public personnel data under the Data Practices Act or publicly available under the PELRA provision. The district court concluded that the agencies

violated the Data Practices Act "by failing to provide public data as to the providers involved, who are state employees" for purposes of the Data Practices Act. Although the district court recognized that the home addresses of PCAs are not public personnel data, *see* Minn. Stat. § 13.43, subd. 2, the court noted that it could order the disclosure of private personnel data, *see id.*, subd. 4. The district court did not address whether the list was publicly available under the PELRA provision.

The agencies appealed. The court of appeals held that respondents were not entitled to the 2016 list under the PELRA provision, Minn. Stat. § 179A.54, subd. 9, because respondents did not meet the statutory criteria to receive the list. *Greene v. Minn. Bureau of Mediation Servs.*, No. A18-1981, 2019 WL 3776949, at *3−4 (Minn. App. Aug. 12, 2019). But the court of appeals further held that respondents were entitled to the list under the Data Practices Act. *Id.* at *8. The court of appeals reasoned that PCAs are public employees for purposes of the Data Practices Act, and therefore their "personnel data" is subject to disclosure under Minn. Stat. § 13.43. *Id.* at *6−8. Accordingly, the court of appeals held that the agencies—including MMB, which the court of appeals treated as the employer of PCAs—violated the Data Practices Act. *Id.* at *8.

The agencies sought review of the court of appeals' decision, asking us to decide whether respondents are entitled to the 2016 list under the Data Practices Act, and if so, whether MMB can be held liable for a data practices violation. Respondents sought conditional cross-review, asking us to determine whether they are entitled to the 2016 list under the PELRA provision. We granted review on all issues.

ANALYSIS

This case requires us to interpret the PELRA provision, the Medical Assistance provision, and the Data Practices Act. Specifically, we must decide whether respondents are entitled to the 2016 list under the PELRA provision or the Data Practices Act.

We review a district court's grant of summary judgment de novo. *Cilek v. Off. of Minn. Sec'y of State*, 941 N.W.2d 411, 415 (Minn. 2020). We also review statutory interpretation de novo. *Id.* We apply the plain meaning of a statute if the Legislature's intent "is clear from the unambiguous language of the statute." *Staab v. Diocese of St. Cloud*, 853 N.W.2d 713, 716–17 (Minn. 2014). "A statute is ambiguous only when the statutory language is subject to more than one reasonable interpretation." *State v. Fleck*, 810 N.W.2d 303, 307 (Minn. 2012). We construe statutes "as a whole" so that statutory language is understood in context. *State v. Bowen*, 921 N.W.2d 763, 765 (Minn. 2019). "One of our goals in statutory interpretation is to harmonize statutes if possible." *Vill. Lofts at St. Anthony Falls Ass'n v. Hous. Partners III-Lofts, LLC*, 937 N.W.2d 430, 439 (Minn. 2020).

I.

We first consider whether respondents were entitled to the 2016 list under the PELRA provision, Minn. Stat. § 179A.54, subd. 9. The Medical Assistance provision, section 256B.0711, subdivision 4(f), requires DHS to compile and maintain a list of the contact information for individual PCAs on a monthly basis. The PELRA provision addresses access to these monthly lists. The BMS Commissioner must provide the most recent list to an "employee organization" that seeks to become the exclusive representative

of individual PCAs when the organization demonstrates that "at least 500" of those PCAs "support such representation." Minn. Stat. § 179A.54, subd. 9. The BMS Commissioner also must provide the list, upon request, to "any exclusive representative of individual providers." *Id.* "When the list is available to an employee organization under this subdivision, the list must be made publicly available." *Id.*

The parties' dispute centers on the meaning of the last sentence of the PELRA provision: "When the list is available to an employee organization under this subdivision, the list must be made publicly available." *Id.* Specifically, the parties dispute what it means for a list to be "available" to an employee organization. This dispute matters because a list is only publicly available if it is first available to an employee organization. Thus, we must determine the meaning of the word "available" in the PELRA provision.

Section 179A.54 does not define the term "available." The agencies argue that a list is "available" under subdivision 9 only if (1) an employee organization requested the list after demonstrating sufficient support, or (2) the exclusive representative requested the list. It is undisputed that SEIU is an employee organization. But SEIU had not requested the 2016 list when respondents first requested it in May 2016. Thus, according to the agencies' interpretation, the 2016 list was not publicly available.

For their part, respondents argue that a list is "available" whenever individual providers have an exclusive representative; in other words, the exclusive representative does not actually have to request the list for the list to be "available" to the exclusive representative. Consequently, respondents contend that the 2016 list was "publicly available" because SEIU, as the exclusive representative, *could* have requested the list.

The statutory context reveals the plain meaning of the term "available" in the PELRA provision. *See Bowen*, 921 N.W.2d at 765. Reading the PELRA provision in context as a whole, it is clear that a PCA list becomes available to an exclusive representative or employee organization *upon request*. Minn. Stat. § 179A.54, subd. 9 (stating that the BMS Commissioner "shall provide to [a qualified employee organization] within seven days the most recent list of individual providers . . . and three subsequent monthly lists *upon request*" and that the Commissioner "shall provide lists . . . *upon request*, to any exclusive representative of individual providers" (emphasis added)). Thus, the plain language of the statute requires an actual request be made for the list to be publicly available.

The use of the words "provide" and "request" in the PELRA provision further supports our interpretation. One definition of "provide" is to "make available." *The American Heritage Dictionary of the English Language* 1458 (3rd ed. 1996). The PELRA provision uses "provide" in the active voice to describe the actions of the BMS Commissioner. In contrast, the "publicly available" phrase is used in the passive voice. Minn. Stat. § 179A.54, subd. 9 ("When the list is available to an employee organization under this subdivision, the list must be made publicly available."). Rewritten in the active voice, the meaning of this provision becomes clearer: When the BMS Commissioner makes the list available to an employee organization upon request, then the Commissioner must make this list available to a member of the public upon request. Accordingly, a list is available to the public if (1) an employee organization requests the list after demonstrating sufficient support, or (2) if the exclusive representative requests the list.

Respondents argue that this interpretation cannot be what the Legislature intended because it makes the list more difficult to access, which in turn makes it effectively impossible for respondents to seek decertification. Because PELRA explicitly provides a process for decertification, they argue, this interpretation creates absurd results that are inconsistent with the Legislature's intent. We disagree.

First, we generally do not consider whether an interpretation of a statute creates absurd results unless that statute is ambiguous. *Wayzata Nissan, LLC v. Nissan N. Am., Inc.*, 875 N.W.2d 279, 288 (Minn. 2016). We consider whether an unambiguous statute creates absurd results only in the "exceedingly rare case[s] in which the plain meaning of the statute 'utterly confounds' the clear legislative purpose of the statute." *Schatz v. Interfaith Care Ctr.*, 811 N.W.2d 643, 651 (Minn. 2012) (quoting *Weston v. McWilliams & Assocs., Inc.*, 716 N.W.2d 634, 639 (Minn. 2006)).

This is not the exceedingly rare case. Nothing about the PELRA provision suggests that the Legislature intended to give individual PCAs and their exclusive representative equal access to the list—let alone an intention so clear that it overrides the plain meaning of the provision. Indeed, the Legislature would not have created different disclosure rules for employee organizations, exclusive representatives, and the general public if it intended each group to have equal access under all circumstances.

Further, the PELRA provision's plain meaning does not create absurd results because decertification remains a viable option. It is true that if the exclusive representative does not request the most current PCA list, the PELRA provision makes it difficult for a group of PCAs to seek decertification. We acknowledge that for PCAs—a decentralized

group of employees—access to the PCA list is helpful. But the Legislature made clear policy choices in drafting PELRA and it is not for this court to disturb them. Moreover, respondents falsely equate difficulty with impossibility.

Our holding today does not foreclose all paths to decertification. To achieve a decertification election, employees must demonstrate that 30 percent of the bargaining unit no longer wants to be represented by their exclusive representative. Minn. Stat. § 179A.12, subd. 3. A group of employees must therefore know how many PCAs are in the unit to calculate how many signatures they need to reach the 30 percent threshold. They can determine this number, as the agencies note, through public summary data on the bargaining unit under Minn. Stat. § 13.05, subd. 7. Summary data does not identify individual PCAs, but respondents could use it to calculate the necessary number of signatures to request a decertification election. *See* Minn. Stat. § 13.02, subd. 19 (defining summary data as "statistical records and reports derived from data on individuals but in which individuals are not identified" and clarifying that this data is public). Further, in October 2016, respondents themselves achieved 500 signatures in support of their decertification petition without access to an updated list.

Applying the plain meaning of the PELRA provision to these facts, respondents were not entitled to the 2016 PCA list because neither SEIU nor another employee organization had requested the list at the time of respondents' initial request. Accordingly, we affirm the court of appeals' holding that respondents were not entitled to the 2016 PCA list under Minn. Stat. § 179A.54, subd. 9.

II.

Respondents also assert that they were entitled to the 2016 list under the Data Practices Act. Specifically, they argue that PCAs are state employees for purposes of the Data Practices Act and therefore their "personnel data" is public under Minn. Stat. § 13.43. The agencies, meanwhile, argue that the court of appeals erred by applying the Data Practices Act because (1) PCAs are not state employees for purposes of the Data Practices Act, and (2) the PELRA provision overrides the general presumption of public access in the Data Practices Act. We address each argument in turn.

A.

First, we consider whether the PCAs should be treated as state employees for purposes of the Data Practices Act. Under the Data Practices Act, certain specified "personnel data" on state employees is public. Minn. Stat. § 13.43, subd. 2(a). With some exceptions, the following personnel data on state employees is public:

> (1) name; employee identification number, which must not be the employee's Social Security number; actual gross salary; salary range; terms and conditions of employment relationship . . . ;
>
> (2) job title and bargaining unit; job description; education and training background; and previous work experience;
>
> (3) date of first and last employment;
>
> . . .
>
> (7) work location; a work telephone number; badge number . . . .

Id. "All other personnel data is private data on individuals but may be released pursuant to a court order." *Id.*, subd. 4.

Under PELRA, PCAs are considered state employees for purposes of collective bargaining:

> For the purposes of the Public Employment Labor Relations Act, under chapter 179A, individual providers shall be considered . . . executive branch state employees employed by the commissioner of management and budget or the commissioner's representative. This section does not require the treatment of individual providers as public employees for any other purpose. Individual providers are not state employees for purposes of section 3.736.

Minn. Stat. § 179A.54, subd. 2. The agencies emphasize that PELRA "does not require the treatment of individual providers as public employees for any other purpose." *Id.* They argue that PCAs should be treated as state employees "solely for the purposes of collective bargaining." Respondents counter that this provision specifically refers to PCAs as "executive branch state employees," and therefore, PCAs are state employees for purposes of the Data Practices Act.

The court of appeals concluded that PCAs are state employees whose "personnel data" is public under section 13.43. *Greene*, 2019 WL 3776949, at *7–8. The court of appeals reasoned that Minn. Stat. § 179A.54, subd. 2, "leaves open the possibility that PCAs may be regarded as public employees in contexts other than PELRA." *Id.* at *7. The court of appeals then observed that no legislation precluded holding that PCAs are state employees under the Data Practices Act. *Id.*

The plain language of section 179A.54, subdivision 2, is permissive—stating that PCAs are considered state employees for purposes of PELRA, but "[t]his section does *not require* the treatment of individual providers as public employees *for any other purpose*." (Emphasis added.) This language means that state agencies are not required to treat PCAs

as state employees for any purpose other than collective bargaining under PELRA.[2] We therefore consider whether PCAs should be treated as state employees for purposes of the Data Practices Act.

To begin with, the information that respondents are seeking is not "personnel data" under the Data Practices Act. The Data Practices Act defines "personnel data" as "government data on individuals maintained because the individual is or was an employee" of a government entity. Minn. Stat. § 13.43, subd. 1. The Individual Providers of Direct Support Services Representation Act designated PCAs as executive branch state employees for purposes of PELRA to provide them with collective bargaining rights. Although PELRA deems MMB the employer of PCAs for this purpose, Minn. Stat. § 179A.54, subd. 2, no actual employment relationship exists between MMB and PCAs. For this reason, MMB, the ostensible employer, did not maintain any "personnel data" on PCAs. And it is undisputed that MMB did not possess the data that respondents requested. Consequently, the court of appeals erred by holding MMB liable for failing to provide access to personnel data on PCAs that MMB did not maintain. *Greene*, 2019 WL 3776949, at *8.

Unlike MMB, DHS must "compile and maintain a list of the names and addresses" of PCAs. *See* Minn. Stat. § 256B.0711, subd. 4(f). But DHS compiles this list to facilitate collective bargaining "under chapter 179A," *id.*—not because PCAs are employees of a

[2] The Eighth Circuit has concluded that PCAs are state employees solely for purposes of collective bargaining under Minn. Stat. § 179A.54, subd. 2. *Bierman v. Dayton*, 900 F.3d 570, 572 (8th Cir. 2018); *Greene v. Dayton*, 806 F.3d 1146, 1148 (8th Cir. 2015).

government entity under the Data Practices Act. Despite designating PCAs as state employees for purposes of collective bargaining, PELRA specifically recognizes that participants retain the right "to select, hire, direct, supervise, and terminate the employment of their individual providers," Minn. Stat. § 179A.54, subd. 4, which are all indicia of an employment relationship. *Cf. Abel v. Abbott Nw. Hosp.*, 947 N.W.2d 58, 74–75 (Minn. 2020); *see also* Minn. Stat. § 256B.0711, subd. 4(a) (stating that DHS "shall afford to all participants within a covered program the option of *employing*" a PCA "to provide direct support services" (emphasis added)). Consequently, PCAs are, for all practical purposes, more accurately categorized as employees of a particular participant, not employees of MMB or DHS. Because PCAs are not actually state employees, DHS did not maintain any government data on them because they are state employees, Minn. Stat. § 13.43, subd. 1.

We also decline to treat the information in the list as public personnel data under the Data Practices Act because that would create a conflict with the PELRA provision, which specifies that the list is "publicly available" only when "the list is available to an employee organization," Minn. Stat. § 179A.54, subd. 9. *See Erickson v. Sunset Mem'l Park Ass'n*, 108 N.W.2d 434, 441 (Minn. 1961) (stating that when "reasonably possible" we interpret a statute to avoid conflict with other statutes). And if there were an irreconcilable conflict between the Data Practices Act and the PELRA provision, the PELRA provision would prevail as the more specific and more recent provision.[3] *See* Minn. Stat. § 645.26 (2018).

[3] The PELRA provision was enacted in 2013, Act of May 24, 2013, ch. 128, art. 2, § 1, 2013 Minn. Laws 2170, 2173–75, while the personnel data section of the Data Practices Act was originally enacted in 1979, Act of June 5, 1979, ch. 328, § 17, 1979 Minn. Laws 910, 919.

Consequently, respondents cannot invoke the Data Practices Act to bypass the restrictions on access in the PELRA provision.

Moreover, the contact information that DHS compiles and maintains on PCAs under the Medical Assistance provision, Minn. Stat. § 256B.0711, subd. 4(f), is different from the public "personnel data" that state agencies maintain on state employees under the Data Practices Act. For example, the Data Practices Act provides that the work locations and work telephone numbers of state employees are public, Minn. Stat. § 13.43, subd. 2(7); however, DHS collected and maintained the *home* addresses of PCAs under the Medical Assistance provision, Minn. Stat. § 256B.0711, subd. 4(f), which explicitly prohibits the disclosure of participant data. Further, under the Data Practices Act, the home addresses of state employees are "private" personnel data. *See* Minn. Stat. § 13.43, subd. 4 (stating that all personnel data not specifically designated as public is "private data on individuals"). Accordingly, even if we were to treat PCAs as state employees for purposes of the Data Practices Act, the home addresses would fall outside the scope of public "personnel data" under section 13.43.

Nor does the reference in the Medical Assistance provision to section 13.43 suggest that PCAs are state employees for purposes of the Data Practices Act. Minn. Stat. § 256B.0711, subd. 4(f). The Medical Assistance provision provides that "to effectuate . . . section 179A.54, questions of employee organization access to other relevant data on individual providers relating to their employment . . . shall be governed by chapter 179A and section 13.43." *Id.* This language has no bearing on respondents' request for the 2016

list because the language applies to employee organizations. As respondents' counsel conceded at oral argument, respondents are *private parties*.

These inconsistencies between the data collected by DHS under the Medical Assistance provision and the data maintained on state employees under the Data Practices Act demonstrate that the Legislature did not intend for the home addresses and telephone number of PCAs to be treated as public personnel data under the Data Practices Act. Therefore, we conclude that the court of appeals erred by holding that respondents were entitled to the 2016 list as personnel data under Minn. Stat. § 13.43.

B.

In concluding that the 2016 list is not public as "personnel data," we next consider whether respondents were nonetheless entitled to the 2016 list because it is presumptively public as data collected by a government agency. The Data Practices Act applies to "[a]ll government entities" and regulates "access to government data" collected and held by those entities. Minn. Stat. § 13.01, subds. 1, 3. Government data is presumed public "unless there is a federal law, a state statute, or a temporary classification of data" that categorizes the data as "not public." *Id.*, subd. 3.

Here, the general presumption is triggered because DHS is a government entity that compiles and maintains the names and addresses of individual PCAs pursuant to the Medical Assistance provision. Minn. Stat. § 256B.0711, subd. 4(f). Respondents assert that the general presumption of public access applies here, in part, because we previously applied the general presumption to conclude that home addresses of non-state employees are public data. *Int'l Bhd. of Elec. Workers, Local No. 292 v. City of St. Cloud*, 765 N.W.2d

64, 67 (Minn. 2009) (concluding that the home addresses of employees of independent contractors hired by the state are public data under the Data Practices Act).

But *International Brotherhood* is distinguishable because no other state statute governed access to the home addresses at the time. *See id.* at 67. Here, the PELRA provision is a state statute that categorizes the data as not public by specifically restricting access to the list and setting forth specific exceptions for when the list is "publicly available." Minn. Stat. § 179A.54, subd. 9. The presumption of public access in the Data Practices Act therefore does not apply to the 2016 list. *See* Minn. Stat. § 13.03, subd. 1 (providing that all government data is public unless a statute or other law classifies the data as not public).[4] Accordingly, because the Data Practices Act does not make the 2016 list public, we reverse the court of appeals' conclusion that respondents were entitled to the list.

CONCLUSION

For the foregoing reasons, we affirm the court of appeals in part and reverse in part, and remand to the district court for further proceedings consistent with our decision here.

Affirmed in part, reversed in part, and remanded.

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[4] Our conclusion also is supported by the fact that the PCA lists that DHS complies and maintains pursuant to the Medical Assistance provision do not exist outside of section 256B.0711. Stated otherwise, the lists are *sui generis* creatures of the Medical Assistance provision—specifically designed by its terms to work in concert with the collective bargaining process for PCAs authorized under the PELRA provision. Indeed, the Legislature enacted the two provisions together as part of the same act. Act of May 24, 2013, ch. 128, art. 2, § 1, 2013 Minn. Laws 2170, 2173–75 (PELRA provision); *id.* § 2, 2013 Minn. Laws at 2175–78 (Medical Assistance provision). This history strongly suggests that access to the lists is designed to be governed by these specific statutes, not the broader Data Practices Act.

ANDERSON, J., took no part in the consideration or decision of this case.

MOORE, J., not having been a member of this court at the time of submission, took no part in the consideration or decision of this case.