



Manage Data to Manage Cyber Risk

MINNESOTA COUNTIES INTERGOVERNMENTAL TRUST

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MCIT

What We Are and Are Not



MCIT Mission

Providing Minnesota counties and associated members cost-effective coverage with comprehensive and quality risk management services

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How This Works

Risk Pooling

- Pool funds to pay claims and cover operations
- No profit motive
- Return a dividend when financially prudent
- Loss control
- Risk management



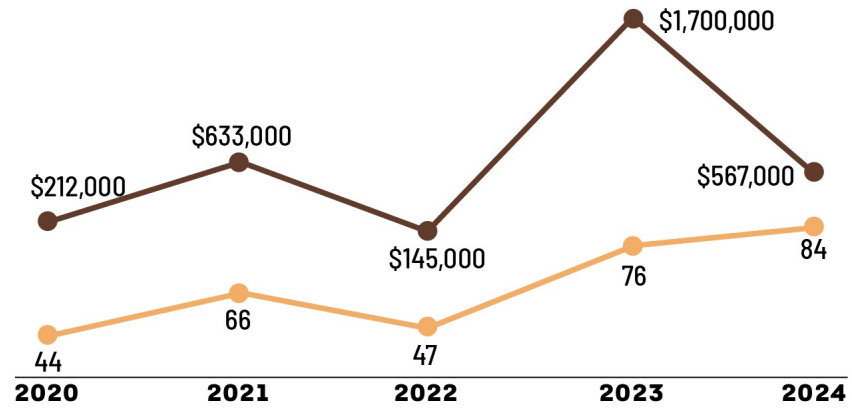
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Last Time We Spoke ...

2024 Update

SLIDE 5

Total Cost and Number of Cyber Claims



What Are We Seeing?

Current Threats and Trends

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Business email compromise



Misdirected payment fraud



Ransomware

Keep Email Clean



- Email is not a storage system
- Remove messages with private data
- Reduce amount of vulnerable data

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Email



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Why?

- Comply with legal requirements
- Maintain for specific period
- Document your work



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Legal Obligations

Official Records Act
> Create and Maintain

Government Data Practices Act
> Administer

Records Management Act
> Destroy

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Overview

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MGDPA

- Creates rights and obligations
- Classification is key to complying with requests
- Not all government data are official records

Records Management Act

- Governs disposition of official records
 - Retention schedule for official records
 - Records disposal panel

Local Motivation

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University of Minnesota faces lawsuit over potentially massive data breach

State and federal officials are investigating a hacker's claims to have accessed more than 7 million Social Security numbers dating back to 1989.

The lawsuit claims the University violated the Minnesota Government Data Practices Act which prohibits releasing personally identifying information without consent.

Source: Star Tribune

Consequences of Poor Records Management

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- Dollars, space, time spent maintaining useless records
- Lost data due to careless destruction
 - Employee turnover
 - Never organized in first place
 - No established repository (CRM, file cabinet, etc.)

Official Records Act M.S. §15.17 Subd. 1

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- Duty to “make and preserve all records necessary to a full and accurate knowledge of official activities”
- Official activities must be documented

What Is an Official Record?

- Document government entity's "official activities"
- May exist in different media formats
- Obligation to preserve, pass on to explain reasons for past actions, decisions



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Tips for Identifying Official Records



- Describes entity's:
 - Official functions
 - Business activities
 - Transactions
- Build inventory first

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Does It Have Value?

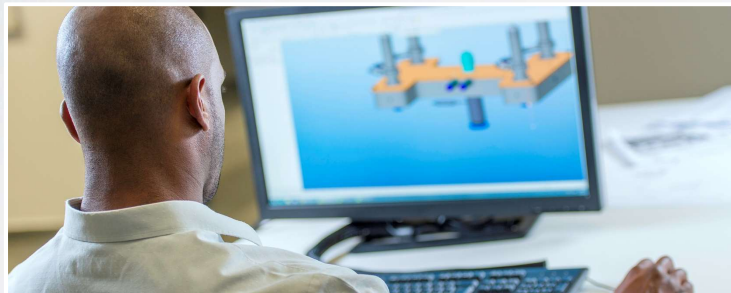
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- Formal communications among staff or with public
- Documentation of policy/procedure changes
- Fiscal information about expenditures, authorizations for specific programs, actions
- Instructions, guidance others will need in future

Necessary Data

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- Required to carry out programs, functions expressly/impliedly authorized by state, federal or local law
- Unable to fulfill duties without undue or increased burden/expense if data were not collected, stored, used or disseminated
- Examples:
 - Buffer
 - Erosion
 - WIC
 - SNAP

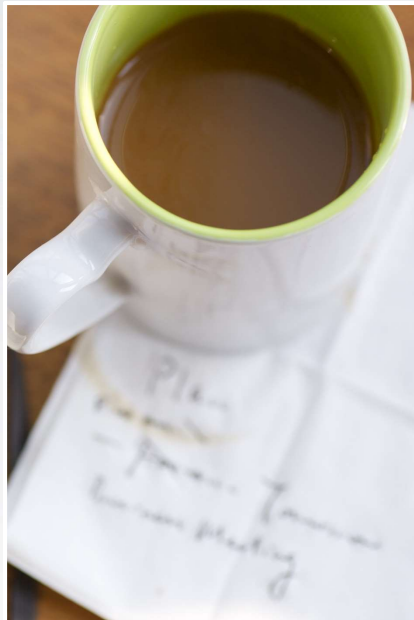
What Is Not an Official Record?

- All other data an entity collects, creates, receives or maintains
- Documents are personal in nature
 - Unrelated to official duties
- General reference materials
- Duplicates or convenience copies



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More About Nonrecords



- Transitory in nature
- Has no long-term value
- Provides little insight into an entity's decision-making processes
- Examples:
 - Scheduling emails among colleagues
 - Personal notes, reminders
 - Notes to understand internal processes, procedures
 - Memos about informal processes

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Are Emails Official Records?

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Determine If Official or Not

- It is so easy to delete
- It's a misdemeanor!

Have, Follow Email Policy

- Transitory
- File with substantive materials
 - Example: Email has changes to contract after its executed
- Need consistency throughout agency

Duty to Dispose of Data

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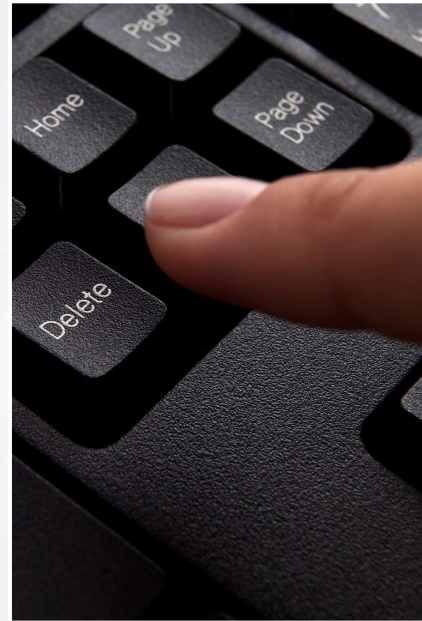


- When data is no longer needed
 - Modify data collection to assure data is no longer collected and stored

Unauthorized Disposal of Records Penalty (138.225)

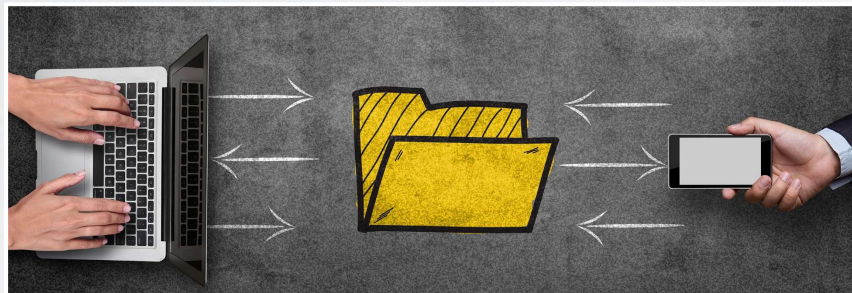
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- Government records shall not be destroyed except by authority of records disposition panel
- Misdemeanor:
 - Person who intentionally and unlawfully
 - Removes
 - Mutilates
 - Destroys
 - Conceals
 - Alters
 - Defaces
 - Obliterates
 - a record filed or deposited in a public office
 - Public officer or employee who knowingly permits any other person to do any of the foregoing acts



Minnesota Government Data Practices Act

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- If fail to create, preserve, dispose of official records according to law, may not be able to meet obligations under MGDPA
 - May not be able to respond to data requests if official activities have not been recorded (see, *Halva v. Minnesota State Colleges & Universities*, 953 N.W.2d 496 (Minn. 2021))
 - Responsible authority must “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.)

**Advisory
Opinions:**
Department of
Administration,
Data Practices
Office

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- Required to have general knowledge of types of data create, maintain (05-032)
- Required to make data easily accessible for convenient use (05-032)
- Interaction among Official Records Act, Records Management Act, Data Practices Act (08-026)



- Official activities must be documented (10-017)
- Documents of official activities must be made available according to classification under Chapter 13 (10-017)

**Government
Data
Practices Act**

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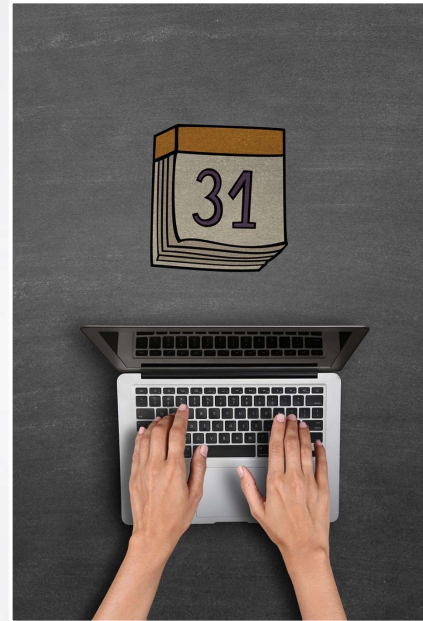


- Duty to maintain records
- Do not have to maintain in particular format or organization system
- Data must be "easily accessible for convenient use"

Adopting Records Retention Schedule

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- General schedule on Minnesota Historical Society website and updates
- Trade associations
- Permanent records
 - Board meeting minutes
 - Committee meeting minutes
 - Property records
 - Agenda packets for board meetings



Best Practices

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- Designate official repository for records
 - Electronic
 - Paper
 - Central location for records
 - Designate keeper of records



- Determine policy about emails:
 - cc and bcc recipients
 - Only one official record



- Know who keeps copies
 - If official record is gone, a copy is still subject to data requests

Retention Requirements for Certain Records



- OSHA employee accident reports:
 - 5 years
- OSHA employee exposure records:
 - 30 years after termination or retirement
- OSHA employee medical records:
 - 30 years
- First Report of Injury:
 - 3 years
- Workers' compensation (injury reports, correspondence):
 - 6 years
- Insurance certificates and policies:
 - Until expiration

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Keep Email Clean

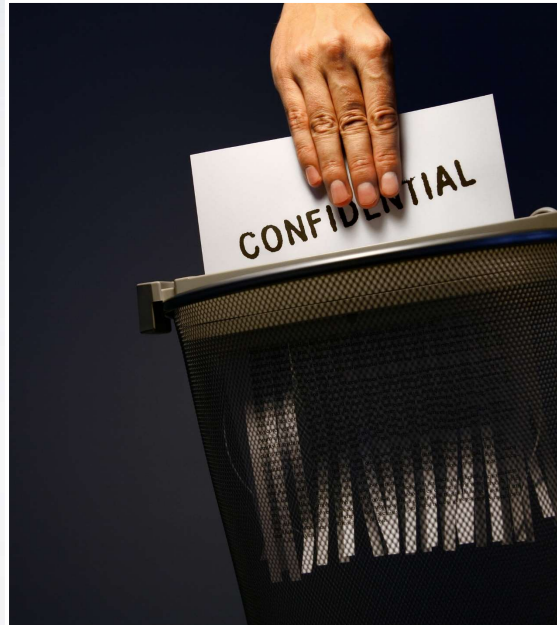


- Email is not a storage system
- Remove messages with private data
- Reduce amount of vulnerable data
 - Use encrypted email system

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Start with Disposal

- Follow records retention schedule
- Only keep data readily needed in network
- Store rest offline



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Resources

- **Official Records Act** (Minn. Stat., section 15.17)
 - Make, preserve all records necessary to a full and accurate knowledge of official activities
- **Records Management Statute** (Minn. Stat., section 138.17)
 - Records retention schedules and records disposition panel
- **Minnesota State Archives website:**
MNHS.org
 - */preservation/state-archives/help*
 - */preserve/records/gov_services.htm*
 - */preservation/state-archives/government*

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Resources

MCIT Is Here to Help

Connect with MCIT at:

- 866.547.6516
- [MCIT.org/contact](https://www.mcit.org/contact)



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Thank you!

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