

STATE OF MINNESOTA**DISTRICT COURT****COUNTY OF RAMSEY****SECOND JUDICIAL DISTRICT
CASE TYPE: CIVIL OTHER/MISC.**

Minnesota Police and Peace Officers
Association,

Case No. _____

Plaintiff,

VERIFIED COMPLAINT

v.

Minnesota Board of Peace Officer Standards
and Training,

Defendant.

Plaintiff Minnesota Police and Peace Officers Association (“MPPOA”) states and alleges as follows:

INTRODUCTION

1. This is an emergency action relating to the public release of highly sensitive personal information identifying the names of 257 individual undercover police officers (“the Undercover Law Enforcement Officers”) across the state of Minnesota by the Minnesota Board of Peace Officer Standards and Training (“POST Board”). It is critical to these officers’ lives and safety that this information immediately be made private.

PARTIES

2. Plaintiff MPPOA is the largest organization representing police and peace officers in Minnesota. Its members include 10,600 rank-and-file police officers, deputy sheriffs, dispatchers, correctional officers, conservation officers, and more. Because the MPPOA represents over 90% of the police and peace officers in Minnesota, it is likely that many, if not all, of the Undercover Law Enforcement Officers are members of the MPPOA.

3. Defendant the POST Board is a Minnesota state government agency responsible for the training and standards for police and peace officers across the State of Minnesota. It is a “responsible authority or government entity” under Minn. Stat. § 13.02, subd. 7a & 16.

JURISDICTION & VENUE

Jurisdiction

4. This Court has subject matter jurisdiction over this case pursuant to Minn. Stat. §§ 13.08 and 484.01.

5. This Court has general personal jurisdiction over POST because POST is located within this District.

Venue

6. Venue is proper in this Court pursuant to Minn. Stat. § 13.08, Subd. 3.

FACTS

I. Protecting Undercover Police Officers’ Identities is Essential

7. It is vital that undercover police officers’ PII be maintained as confidential for numerous reasons, including, but not limited to:

- a. ***The safety of the officer and his/her family.*** Revealing an undercover officer's identity could put them at significant risk of harm or retaliation from criminal organizations or individuals they are investigating. Disclosure could also endanger the officer's family and loved ones.
- b. ***Effectiveness of Investigations.*** An undercover officer's anonymity is essential to maintain trust and credibility within criminal networks or targeted groups. If their identity is compromised, it could jeopardize ongoing investigations and the work

of other officers. Once exposed, the officer may no longer be able to work undercover effectively.

- c. ***Public Safety and Trust.*** Protecting undercover officers ensures public safety by allowing law enforcement to dismantle criminal organizations effectively.
- d. ***Encouraging Cooperation.*** Confidentiality can also encourage informants or others to cooperate with law enforcement without fear of exposure.

II. The Minnesota Government Data Practices Act (“MGDPA”) Prohibits Disclosure of Undercover Police Officers’ Identities

8. The POST Board gathers, stores, and uses sensitive information from police and peace officers in Minnesota. This data includes Personal Identifying Information (“PII”), i.e., data regarding police and peace officers’ identities, as well as their dates of birth.

9. The POST Board is governed by the MGDPA.

10. The identities of the Undercover Law Enforcement Officers constitute private data under the MGDPA.

11. Moreover, under Minn. Stat. § 13.05, subd. 5(2) of the Minnesota Government Data Practices Act, entities including the POST Board must “establish appropriate security safeguards for all records containing data on individuals, including procedures for ensuring that data that are not public are only accessible to persons whose work assignment reasonably requires access to the data, and is only accessed by those persons for purposes described in the procedure.”

III. The POST Board Recognizes That Undercover Police Officers’ Identities Are Private Data

12. The POST Board itself recognizes that undercover police officers’ identities constitute private data.

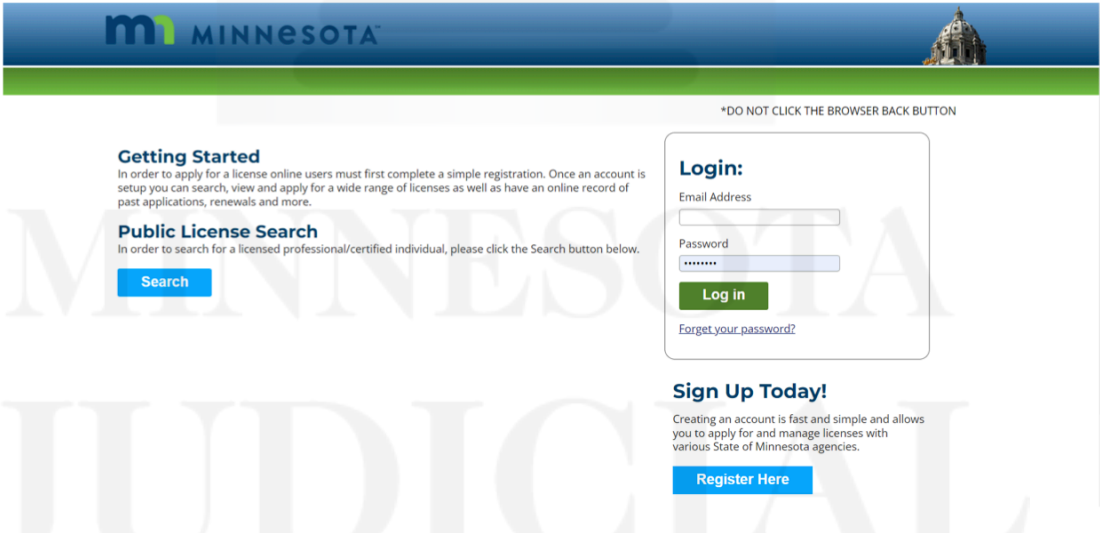
13. For example, in May 2024, the POST Board provided a step-by-step guide to chiefs of police regarding how to update internet-based filings to indicate a particular officer is an “undercover officer” and thus “private data.”¹

14. This guide provides, in part:

Updating Undercover Officer Records to Private

This function is only available to Chief Law Enforcement Officers and their authorized agency account delegates.

1. Log in to your POST Customer Portal as you normally do:
<https://mnitservices.my.site.com/license/>



*DO NOT CLICK THE BROWSER BACK BUTTON

Getting Started
In order to apply for a license online users must first complete a simple registration. Once an account is setup you can search, view and apply for a wide range of licenses as well as have an online record of past applications, renewals and more.

Public License Search
In order to search for a licensed professional/certified individual, please click the Search button below.

[Search](#)

Login:

Email Address

Password

[Log in](#)

[Forgot your password?](#)

Sign Up Today!

Creating an account is fast and simple and allows you to apply for and manage licenses with various State of Minnesota agencies.

[Register Here](#)

¹ This guide can be found at on its website, at https://mn.gov/post/assets/Updating%20Undercover%20Officer%20Records%20to%20Private%20-%202024_tcm1189-624831.pdf.

- 4. If you have officers working undercover whose personnel data should be kept private per MSS 13.43 Subd. 5, click on the underlined “No” and you will be taken to a new page where you can update the selection to “Yes”. Select the “Next” tab to complete the change.**

The screenshot shows the Minnesota License Management System (LMS) interface. At the top, there is a blue header with the Minnesota logo and the word "MINNESOTA". Below the header is a green bar with the text "License Minnesota". The main content area is white and contains the following elements:

- A link: [Return To Dashboard](#)
- A warning message: ***DO NOT CLICK THE BROWSER BACK BUTTON** and ***Content with a red bar is required**
- A certification statement: "As Chief Law Enforcement Officer, I certify that this officer's [redacted] personnel data is designated as private data in accordance with Minnesota State Statute 13.43 subd. 5."
- A dropdown menu: "Hide Officer from Public Search?" with a selection of "No" (indicated by a red bar).
- A blue "Next" button.
- A footer with links: [Minnesota.gov](#), [Contact Us](#), [Disclaimer](#), [Site Map](#), and copyright information: "© Copyright 2022 Minnesota.gov / State of Minnesota. Minnesota.gov is powered by Minnesota IT Services".

- 5. You will receive a confirmation message that the officer has been updated. Select “Finish” to return to your dashboard. Repeat the process for all officers whose data should be marked as private.**

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IV. The POST Board Has Publicly Released Undercover Police Officers’ Identities

15. Despite these requirements, the POST Board has failed to protect the Undercover Law Enforcement Officers’ private data.

16. Instead, in responding to a Minnesota Government Data Practices Act Request in 2024, the POST Board released the names and dates of birth of at least 257 Minnesota undercover police officers (again, the “Undercover Law Enforcement Officers”) to, without limitation, the “Invisible Institute,” a nonprofit organization based in Illinois.

17. Upon information and belief, this same private data was released to numerous media outlets in Minnesota.

18. With the POST Board's assurances regarding the public nature of the data provided, the Invisible Institute, a nonprofit organization based in Illinois, published a database of police officers that, unbeknownst to the Invisible Institute, contained the names of the Undercover Law Enforcement Officers.

19. This database was made available to any person in the world, i.e., the POST Board made a database publicly available so that any person could download a list identifying the names of all police officers in the State of Minnesota, including undercover officers.

20. That database has been widely publicized, including in a January 16, 2025 article in the *Minnesota Star Tribune*, "New tool will allow anyone to look up Minnesota police officers' employment history," <https://www.startribune.com/new-tool-will-allow-anyone-to-look-up-minnesota-police-officers-employment-history/601206648>.

21. Thus, it is unknown who is currently in possession of the identities of the Undercover Law Enforcement Officers. Indeed, any person could have downloaded that information from the internet.

COUNT 1

Violation of Minnesota Government Data Practices Act, Minn. Stat. §§ 13.01 *et seq.*

22. The MPPOA hereby incorporates the allegations set forth in the preceding paragraphs of this Verified Complaint as if fully set forth herein.

23. The POST Board is a "political subdivision" of the State of Minnesota within the meaning of Minn. Stat. § 13.02, Subd. 11.

24. The POST Board is a "government entity" within the meaning of Minn. Stat. § 13.02, Subd. 7a.

25. The POST Board is a “responsible authority or government entity” under Minn. Stat. § 13.02, subd. 7a & 16.

26. The identities of the Undercover Law Enforcement Officers are private data. *See, e.g., Energy Pol’y Advocates v. Ellison*, 980 N.W.2d 146, 159 n.5 (Minn. 2022) (noting that “personnel data maintained by a government entity relating to an individual employed as or an applicant for employment as an undercover law enforcement officer are private data on individuals”) (citing Minn. Stat. § 13.43, subd. 5); *State v. Smith*, No. A05-1641, 2007 WL 968397, 2007 Minn. App. Unpub. LEXIS 279, at *6 (Apr. 3, 2007) (approving district court’s closing of courtroom and in camera examination of undercover officer); *State, City of Minneapolis v. Lynch*, 392 N.W.2d 700, 706 (Minn. App. 1986) (“Here appellant sought discovery of all ‘records, files, and information’ on eight police officers. Under the Data Practices Act, most of that information is ‘private data’ because at least six of those eight officers are members of an undercover unit.”) (citing Minn. Stat. § 13.43, subd. 5).

27. Under the Minnesota Government Data Practices Act (“MGDPA”), a government entity that “violates any provision of this chapter is liable to a person or representative of a decedent who suffers any damages as a result of the violation, and the person damaged . . . may bring an action against the responsible authority or government entity to cover any damages sustained, plus costs and reasonable attorneys fees.” Minn. Stat. § 13.08, subd. 1. Furthermore, “[t]he state is deemed to have waived any immunity to a cause of action brought under this chapter.” *Id.* Additionally, the GDPA states that “[a] responsible authority or government entity which violates or purposes to violate this chapter may be enjoined by the district court.” *Id.* at subd. 2.

28. The MGDPA governs the POST Board and applies to its storage of the Undercover Law Enforcement Officers' personal information. Minn. Stat. § 13.01, subd. 1 ("All governmental entities shall be governed by this chapter.").

29. Under the MGDPA, the POST Board was required to "establish appropriate security safeguards for all records containing data on individuals, including procedures for ensuring that data that are not public are only accessible to persons whose work assignment reasonably requires access to the data, and is only being accessed by those persons for purposes described in the procedure." Minn. Stat. § 13.05, subd. 5(a)(2).

30. The POST Board failed to adopt "appropriate security safeguards" and publicly released private data.

31. The POST Board, therefore, violated the MGDPA.

32. Additionally, Plaintiff respectfully seek, and are entitled to, an injunction and an order compelling POST's compliance with the Minnesota Government Data Practices Act, Minn. Stat. §§ 13.01, *et seq.*, that specifically (a) prohibits any further dissemination of this data; (b) requires the POST Board to immediately advise all Undercover Law Enforcement Officers of this disclosure of their personal information; and (c) requires the POST Board to take all reasonable steps to limit the use of the data.

PRAYER FOR RELIEF

WHEREFORE, the MPPOA respectfully requests that this Court:

1. File a temporary restraining order, temporary injunction, and permanent injunction that:
 - a. prohibits any further dissemination of the identities of the Undercover Law Enforcement Officers;

- b. requires POST to immediately advise all Undercover Law Enforcement Officers of its disclosure of their personal information; and
 - c. requires the POST Board to take all reasonable steps to limit the use of the data; and
2. An order requiring the POST Board to pay Plaintiff's reasonable attorneys' fees pursuant to (a) Minn. Stat. § 13.08, Subd. 1; and/or (b) Minn. Stat. § 13.08, Subd. 4; and
 3. An order requiring the POST Board to pay Plaintiff's costs, disbursements, and applicable interest (pursuant to, *inter alia*, Minn. Stat. § 13.08, Subd. 1, Minn. Stat. § 13.08, Subd. 4, and Minn. Stat. 549.02); and
 4. All further relief available in equity and at law.

DATED: January 21, 2025

MADEL PA

s/ Christopher W. Madel

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VERIFICATION

I, Cassandra Merrick, on behalf of Plaintiff, verify and declare under penalty of perjury that I have read the foregoing Complaint and its contents. I also verify and declare that, to the best of my knowledge and recollection, the matters stated in the Complaint are true and correct.

Executed this 21st day of January, 2025 at Minneapolis, MN

s/ Cassandra Merrick
Cassandra Merrick

MINNESOTA
JUDICIAL
BRANCH

ACKNOWLEDGMENT

The undersigned hereby acknowledges that, pursuant to Minn. Stat. § 549.211, sanctions may be awarded to the parties against whom the allegations in the pleadings are asserted.

DATED: January 21, 2025

s/ Christopher W. Madel
Christopher W. Madel



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