

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0919**

Minnesota Coalition on Government Information,
Appellant,

vs.

City of Minneapolis, et al.,
Respondents,

Police Officers' Federation of Minneapolis,
Respondent.

**Filed May 18, 2026
Reversed and remanded
Cochran, Judge**

Hennepin County District Court
File No. 27-CV-21-7237

Leita Walker, Isabella Salomão Nascimento, Ballard Spahr LLP, Minneapolis, Minnesota;
and

Seth D. Berlin (pro hac vice), Washington, District of Columbia (for appellant Minnesota
Coalition on Government Information)

Kristyn Anderson, Minneapolis City Attorney, Mark Enslin, Sarah B. Riskin, Assistant
City Attorneys, Minneapolis, Minnesota (for respondents City of Minneapolis, et al.)

Joseph A. Kelly, Rebecca L. Duren, Kelly & Lemmons, P.A., St. Paul, Minnesota (for
respondent Police Officers' Federation of Minneapolis)

Paul T. Ostrow, Ostrow Law LLC, Minneapolis, Minnesota (pro se amicus curiae)

Considered and decided by Larkin, Presiding Judge; Cochran, Judge; and Bond,
Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

Appellant challenges the district court's grant of summary judgment in favor of respondents on appellant's claims under the Minnesota Government Data Practices Act (the MGDPA), Minn. Stat. §§13.01-.991 (2024 & Supp. 2025). Appellant argues that the data it requested from respondent city are public "personnel data" under the MGDPA and, therefore, the city violated the MGDPA by failing to search for and disclose the data. Based on our de novo review, we conclude there are genuine issues of material fact as to whether the requested data includes public personnel data under the MGDPA. We therefore reverse and remand the district court's grant of summary judgment.

FACTS¹

Appellant Minnesota Coalition on Government Information (MNCOGI) is a non-profit organization that "advocate[s] for government transparency so that individuals have access to the government information they need in order to hold their government accountable."² Respondent City of Minneapolis operates and is the entity legally responsible for the Minneapolis Police Department (the MPD). Employees of the police department, including police officers, are public employees. Respondent-intervenor, Police Officers' Federation of Minneapolis (the federation), is the exclusive bargaining

¹ On appeal, we view the evidence in the light most favorable to MNCOGI, as the party against whom summary judgment was granted. *STAR Ctrs., Inc. v. Faegre & Benson, L.L.P.*, 644 N.W.2d 72, 76-77 (Minn. 2002) (noting that "[w]e view the evidence in the light most favorable to the party against whom summary judgment was granted").

² MNCOGI has since changed its name to Minnesotans for Open Government.

representative, pursuant to the Public Employment Labor Relations Act (PELRA), of the MPD police officers, sergeants, and lieutenants. The federation intervened in the action and joined the city in opposing MNCOGI's claims for relief. Before discussing the facts giving rise to MNCOGI's complaint and the district court's decisions, we provide a brief overview of the MGDPA to frame our discussion.

Overview of the MGDPA

The MGDPA “establishes a presumption that government data are public and are accessible by the public for both inspection and copying unless there is federal law, a state statute, or a temporary classification of data that provides that certain data are not public.” Minn. Stat. § 13.01, subds. 1, 3. Section 13.43 governs “personnel data.” “Personnel data” is “government data on individuals maintained because the individual is or was an employee of or applicant for employment by . . . a government entity.” Minn. Stat. § 13.43, subd. 1. Certain specified personnel data are “public” and are therefore accessible upon request. *Id.*, subds. 2, 3. Personnel data that is not specifically categorized as public is private, but may be released pursuant to court order. *Id.*, subd. 4.

Under section 13.43, “the existence and status of any complaints or charges against [an] employee, regardless of whether the complaint or charge resulted in a disciplinary action” is public personnel data. *Id.*, subd. 2(a)(4). Relatedly, “the final disposition of *any disciplinary action* together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are [public] employees,” is public personnel data. *Id.*, subd. 2(a)(5) (emphasis added). “[A] final disposition occurs when the government entity makes its final decision about the

disciplinary action, regardless of the possibility of any later proceedings or court proceedings” or, in the case of an action subject to arbitration, “at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect” to arbitrate. *Id.*, subd. 2(b).

“The responsible authority in every government entity shall keep records containing government data in such an arrangement and condition as to make them easily accessible for convenient use.” Minn. Stat. § 13.03, subd. 1. The “responsible authority” is “the individual designated by the governing body of [the] political subdivision as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law.” Minn. Stat. § 13.02, subd. 16(b). All public data subject to the MGDPA must be “prompt[ly]” made available for inspection or copying “[u]pon request to a responsible authority or designee.” Minn. Stat. § 13.03, subs. 2(a), 3(a).

The MGDPA creates a private right of action for violations of the act. Minn. Stat. § 13.08. If the responsible authority or government entity violates the MGDPA, a person may “bring an action against the responsible authority or government entity to cover any damages sustained, plus costs and reasonable attorney fees.” *Id.*, subd. 1. A person may also seek an injunction or bring an action to compel performance. *Id.*, subs. 2, 4.

MNCOGI's Request

In February 2021, MNCOGI requested records from the city about the MPD’s use of coaching in disciplining police officers. It made four separate requests:

- (1) MNCOGI sought data related to coaching for a specific police officer.

(2) MNCOGI requested data of completed coaching documentation forms related to 44 specific incidents.

(3) MNCOGI asked for data “related to coaching of any officer resulting from a sustained complaint where the original complaint alleged a B-, C-, or D-Level Violation where coaching was the only corrective action taken.” The different tiers refer to a formal discipline matrix developed by the MPD. It is undisputed that the matrix was established to clearly outline guidelines for discipline for specific types of MPD policy violations to help issue discipline in a fair and consistent manner. A-level violations are considered “non-disciplinary” and are not reflected on the matrix.

(4) MNCOGI requested all data “in which coaching is described as a form of discipline or acknowledged by a supervisor or the Chief of Police to constitute a form of discipline.”

The city denied MNCOGI’s data requests. The city’s denial letter stated: “Coaching is not discipline and has never been discipline. The data you are requesting is private under [Minnesota Statutes section 13.43]; [the MPD] has no responsive data. Your request is now closed.”

Pleadings

In June 2021, MNCOGI filed a complaint against the city and its responsible authorities³ alleging violations of the MGDPA, based on its position that the city’s refusal

³ MNCOGI’s complaint alleged claims against the city and certain city employees in their official capacities. The named defendants originally included Casey J. Carl, Clerk for the City of Minneapolis; Patience Ferguson, Chief Officer for the Human Resources Department for the City of Minneapolis; and Medaria Arradondo, Chief of Police for the

to provide the data violated section 13.43, subdivision 2(a)(5). The statutory provision states that “the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body” is public. Minn. Stat. § 13.43, subd. 2(a)(5). MNCOGI brought four counts under the MGDPA. The first count is an action to compel compliance (count I). The second count is for damages (count II). The third count is for mandatory injunctive relief (count III). The fourth count is for declaratory judgment (count IV).

The city filed an answer denying MNCOGI’s allegations. After the city answered, the federation intervened and took the position that coaching does not constitute discipline under the terms of the collective bargaining agreement (CBA) that governs the relationship between the city and its police officers.

Judgment on the Pleadings

In 2021, the city moved for judgment on the pleadings under Minnesota Rule of Civil Procedure 12.03, arguing that coaching is non-disciplinary. The city urged the district court to determine that the coaching records at issue are properly classified as private personnel data under section 13.43, which the city could not disclose in response to MNCOGI’s request. MNCOGI opposed the motion.

Minneapolis Police Department. MNCOGI asserted that these individuals were the responsible authorities for personnel data gathered or maintained by the city and were sued solely in their official capacities. The parties later stipulated to substitute Nikki Odom for Patience Ferguson, and Brian O’Hara for Medaria Arradondo.

Following a hearing, the district court denied the city's motion for judgment on the pleadings. The district court concluded that the term "disciplinary action" as used in section 13.43 of the MGDPA was ambiguous. It reasoned that the term was subject to at least two reasonable interpretations: first, that it is "limited to actions that are a punishment of the employee or that have a material impact on the employee's employment status, or terms and conditions of employment"; or second, that it could be "read more broadly to encompass any form of corrective measures imposed on an employee who the employer has determined has violated workplace rules, policies, or expectations." Having determined that the phrase was ambiguous, the district court denied the city's motion for judgment on the pleadings.

The district court also concluded that "the parties should be given the opportunity to squarely address and present their evidence on legislative intent." The district court further concluded that "[o]nly after the scope and meaning of 'disciplinary action' is determined can the [c]ourt consider whether an employer's requirement for coaching in response to a complaint or a finding of a policy violation is disciplinary action."

Partial Summary Judgment

The district court then filed an order bifurcating the issue of statutory interpretation of "disciplinary action" from the remaining issues in the case. The parties filed cross-motions for partial summary judgment addressing the meaning of "disciplinary action" as used in section 13.43.

The city argued that coaching is not a punishment, a sanction, or a penalty subject to the grievance procedure of the city's CBA with the federation, and therefore is not

disciplinary action. The city maintained that the phrase “‘disciplinary action’ must be limited to actions taken for the primary purpose of punishment or penalty and designated as discipline in the applicable authorities governing the employment relationship.” According to the city, these “applicable authorities” include CBAs, employment contracts, and personnel statutes or rules governing the employment relationship. Notably, the CBA at issue in this case does not define “discipline” or “disciplinary action.”

MNCOGI argued that coaching as a response to violations at a B-level or higher is “disciplinary action” within the meaning of section 13.43. Relying on dictionary definitions, MNCOGI argued that the phrase “disciplinary action” is unambiguous and susceptible to only one reasonable interpretation as “an act or thing done or having to do with treatment that corrects or punishes.” Alternatively, MNCOGI argued that, even if the phrase is ambiguous, the canons of statutory interpretation demonstrate that MNCOGI’s definition of “disciplinary action” most closely effectuates the legislature’s intent.

In February 2023, the district court granted the city’s motion for partial summary judgment. The district court rejected the definitions proposed by the parties and concluded that under post-ambiguity canons of statutory construction:

“Disciplinary action” must be construed consistently with the use of the term within § 13.43, in consideration of other closely related statutes addressing public sector employment, and consistent with longstanding administrative interpretations. Accordingly, the [c]ourt concludes “disciplinary action” as used in § 13.43 means: an action imposed through the decision of a government entity to punish or penalize an individual within the scope of § 13.43, subd. 1 consistent with the rights and obligations between the government entity and the individual data subject as established by law and/or collective bargaining.

The district court ordered that to the extent the parties “sought relief beyond the clarification of the scope and meaning of disciplinary action . . . the [c]ourt’s consideration of additional relief is deferred until the parties are able to frame further motions in light of the [c]ourt’s ruling.”

Summary Judgment

In April 2024, MNCOGI moved for partial summary judgment seeking disclosure of certain documents that described coaching as discipline. It asserted that the city violated the MGDPA by: (1) summarily denying MNCOGI’s request without adequately reviewing the requested documents; (2) withholding public, non-personnel data without a legal basis to do so; and (3) withholding personnel data that were presumptively public as the “final disposition of disciplinary action.” MNCOGI explained that it sought partial summary judgment for only “a narrow set of documents,” and that it reserved all other issues for trial.

In May 2024, the city and the federation jointly moved for summary judgment on all MNCOGI’s claims. The city asserted that “coaching is not punitive” and is not recognized as “discipline under the [CBA] between the [c]ity and [the federation].” Applying the definition of “disciplinary action” adopted by the district court in its February 2023 order, the city argued that the requested data was private personnel data under section 13.43 of the MGDPA. The city maintained that it properly denied MNCOGI’s data requests and urged the district court to dismiss MNCOGI’s complaint with prejudice. The federation joined the city in requesting summary judgment on

MNCOGI's claims. It asserted that there was a "long-standing practice and understanding" between the city and the federation that coaching is not discipline. The federation also argued that because the city and the federation, through their CBA, have understood that coaching is not discipline, MNCOGI should not be permitted to subvert that agreement by seeking private data under the MGDPA.

In a December 2024 order, the district court granted summary judgment in favor of the city and the federation on most of the claims. Based on the definition of "disciplinary action" adopted in its February 2023 order and the evidence provided by the city and federation (including official police department policies and procedures, established past practices, and the grievance procedures outlined in the CBA), the district court determined that coaching is not "disciplinary action" under section 13.43 and data related to coaching are not public and subject to disclosure under the MGDPA. The district court explained its reasoning as follows:

The undisputed facts in the record establish that coaching is not imposed by the City as a form of disciplinary action intended to penalize or punish employees and this is part of a mutual understanding between the City and officers as established through the parties' respective rights and obligations under PELRA and collective bargaining. Because the imposing of coaching is not a disciplinary action, documents related to coaching are private personnel data and not a final disciplinary action under § 13.43, subd. 2(5) of the [MGDPA].

The district court dismissed with prejudice counts I, II, III, and IV of MNCOGI's complaint as they relate to the city's responses to data requests 1, 2, and 3, concluding that all responsive data regarding coaching is classified as private personnel data. The district court also granted in part the city's and federation's motion for summary judgment as to

data request 4, for all data “in which coaching is described as a form of discipline or acknowledged by a supervisor or the Chief of Police to constitute a form of discipline.” Lastly, the district court also denied MNCOGI’s request for summary judgment.

Dismissal of Remaining Claims and Appeal

Following the district court’s December 2023 order, MNCOGI stipulated to the dismissal of its remaining claims relating to data request 4 to allow this appeal to go forward. In April 2025, the district court found the stipulation resolved all remaining claims and entered judgment.

MNCOGI appeals.

DECISION

MNCOGI challenges the district court’s February 2023 order defining “disciplinary action” for purposes of section 13.43 and the December 2024 order granting summary judgment in favor of the city and the federation. MNCOGI presents four arguments on appeal. First, it challenges the district court’s definition of “disciplinary action” and argues the district court erred by determining that the undisputed facts show coaching for B-level violations and above for MPD officers is not “disciplinary action” under section 13.43 of the MGDPA. MNCOGI contends that such data are public “personnel data” subject to disclosure under the MGDPA. Second, it claims that the city violated the MGDPA by failing to conduct a thorough search for such data in response to its requests. Third, MNCOGI asserts that the city failed to produce summary data of the material. Fourth, it maintains that the district court erroneously reversed the presumption of public access as applied to personnel data. We address each argument in turn.

I. The district court erred by granting summary judgment on the question of whether coaching imposed by the MPD is a disciplinary action.

We begin by considering whether coaching for B-level violations and above imposed by the MPD on an officer qualifies as a disciplinary action under section 13.43 and therefore is public personnel data under the MGDPA. We first consider the meaning of the phrase “disciplinary action” as used in section 13.43. And we then consider whether, in light of the appropriate definition, genuine issues of material fact preclude summary judgment.

A. The phrase “disciplinary action” includes corrective action in addition to acts that punish or penalize.

The parties disagree as to whether the district court erred by limiting the definition of “disciplinary action” as used in section 13.43 to actions that “penalize or punish employees” or whether the phrase also includes “corrective” actions. This dispute requires us to interpret the language of the MGDPA. We review questions of statutory interpretation de novo. *KSTP-TV v. Metro. Council*, 884 N.W.2d 342, 345 (Minn. 2016).

“The goal of statutory interpretation is to ascertain and effectuate the intent of the legislature.” *In re Civ. Commitment of Benson*, 12 N.W.3d 711, 715 (Minn. 2024) (quotation omitted); *see also Melrose Fed’n of Tchrs., Am. Fed’n of Tchrs. Loc. 1284 v. Melrose Indep. Sch. Dist. No. 740*, 25 N.W.3d 717, 724 (Minn. App. 2025). We look to the plain language of the statute to discern the legislature’s intent. *Melrose*, 25 N.W.3d at 724. At the first step, we consider whether the statutory language is ambiguous. *Id.* “A statute is ambiguous when the statutory language is subject to more than one reasonable interpretation.” *Id.* at 725 (quotation omitted). If a statutory term is

clear and unambiguous, we will give effect to the plain meaning of the text. *Id.* But if a statute is ambiguous—that is, if it is susceptible to more than one reasonable interpretation—then we will “apply relevant canons of statutory construction to resolve the ambiguity.” *Id.* (quotation omitted).

As discussed, section 13.43 of the MGDPA governs disclosure of personnel data. Under section 13.43, “the existence and status of any complaints or charges against” a government employee and “the final disposition of any disciplinary action” are public data. Minn. Stat. § 13.43, subd. 2(a)(4),(5). The MGDPA does not define the phrase “disciplinary action.” *See* Minn. Stat. § 13.02 (defining terms for the MGDPA). The city urges us to adopt the district court’s definition of “disciplinary action” as “an action imposed through the decision of a government entity to punish or penalize an individual within the scope of [section] 13.43, subd[ivision] 2 consistent with the rights and obligations between the government entity and the individual data subject as established by law and/or collective bargaining.” MNCOGI counters that “the district court’s adoption of a punishment-focused definition” of disciplinary action conflicts with dictionary definitions, as well as the city’s policies and past practices. MNCOGI urges us to adopt a definition of the term that includes any measure designed “to secure compliance with an institution’s rules” and “to correct behavior.” Both parties contend their interpretation is consistent with the text of section 13.43.

Because the phrase “disciplinary action” is not defined in the MGDPA, we may consult dictionary definitions to help us determine the plain meaning of the phrase as used in the context of the statute. *McBee v. Team Indus., Inc.*, 26 N.W.3d 847, 853

(Minn. 2025). One definition of “disciplinary action” is “[a] measure taken by someone in authority to punish or cu[r]b behavior that does not meet or conform to communicated and expected standards of performance.” *Black’s Law Dictionary* 582 (12th ed. 2024). And “[d]iscipline,” as defined by *Black’s Law Dictionary*, includes “[p]unishment intended to correct or instruct,” as well as “[a] method of training people to control their behavior and obey rules.” *Id.* Another definition of “discipline” is “[t]raining expected to produce a specific character or pattern of behavior” or “[p]unishment intended to correct or train.” *The American Heritage Dictionary of the English Language* 514 (5th ed. 2011). The term “discipline” has also been defined as “to punish or penalize.” *Merriam-Webster’s Collegiate Dictionary* 356 (11th ed. 2014). Based on varying dictionary definitions, we conclude that both parties’ interpretations are reasonable. The phrase “disciplinary action” as it relates to action taken by a government employer could be read as limited to actions to punish or penalize; alternatively, it could be construed more broadly to include corrective action. Either interpretation could reasonably apply given the legislature’s intent as evidenced by the plain language of section 13.43 to allow public access to records regarding the discipline of government employees in response to complaints and charges. The language is therefore susceptible to more than one reasonable interpretation. Consequently, we conclude that the term “disciplinary action” as used in section 13.43 is ambiguous.

Having concluded the term “disciplinary action” is ambiguous, we consider extrinsic canons of statutory construction to determine the legislature’s intent. *State v. Moore*, 10 N.W.3d 676, 681 (Minn. 2024). We may consider, among other factors,

“the occasion and necessity for the law,” “the object to be attained,” “the former law, if any, including other laws upon the same or similar subjects,” and “administrative interpretations of the statute.” Minn. Stat. § 645.16(1), (4), (5), (8) (2024); *see also Sleiter v. Am. Fam. Mut. Ins. Co.*, 868 N.W.2d 21, 27 (Minn. 2015) (citing section 645.16 and noting that “the Legislature has set forth a nonexclusive list of factors that [reviewing courts] are to consider to determine legislative intent”); *Hogendorf v. Green*, 26 N.W.3d 895, 907 (Minn. App. 2025) (noting that “[w]hen a statute is ambiguous, courts turn to the canons of construction to determine the meaning of the statute”), *rev. denied* (Minn. Nov. 26, 2025).

We begin by discussing the occasion and necessity of the law and the object to be attained. Section 13.43 is part of the MGDPA. The MGDPA is one of several statutes that reflect “a fundamental commitment to making the operations of our public institutions open to the public.” *Prairie Island Indian Cmty. v. Minnesota Dep’t of Pub. Safety*, 658 N.W.2d 876, 884 (Minn. 2003). The purpose of the MGDPA is “to reconcile the rights of data subjects to protect personal information from indiscriminate disclosure with the right of the public to know what the government is doing.” *Montgomery Ward & Co. v. County of Hennepin*, 450 N.W.2d 299, 307 (Minn. 1990). In recognition of the purpose of making government operations open to the public, courts construe the MGDPA “in favor of public access.” *Prairie Island*, 658 N.W.2d at 884.

The plain language of section 13.43, subdivision 2, makes clear that the object to be attained by this provision is to grant the public access to certain personnel data on government employees including data on “the existence and status of any complaints or

charges against the employee” and “the final disposition of any *disciplinary action* together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body.” Minn. Stat. § 13.43, subd. 2(a)(4), (5) (emphasis added). The language of this section specifies that the legislature intended the public to have the right to know when complaints and charges are filed against government employees and to make public any discipline that was imposed by the government employer. And, as dictionary definitions reflect, disciplinary action is not limited to action that punishes or is punitive in nature. *See Black’s Law Dictionary* 582 (defining “disciplinary action” as a measure taken to “cu[r]b behavior that does not meet or conform to communicated and expected standards of performance”); *The American Heritage Dictionary of the English Language* 514 (defining “discipline” to include “[t]raining” or “[p]unishment intended to correct or train”). Discipline includes corrective action as well. Considering the overriding purpose of the MGDPA to make government operations open to the public together and the objective of section 13.43, subdivision 2, we conclude that the legislature intended to permit public access to records of discipline imposed by a government employer that is corrective in nature in addition to records of discipline that punishes or penalizes. We therefore conclude that the legislature intended the phrase “disciplinary action” to include actions taken by a government employer against an employee to correct behavior, punish, or penalize in response to a complaint or charge.

In adopting a narrower interpretation of the phrase “disciplinary action,” the district court placed significant reliance on another canon of construction—administrative

interpretations of the statute. We acknowledge that three advisory opinions of the Minnesota Department of Administration (DOA) cited by the district court have interpreted the phrase “disciplinary action” to mean “an act that either punishes or penalizes.” *See* Advisory Opinion 96-045, 1996 WL 35068117, at *2; Advisory Opinion 01-072, 2001 WL 37130683, at *2; Advisory Opinion 03-045, 2003 WL 27392182, at *2. But the DOA interpretation of “disciplinary action” is based on a single dictionary definition of “discipline” as “to punish or penalize.” *Merriam-Webster’s Collegiate Dictionary* 356. The advisory opinions do not acknowledge or discuss the more expansive dictionary definition of “disciplinary action” in *Black’s Law Dictionary*, cited above, which defines “disciplinary action” to mean a measure taken to “cu[r]b behavior,” or *The American Heritage Dictionary of the English Language*, which defines “discipline” to include “[t]raining” or “[p]unishment intended to correct or train.” And the advisory opinions do not address the specific issue before us: whether the term “disciplinary action” is limited to measures taken to punish or penalize or also includes measures taken to correct conduct. Accordingly, we conclude the prior DOA advisory opinions cited by the district court are not persuasive and we decline to give them deference. *See Navarre v. South Washington Cnty. Schs.*, 652 N.W.2d 9, 23 n.5 (Minn. 2002) (noting that advisory opinions are not binding authority but may be used for their persuasive value). Instead, we focus on the purpose of the law and the objective to be attained, which as discussed above reflect that the legislature intended to make public discipline imposed following a complaint or charge against an employee, including corrective measures.

Next, we consider how the former law or other laws on the same or similar subjects might help us ascertain the legislature’s intent regarding the meaning of the term “disciplinary action.” *See* Minn. Stat. § 645.16(5). As the district court recognized, the MGDPA was enacted in 1974 and underwent significant amendments in 1979. The 1979 amendments created new provisions related to personnel data and classified as public the final disposition of any “disciplinary action.” That same year, the legislature amended PELRA to require that collective bargaining agreements “include a grievance procedure which shall provide compulsory binding arbitration of grievances including all disciplinary action.” Minn. Stat. § 179.70, subd. 1 (Supp. 1979).⁴ Under the related-statutes canon, also known as *in pari materia*, “statutes relating to the same subject matter or with a common purpose should be construed together.” *Cent. Hous. Assocs., LP v. Olson*, 929 N.W.2d 398, 406 (Minn. 2019) (quotation omitted). “This canon is consistent with our policy of harmonizing statutes dealing with the same subject matter.” *Melrose*, 25 N.W.3d at 730 (quotation omitted). Both PELRA and the MGDPA touch on a similar subject matter in that they both afford protection to public employees, albeit through different mechanisms. We therefore agree with the district court that, given the MGDPA and PELRA were both amended in 1979 and cover similar subject matters, we presume that the legislature intended these statutory acts “to be consistent and read in harmony with

⁴ Since 1989, PELRA has required a grievance procedure only for written disciplinary actions, not oral disciplinary actions. *Compare* Minn. Stat. § 179.70, subd. 1 (Supp. 1979) (providing for “compulsory binding arbitration of grievances including all disciplinary actions”) *with* Minn. Stat. § 179A.20, subd. 4 (Supp. 1989) (providing for “compulsory binding arbitration of grievances including all written disciplinary actions”); 1989 Minn. Laws ch. 255, §11, at 861-62.

one another.” Recognizing this history, we conclude that the legislature intended that the term “disciplinary action” to be defined in a manner consistent with PELRA.

In sum, we agree with the district court that canons of construction support defining “disciplinary action” with reference to PELRA, but we disagree that the phrase is limited to actions that punish or penalize because that interpretation is contrary to the purpose of the MGDPA and the object to be attained. Accordingly, with respect to the MPD, we conclude that the term “disciplinary action” means an action imposed by the MPD to punish, penalize, *or* correct behavior in response to a complaint or charge against the employee, consistent with the rights and obligations as established by PELRA.⁵

B. There is a genuine issue of material fact as to whether coaching for B-level violations and above imposed by the MPD is a disciplinary action.

Having determined that disciplinary action includes corrective action—as well as actions meant to penalize or punish—we next consider whether the district court erred by

⁵ We previously considered whether a district court abused its discretion by ordering disclosure of an officer’s personnel records. *State v. Renneke*, 563 N.W.2d 335, 337-38 (Minn. App. 1997), *abrogated on other grounds by State v. Underdahl*, 767 N.W.2d 677, 682 (Minn. 2009). Although none of the parties cited *Renneke*, we briefly address the case because it is a precedential opinion of this court and we are bound by our own precedent. *State v. M.L.A.*, 785 N.W.2d 763, 767 (Minn. App. 2010), *rev. denied* (Minn. Sept. 21, 2010). In *Renneke*, we determined that the district court should have conducted an in camera review of a personnel file to determine whether any nonpublic data—including the final disposition of disciplinary actions—could be disclosed under the MGDPA. 563 N.W.2d at 338-39. In that context, we determined that disciplinary action “refer[red] to the entire disciplinary process prompted by the complaint or charge against the employee, not just the sanction that may result.” *Id.* at 338. Upon review, we do not consider *Renneke* controlling in this case because *Renneke* is factually distinguishable and did not address the issue before us. *See id.* (concluding that the district court erred in construing the MGDPA “as making public only the ‘existence and status’ of complaints or charges that are still under investigation” and erred in its construction of the statute).

granting summary judgment in favor of the city and the federation when it concluded that there is no genuine issue of material fact as to whether coaching imposed by the MPD for B-level and above violations constitutes a “disciplinary action” within the meaning of section 13.43.

Summary judgment is appropriate only when there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law. Minn. R. Civ. P. 56.01. An appellate court reviews de novo whether genuine issues of material fact preclude summary judgment and whether the district court properly applied the law. *Harlow v. State Dep’t of Human Servs.*, 883 N.W.2d 561, 568 (Minn. 2016). “A genuine issue of material fact exists when reasonable minds can draw different conclusions from the evidence presented.” *Rygwall, as Tr. for Rygwall v. ACR Homes, Inc.*, 6 N.W.3d 416, 427 (Minn. 2024). In our review, “we view the evidence in the light most favorable to the nonmoving party and resolve all doubts and factual inferences against the moving party.” *Id.* (quotation omitted).

We review the district court’s summary-decision in light of our definition, articulated above, that “disciplinary action” means an action imposed by the MPD to punish, penalize, or correct behavior in response to a complaint or charge against the employee, consistent with the rights and obligations as established by PELRA. We turn now to whether the record evidence creates a genuine issue of material fact as to whether the MPD treated coaching as a disciplinary action.

MNCOGI argues that the summary-judgment record shows that coaching imposed by the MPD for B-level violations is “disciplinary action” within the meaning of section

13.43. In support of its position, MNCOGI points us to evidence showing the city has referred to coaching as “discipline” in personnel documents and emails. The city and the federation respond that these documents should not be construed as MNCOGI suggests. And they further argue that testimony from MPD leadership in the record and the CBA, adopted pursuant to PELRA, support a determination that coaching is not discipline. Based on our careful review of the record and for the reasons discussed below, we conclude a disputed issue of material fact exists as to whether the MPD has imposed coaching as a form of disciplinary action.

Personnel documents from the city in the summary-judgment record denote coaching for B-level offenses as “discipline.” For example, the record includes an undated “Notice of Coaching” letter sent by the city to an employee for a B-level violation. The notice stated, “As *discipline* for this incident you will receive coaching from your supervisor as [the offense] was sustained at a B level with Coaching.” (Emphasis added.) The notice also advised the employee “that any *additional violations of Department Rules and Regulations* may result in disciplinary action up to and including discharge.” (Emphasis added.) The city sent similar letters to other employees in October 2019 and in February 2020 for B-level violations involving the handling of firearms and use of emergency response vehicles, respectively. In each instance, the letters contained a policy number, a description of the policy violated, and the disposition of the action. And in 2014, 2015, and 2016, the city sent letters to employees stating that they had sustained B-level violations. Coaching was imposed as a consequence for these violations. The letters also

noted “that any additional violations of Department Rules and Regulations may result in more severe disciplinary action up to and including discharge from employment.”

In addition to these letters, the record includes emails related to resolution of union grievances in which coaching is referenced as discipline. In an email from 2021, for example, the federation indicated that a police officer agreed to resolve a grievance in which the officer was charged with violating policies for seat-belt use and normal and emergency driving with coaching as discipline. Taken together, the “Notice of Coaching” letters and emails from the MPD could support a conclusion that the MPD imposes coaching to correct behavior, punish, or penalize in response to a complaint or charge against an employee and therefore coaching as imposed by the MPD meets the definition of “disciplinary action” in section 13.43.

In arguing this evidence does not create a dispute issue of material fact as to whether coaching is discipline, the city maintains that the language used in the “Notice of Coaching” letters was from a “template . . . which has changed over the years” and the language was not meant to suggest that coaching was disciplinary action notwithstanding the express use of the word “discipline” in reference to coaching. As support, the city points to affidavit testimony from an assistant chief of police Kristine Arneson stating that “[w]hether [this] language was in the letter or not, coaching was not intended to be disciplinary.” Former police chief Medaria Arradondo also stated in his affidavit that he “did not intend for any of the coaching outcomes [he] imposed to constitute discipline.”

The city also argues that evidence in the record reflects that the MPD leadership did not understand coaching to be punitive in nature and, for that reason, did not intend

coaching to constitute discipline. The city presented declarations from Arneson, Arradondo, and former chief of police Janeé Harteau. Arneson averred that she “understood throughout [her] career that coaching is not discipline, whether issued for an A level violation or a B level.” Arneson explained that “[c]oaching is meant to be corrective and to set an officer up for success,” and “is not meant to punish or penalize the officer.” Arradondo agreed, stating: “For as long as I can recall, coaching in the MPD has not been considered discipline. This is the case regardless of the level of policy violation at issue.” Arradondo described coaching as “part of performance management,” not as a penalty or punishment. Harteau likewise stated that coaching “is meant to set or clarify expectations” and is not discipline “regardless of the level of violation sustained.”

The city argues that this deposition testimony from MPD leadership shows that coaching is not intended to punish or penalize an officer and therefore does not qualify as “disciplinary action” under section 13.43. But the city’s argument is based on the district court’s unduly narrow definition of “disciplinary action” as limited to measures imposed by the city to punish or penalize. As discussed above, “disciplinary action” is not limited to measures that punish or penalize but also includes corrective action imposed by the MPD as discipline. Consequently, the deposition testimony does not support the conclusion that coaching is not discipline. Indeed, as noted above, Arneson acknowledged that “[c]oaching is meant to be corrective.”

Additionally, besides the “Notice of Coaching” letters and emails discussed above, other documents in the record reflect that the city has understood discipline imposed by the MPD to include corrective actions, not just actions that punish or penalize. The record

includes an MPD Policy Manual that outlines the department's disciplinary procedures. The manual characterizes discipline as "a positive process when its perceived purpose is to train or develop by instruction." This includes "selection, training, direction, supervision and accountability." Similarly, a letter from the city to a public safety work group emphasized that "[d]iscipline is intended to be corrective rather than punitive." Viewing this evidence in the light most favorable to MNCOGI, as we must at this stage of the proceeding, we reject the city's argument that the deposition testimony of former MPD leadership demonstrates that there is no genuine issue of material fact as to whether coaching is corrective action imposed by the city as discipline and therefore "disciplinary action" under section 13.43.

Similarly, we are not persuaded by the city's argument that there is no disputed issue of material fact because, according to the city, the CBA and past practices under the CBA demonstrate that coaching is not discipline. Included in the summary-judgment record is the 2020-2022 CBA between the city and the federation. The CBA was adopted pursuant to PELRA. *See* Minn. Stat. § 179A.20, subd. 1 (2024) (requiring the exclusive bargaining representative and the public employer to execute a written contract containing the terms of negotiated agreement and any terms established by law). The CBA provides that the document serves as "the complete and full agreement between the [p]arties regarding terms and conditions of employment except as *the same may be established by past practices which are determined to be binding by an arbitrator and not included in this contract.*" (Emphasis added.) The CBA further provides that "[e]vidence of custom and past practice may be introduced" to "provide the basis of rules governing matters not included in the

written contract,” to assist in interpreting ambiguous contractual language, or to show that the clear language of the contract was amended by mutual agreement. But the CBA does not define “discipline” or “disciplinary action.”

The city and the federation cite to deposition testimony of Sergeant Sherral Schmidt, who has served as the president of the federation since 2021, to argue that their past practice shows that coaching is not discipline. According to Schmidt, coaching is not considered to be discipline because that is “the way [the federation has] done things for years.” When asked to explain how she arrived at that understanding, Schmidt stated that discipline can be grieved through the grievance process, but that coaching cannot be grieved. The federation also provided evidence that it has attempted to file grievances on behalf of officers who received coaching. However, the city denied the federation’s requests on the basis that coaching is not discipline and therefore cannot be grieved.

In response, MNCOGI argues that the evidence shows that coaching is oral discipline, not written discipline, and therefore is exempt from the grievance process under PELRA and the CBA. MNCOGI emphasizes that only written discipline is subject to the grievance process under PELRA. *See* Minn. Stat. § 179A.20, subd. 4(a) (2024). And it points us back to the documents from the city that refer to coaching as “discipline” for B-level violations. MNCOGI’s argument is persuasive.⁶

⁶ We also note that the city has not pointed to any record evidence showing that an arbitrator has addressed the question of whether coaching is discipline—a necessary requirement for a past practice to become binding under the CBA. Under the CBA, past practices may become a binding part of the CBA upon following a determination “by an arbitrator.”

In sum, viewing the evidence in the light most favorable to MNCOGI, we conclude there is a genuine issue of material fact as to whether coaching imposed by the MPD is “disciplinary action” within the meaning of section 13.43. The record reflects that reasonable minds could draw different conclusions from the evidence presented. Specifically, there is evidence that the MPD has imposed coaching as oral discipline and that the MPD intends coaching to be corrective in nature. This evidence could support a conclusion that MPD has imposed coaching to correct, punish, or penalize an employee in response to a complaint or charge against the employee, consistent with PELRA, and therefore coaching is a “disciplinary action” within the meaning of section 13.43. But there is also evidence from MPD leadership that the MPD has not viewed coaching as discipline and coaching has not been treated as discipline subject to the CBA. Taken as a whole, we conclude there is sufficient evidence to create a genuine issue of material fact as to whether coaching imposed by the MPD constitutes a “disciplinary action” under section 13.43 and therefore is public personnel data when it is “the final disposition of any disciplinary action.” *See* Minn. Stat. § 13.43, subd. 2(a)(5).

Because MNCOGI has established the existence of genuine issues of material fact, we conclude the district court erred by granting summary judgment in favor of the city and the federation on MNCOGI’s claims alleging that the city violated the MGDPA by refusing to disclose data related to coaching. We express no opinion on the merits of these claims, only that a disputed issue of material fact exists precluding summary judgment.

II. The district court should reconsider on remand whether the city violated the MGDPA in its search for responsive data.

MNCOGI also argues that the city violated the MGDPA by failing to conduct a search for data in response to its data requests and asks that we “reverse the district court’s refusal to hold [the] MPD accountable for its failure to search.” In its complaint, MNCOGI brought an action to compel performance on the grounds that the city failed to produce the requested data related to coaching. MNCOGI also brought claims for damages, injunctive relief, and a declaratory judgment. Violations of the MGDPA may be remedied by a civil action. *See* Minn. Stat. § 13.08. If a government entity violates the MGDPA, the district court may issue an injunction. *Id.*, subd. 2. Additionally, the aggrieved party “may bring an action against the . . . government entity to cover any damages sustained, plus costs and reasonable attorney fees” and may bring an action to compel compliance. *Id.*, subds. 1, 4. Because we have concluded that genuine issues of material fact preclude summary judgment as to whether coaching documents are public personnel data under section 13.43, we also reverse and remand the district court’s grant of summary judgment against MNCOGI on its claims for relief under the MGDPA based on the city’s refusal to conduct a search for documents related to coaching. On remand, the district court should reconsider whether MNCOGI is entitled to relief under the MGDPA on this basis in light of our interpretation of the phrase “disciplinary action” as used in section 13.43 of the MGDPA.⁷

⁷ We again state no opinion on the merits of MNCOGI’s claims.

III. The district court did not err by determining that the city was not required to prepare redacted, anonymized, or summary data for MNCOGI.

MNCOGI argues that the city violated the MGDPA by failing to produce responsive data in redacted form. The district court rejected this argument, finding that MNCOGI did not ask the city to “prepare redacted, anonymized or summary data” and that the city was not required to create it in the absence of a request. We agree.

Methods of preparing summary data include redacting materials so that “unique personal identifiers” are removed, including by “blacking out personal identifiers.” Minn. R. 1205.0700, subp. 6 (2025). Such summary data are available “upon the request of any person if the request is in writing and the cost of preparing the summary data is borne by the requesting person.” Minn. Stat. § 13.05, subd. 7. Here, it is uncontested that MNCOGI did not make a request for summary data. In the absence of a request, the city was not required to prepare these materials. Accordingly, the district court did not err by determining that the city was not required to create summary data when it was not asked to do so.

IV. The district court did not misstate the law regarding the presumption of public access.

MNCOGI argues that the district court erred by reversing the presumption of public access to the records at issue. We review de novo the district court’s application of the law on a motion for summary judgment. *AIM Dev. (USA), LLC v. City of Sartell*, 946 N.W.2d 330, 335 (Minn. 2020). Section 13.43, which governs personnel data, defines certain categories of personnel data as public. Minn. Stat. § 13.43, subd. 2. In addition to the existence of complaints and the final disposition of any disciplinary proceeding, section

13.43 makes other personnel data public including, but not limited to: an employee's name, salary, job title, dates of employment, work location, and payroll data. *Id.*, subds. 2(a), 3. Personnel data that is not classified as public under section 13.43 is private data, except by court order. *Id.*, subd. 4.

In its December 2024 order, the district court summarized the effect of these subdivisions by stating that: “The general presumption that data is public is flipped in relation to personnel data. Data set forth in § 13.43, subd. 2 is public. All other [personnel] data collected and maintained on public employees is private data on individuals.”

MNCOGI asserts that the district court misstated the law by ignoring the general presumption in favor of public access. *See, e.g., KSTP-TV*, 884 N.W.2d at 347 n.2 (recognizing “the general presumption that data are public informs our interpretation of every provision of the [MGDPA]”); *cf. Navarre*, 652 N.W.2d at 22 (stating that “[a]ll personnel data not delineated . . . as public data are private data” under the MGDPA). We are not persuaded. Upon a close reading, we are satisfied that the district court did not misstate the law but instead attempted to distinguish between the different subdivisions of section 13.43. Based on our de novo review, we conclude that the district court did not reverse the presumption of public access under the MGDPA.

Reversed and remanded.