



# **DATA REQUEST POLICY**

**Adopted**  
February 27, 2017

**Approved by the City Council**  
February 27, 2017

### Right to Access Public Data

Government data is all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use. The Minnesota Government Data Practices Act (MGDPA) is a series of state laws that attempt to balance the public's right to know what their government is doing, individuals' right to privacy in government data created and maintained about them and the government's need to function responsibly and efficiently. All cities must comply with the MGDPA.

### Classifications

The MGDPA divides all government data into three broad classifications:

1. Data on individuals
2. Data not on individuals
3. Data on decedents.

The classifications each have three (3) subcategories that determine who can access the data. All government data is presumed to be public unless there is a specific state statute, federal law or temporary classification that classifies it otherwise. With city personnel data, the presumption is reversed, and all personal data is presumed to be private unless a specific state statute or federal law classifies it as public. Additional information about classifications are outlined in Minnesota Statute Chapter 13.

Data on Individuals	Data Not On Individuals	Data on Decedents	Who Has Access
Public	Public	Public	Anyone
Not Public			
Private	Nonpublic	Private	Data subjects and government employees and officials with a business need to know.
Confidential	Protected Nonpublic	Confidential	Only government employees and officials with a business need to know.

### City Responsibilities

Cities are required to prepare documents and related procedures to facilitate public access to data and to inventory the private and confidential data maintained. When a data request is made, the responsible authority or designee must review the request to verify what data, if any, is being requested. The Data Practices Act does not require cities to create or collect new data in response to a data request if the data does not already exist or to provide data in a specific form, format or arrangement if it is not kept in the requested format. In addition, the Data Practices Act does not require municipalities to answer questions that are not written requests for data.

### **Access to Data**

The public has the right to copies of public data and may review and/or inspect the data, free of charge, prior to requesting copies. The Data Practices Act allows municipalities to charge for copies and the time it may take to research and prepare the data request. Copy fees are as follows:

- 100 pages or fewer
  - \$0.25/page single-sided b&w
  - \$0.50/page double-sided b&w
- 100 pages or more and photos, DVD's, etc.
  - Actual costs
- In-depth requests
  - May be charged rate of lowest-paid employee who could compile the information

### **How to Make a Data Request**

To look at data or request copies of data a "Data Request Form" will need to be completed. This request can be submitted in person, online, or by mail, fax or email. The individual requesting data is not required to identify themselves or explain the reason for a data request. However, depending on how the data requested is processed, personal information may be necessary (example: an address may be needed if data request information is being mailed).

### **Responding to Data Requests**

Data requests will be responded to at the time of the request or as soon as reasonably possible.

- If the data is public information and can be readily accessed, requests will be responded to appropriately and promptly, within a reasonable amount of time by doing one of the following:
  - Arrange a date, time and place for inspection of the data, free of charge; or provide the individual with copies of the data as soon as reasonably possible. Copies can be sent via email, fax, mail or personal pick-up from our office. Charges for data request must be pre-paid before any copies of data are released.
- If the data is not available, notification will be provided in writing as soon as reasonably possible.
- If the data is available, but not public information, notification will be provided as soon as reasonably possible and will state which specific law is applicable to the type of data.

We will provide explanations of data released upon request.

### **Responsible Authority/Compliance Official:**

Jackie Fahey  
Deputy City Clerk  
203 South 2<sup>nd</sup> St.  
Le Sueur, MN 56058  
Phone: (507) 665-6401  
Email: [jfahey@cityoflesueur.com](mailto:jfahey@cityoflesueur.com)