## DETERMINATION OF CLASSIFICATION AND AUTHORIZATION FOR SHARING OF DATA RELATED TO THE LINE 3 REPLACEMENT PROJECT

## MINNESOTA BUREAU OF CRIMINAL APPREHENSION

In 2014, Enbridge Energy announced a plan to replace Line 3, an oil pipeline owned and operated by the company, which runs from Alberta, Canada through North Dakota, Minnesota, and into Wisconsin. Since then, Enbridge has sought approval from Minnesota regulators for its proposed construction plan, and various groups and individuals actively campaign in support of, and in opposition to, the project.

If approved, the proposed Line 3 Replacement Project will involve construction sites in at least 12 Minnesota counties. As these activities progress, local, state, federal, and tribal authorities work cooperatively to promote and ensure public safety. To that end, the Minnesota Department of Public Safety (DPS) and its component divisions provide support to law enforcement, emergency management, and other entities involved in homeland security and the public safety enterprise impacted by the Line 3 Replacement Project.

The Minnesota Bureau of Criminal Apprehension (BCA) provides investigative and specialized law enforcement services to prevent and solve crimes in partnership with law enforcement, public safety, and criminal justice agencies. In addition to its traditional duties, the BCA will provide information, security, and investigative support to government agencies involved in the public safety enterprise surrounding the Line 3 Replacement Project. In so doing, the BCA will undertake to assist its partners in preventing and combating crime, maintaining homeland security by protecting critical infrastructure and key resources, and protecting all citizens from targeted violence or interference with their Constitutional rights.

Agencies participating in public safety and homeland security activities involving the Line 3 Replacement Project will be required to collect, handle, and share among each other sensitive information regarding security planning and operations, hazard mitigation, emergency response, and other aspects of public safety administration. Disclosure of this sensitive information would substantially jeopardize the security of information, possessions, individuals, or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury by making such information available to those who would create public safety hazards, or participate in criminal or terrorist activity.

As the responsible authority for the DPS pursuant to the Minnesota Government Data Practices Act, I have determined that the following government data in possession of the BCA are "security information" as defined in Minn. Stat. § 13.37, subd. 1(a):

- Data regarding deployment or utilization of BCA personnel or resources in support of Line 3 Replacement Project-related security operations, until the completion of

all Line 3 Replacement Project construction activities, or the cessation of related security operations, whichever is sooner;

- Data regarding the planning, posture, and/or operations of external entities involved in Line 3 Replacement Project-related security operations, until the completion of all Line 3 Replacement Project construction activities, or the cessation of related security operations, whichever is sooner;

- Data captured during surveillance operations in support of Line 3 Replacement Project-related security operations, until the completion of all Line 3 Replacement Project construction activities, or the cessation of related security operations, whichever is sooner. If such data becomes evidence for use in a criminal investigation, it shall be treated as active criminal investigation data pursuant to Minn. Stat. § 13.82, subd. 7;

- Data regarding Line 3 Replacement Project-related construction work sites, construction supply routes and depots, physical plants or schematics, personnel complements, or other such data received from external entities, the disclosure of which would compromise security, endanger critical infrastructure, or reveal trade secrets.

As required by Minn. Stat. § 13.37, subd. 3(b), I have consulted with the Superintendent of the BCA, who is its chief law enforcement officer. We have decided that the data classified as security information by this determination may be shared with the following entities, because the information sharing will promote public safety, protect critical infrastructure, and assist law enforcement:

- Minnesota and non-Minnesota law enforcement agencies (including tribal law enforcement agencies);

- Fusion centers within the National Network of Fusion Centers;

- Federal government agencies supporting criminal investigation and prosecution, homeland security, critical infrastructure protection, emergency management, and disaster response operations involved in or implicated by the Line 3 Replacement Project;

- State and Federal military components supporting criminal investigation and prosecution, security operations, critical infrastructure protection, emergency management, and disaster response operations involved in or implicated by the Line 3 Replacement Project;

- Minnesota state, county, municipal, or tribal government agencies that provide first response or emergency management services involved in or implicated by the Line 3 Replacement Project and have a need to know;

- Owners, operators, and/or providers of critical infrastructure/key resources involved in, impacted by, or implicated by the Line 3 Replacement Project and have a need to know;

- Non-governmental organizations providing emergency management, disaster response, victim assistance, or other services in direct support of government operations involved in or implicated by the Line 3 Replacement Project and have a need to know.

12-29-2020

John M. Harrington, Commissioner
Minnesota Department of Public Safety

Date