



RFP Q&A

Question #1: Are financial documents submitted as part of an RFP process public data?

Answer: MSA 13.591(Subd. 3)(b) controls public data in regard. The information is private until a contract is completed with the selected business. At that point it becomes public information.

(b) Data submitted by a business to a government entity in response to a request for proposal, as defined in [section 16C.02, subdivision 12](#), are private or nonpublic until the time and date specified in the solicitation that proposals are due, at which time the name of the responder becomes public. All other data in a responder's response to a request for proposal are private or nonpublic data until completion of the evaluation process. For purposes of this section, "completion of the evaluation process" means that the government entity has completed negotiating the contract with the selected vendor. After a government entity has completed the evaluation process, all remaining data submitted by all responders are public with the exception of trade secret data as defined and classified in [section 13.37](#). A statement by a responder that submitted data are copyrighted or otherwise protected does not prevent public access to the data contained in the response

It is the opinion of the City Attorney that financial information would not be considered a trade secret unless financial info can be shown to have some value – i.e. someone could sell it or making it public would financially harm the business.