

Information from the Information Policy Analysis Division of the Minnesota Department of Administration

Closing a Meeting

With limited exceptions, the Open Meeting Law (Minnesota Statutes, Chapter 13D) says that all meetings of public bodies in Minnesota must be open to the public. The Open Meeting Law also describes when a public body is required or permitted to close a meeting.

Legal requirements

When a public body closes a meeting, it must explain what legal authority it has to close the meeting, and describe what it will discuss at the closed meeting (Minnesota Statutes, section 13D.01, subdivision 3). In other words, a public body must do two things:

- Make a statement on the record that gives the specific statutory section that requires or permits the meeting to be closed, or identify in some way the statutory authority requiring or permitting a closed meeting.
- Specifically describe what will be discussed at the closed meeting. This requires more than just identifying possible discussion issues.

Meeting the legal requirements

Below are four sample statements to close a meeting. The first bullet in each sample does not meet the requirements set out in section 13D.01, subdivision 3. The second bullet suggests a way improve the statement so it more closely meets the legal requirements.

Example involving a city

- Not quite: The meeting will be closed to consider possible labor negotiations strategy.
- Better: The meeting will be closed as permitted by section 13D.03 to discuss the City's labor negotiation strategy related to the City's negotiations with the XYZ union.

Example involving a county

- Not quite: The meeting will be closed to consider possible property sites for purchase by the County.
- Better: The meeting will be closed as permitted by section 13D.05, subdivision 3(c), to consider offers relating to the County's possible purchase of the XYZ parcel of land.

Example involving a school district

- Not quite: The meeting will be closed as permitted by the attorney-client privilege.
- Better: The meeting will be closed as permitted by the attorney-client privilege (section 13D.05, subdivision 3(b)) to discuss the lawsuit involving the School District's closing of XYZ High School.

Example involving a school district

- Not quite: The meeting will be closed to discuss not public data.
- Better: The meeting will be closed as permitted by section 13D.05, subdivision 3(a), to evaluate the performance of the School District's superintendent.

Closed Meetings

All closed meetings, except those closed by attorney-client privilege, must be recorded.

What meetings <i>must</i> be closed?	What meetings <i>may</i> be closed?
<p>Meetings that discuss:</p> <ul style="list-style-type: none"> • Alleged victims or mandated reporters of criminal sexual conduct, domestic violence, or maltreatment • Active criminal investigations • Law enforcement officer misconduct • Not public education data • Not public health data • Not public medical data • Not public welfare/mental health data • An individual's medical records • Preliminary consideration of allegations or charges, but the meeting must be open at employee's request 	<ul style="list-style-type: none"> • Meetings closed as expressly authorized by statute • Meetings closed as permitted by the attorney-client privilege <p>Meetings that discuss:</p> <ul style="list-style-type: none"> • Labor negotiations • Employee performance evaluations, but the meeting must be open at employee's request • Certain property transactions (asking price for property, review of confidential appraisals, develop offers or counteroffers) • Certain security matters
Minn. Stat. § 13D.05, subd. 2	Minn. Stat. § 13D.03; 13D.05, subd. 3