



Minnesota Supreme Court Preserves Public Records Access Against Legislature's Suppression Efforts

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The Minnesota Supreme Court earlier this month rebuffed the state legislature's efforts to hide records of eviction proceedings from public access. In its August 8 order ([ADM10-8050](#)), the Court through Chief Justice Lorie Gildea ordered that "Eviction records are public except as authorized by court rules or court order," notwithstanding recent changes to [Minn. Stat. Ann. § 504B.321, Subd. 6](#). Scheduled to take effect January 1, 2024, Sub. 6 by its language would make inaccessible eviction action records before final judgment to all but parties to the case.

A significant statement of public interest in open records and judicial transparency, Chief Justice Gildea's order recognizes the key role courts play in setting terms and conditions around the use of popular public records, such as criminal and eviction records. Eviction records are rental history used by many rental housing providers with other factors to assess an applicant's relative risk.

By asserting the primacy of its Rules of Public Access, the Minnesota Supreme Court stands apart: courts in several other states have not challenged similar laws to limit access to public landlord-tenant court records. Recently, [Connecticut](#) required the removal of a wide range of summary process (eviction) records from the Judicial Department's internet website and forbid the use of such court records for commercial purposes. Earlier, [California](#), [Colorado](#) and [Washington DC](#) have all enacted laws without challenge to suppress public access to eviction court records.