

INTRODUCTION

The *Minnesota Government Data Practices Act* (MGDPA) regulates the handling of all government data that are created, collected, received, maintained, or disseminated by a state entity, political subdivision, or statewide system, no matter what form the data is in, or how it is stored or used. The MGDPA gives every member of the public the right to *see* and *have copies* of all public data kept by government entities. There are also various obligations placed upon government entities relating to this right.

The purpose of the MGDPA is transparency in government. Its basic presumption is that government data is presumptively public and therefore must be disclosed to anyone who asks for it.


There are, however, plenty of exceptions to the general rule. The MGDPA runs to over one hundred pages and is supplemented by additional rules. All of this legislating is devoted to categorizing data and drawing boundaries between public data and other data that has been classified as non-public, private, confidential, and so forth.

This document will provide general guidance to Park District employees regarding procedures for responding to data requests. Most such requests will be routine and in most cases, data sought will be plainly public. In more difficult cases, the Park District will provide all necessary assistance. When in doubt, seek assistance so that the Park District can promptly discharge its responsibilities under the MGDPA without compromising data which cannot be disclosed.

PROCEDURES

A. Access to Public Data.

1. Public right to access government data: The MGDPA gives all members of the public the right to see and have copies of all public data that the Park District maintains. This law also controls how the Park District keeps government data and what the Park District tells the public when they request access to data the Park District has. All the data the Park District has is public unless there is a state statute or federal law that classifies the data as *not public*.
 - a. Any requestor has a right to know;
 - i. The types of data the Park District keeps and how the data is classified;
 - ii. The Park District's procedures for requesting government data;
 - iii. To see (inspect) all public data that the Park District keeps.
 - b. Any requester has a right to see;

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- i. Specific types of data or elements.
 - ii. Specific documents or portions of documents.
 - iii. Entire records, files, or databases.
 - iv. All public data the Park District keeps.
- c. The public has a right to see and have copies of public Park District data without telling the Park District who they are or why they want the data.
- B. Responding to a request for data, the Park District must respond to requests for public data in an appropriate way and in a reasonable time.
1. The requestor will be required to put the request in writing. Materials requested which are known to be public data may be provided by the division/department responsible for compiling the information.
 2. If there is a question regarding the classification of data, the request should be forwarded to the General Counsel.
 3. Make a record of the person making the request, organization (when applicable), information requested, purpose for which the information is being sought (if known), address of the individual or organization (if provided), and the date of the request.
 4. The Park District may not prohibit or refuse a standing request for data but may limit the duration of the standing request.
 - a. The Park District must provide public data regardless of who the requestor is or the reason for requesting the data.
 5. Determine what specific data is requested.
 - a. Seek clarification from the requestor if necessary.
 6. Determine whether the Park District maintains the requested data.
 - a. The Park District is not required to provide data which it does not maintain.
 - b. The Park District is not required to produce data in a particular form or format if the data is not maintained in that form or format.
 7. The Park District's Responsible Authority or designee will determine how the data is classified:
 - a. If the data is public, the data must be provided.

- i. If copies cannot be provided at the time of the request, they must be supplied as soon as reasonably possible.
 - ii. If copies are requested in electronic form, and the Park District maintains the data in electronic form, the data must be provided in electronic form.
- b. If the data is not public, the Park District must inform the requestor.
- i. This may be done verbally, at the time of the request, or may be done in writing as soon as possible after the request is made.
 - ii. When informing the requestor, the Park District must cite the specific statutory section, temporary classification or specific provision of federal law that classifies the data as not public.
 - iii. If the requestor asks for written certification that the request was denied, the Park District must provide the certification, citing the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

8. Explaining the data provided.

- a. The Park District must explain the meaning of the data provided if the requestor asks for an explanation. This includes explaining the meaning of technical terminology, abbreviations, words or phrases.
- b. The explanation must be provided in an understandable way. When providing explanations for non-English speakers or for persons with hearing or vision impairments, the Park District may need to provide an appropriate interpreter.

9. Requests for summary data.

- a. Summary data are statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable.
- b. The Responsible Authority or designee must prepare summary data upon the request of any person, if the request is in writing and the requestor pays for the cost to prepare the data.
- c. The Responsible Authority may delegate the preparation of summary data to anyone outside of the Park District, including the requestor, if;
 - i. the person's purpose is set forth in writing, and
 - ii. the person agrees not to release any of the private or confidential data used to prepare the summary data, and

- iii. the Park District reasonably determines that the access will not compromise private or confidential data on individuals.

C. Fees for providing public data not on individuals.

1. No fee may be charged for inspection of public data. This includes situations where:
 - a. It is necessary for the Park District to display computerized data on a terminal or print a copy of the requested data in order for the requestor to inspect the data; or
 - b. A person wishes to visually inspect a paper document or data kept on any other medium that may be inspected visually; or
 - c. A person requests access to electronic data via her/his own computer equipment, and possibly prints copies or downloads data on her/his own equipment.

2. The Park District may require a requestor to pay a fee for copies of public data or for electronically transmitting the data in accordance with the *Minnesota Government Data Practices Act*.

- a. Data and copy fees (as of April 2017) are:

Clerical staff time.....	\$24 per hour
Information Technology staff time	\$24 per hour
Labels	\$2.50 per 1,000
Paper	\$0.25 per page
CD.....	\$1.00 each
USB/Flash Drive	\$10 each
Maps up to 24" x 36"	\$2.00 per copy
Maps larger than 24" x 36"	\$4.00 per copy
Postage.....	Actual cost

- b. The charge for 100 or fewer pages of black and white, letter or legal sized paper copies cannot exceed \$.25 per page.
- c. The charge for more than 100 pages of black and white paper copies, or any other types of copies, is the actual cost of searching for and retrieving the data, including the cost of employee time, and for making, certifying, and compiling, and electronically transmitting the data. There is no charge for time spent separating public from not public data.
- d. If the request is for copies of data that the Park District cannot reproduce itself, it will charge the actual cost it must pay an outside vendor for the copies.

3. All revenue gained from data copy fees will go to the park district fund of the section responsible for creating the revenue.
4. Complete the *Data & Copy Fees Form* and return, with the revenue, to the Finance Section where it will be credited to the appropriate division/department budget

D. Actions at the point of data collection.

1. Controls placed on the collection and storage of data on individuals:
 - a. The Park District may collect and store public, private and confidential data on individuals only if necessary to administer or manage a program that is authorized by state law or local ordinance or mandated by the federal government.
2. Actions the Park District must take before collecting and storing data on individuals:
 - a. Identify its specific legal authority for collecting and storing public, private, or confidential data on individuals.
 - b. Determine what types of data on individuals it collects or stores and how the data is classified.
 - c. Identify its specific legal authority) for using and disseminating private and confidential data on individuals.
 - d. Questions shall be directed to the Responsible Authority or to General Counsel.
3. *Tennessee Warning Notice*.
 - a. The Park District must give the individual this notice whenever it asks an individual to provide private or confidential data about her/himself.
 - b. The notice must inform the individual of:
 - i. The purpose and intended use of the data; and
 - ii. Whether the individual may refuse or is legally required to supply the data; and
 - iii. Any consequences to the individual of either supplying or refusing to supply the data; and
 - iv. The identity of other persons or entities that are authorized by law to receive the data.
 - c. When the *Tennessee Warning Notice* is not required.
 - i. Notice does not have to be given by law enforcement officers who are investigating a crime.
 - ii. The notice does not have to be given to the data subject when:

- ▶ the data subject is not an individual; or
- ▶ the subject offers information that has not been requested by the Park District; or
- ▶ the information requested from the subject is about someone else; or
- ▶ the Park District requests or receives information about the subject from someone else; or
- ▶ the information requested from the subject is public data about that subject.

d. Preparing the *Tennessee Warning Notice*.

- i. Preparation of the *Tennessee Warning Notice* must be reviewed by the Responsible Authority or General Counsel.
- ii. Each notice must be tailored to the requirements of the specific situation.
- iii. The *Tennessee Warning Notice* will be given in writing, and the data subject will be asked to sign and date the notice.
- iv. When information is collected over the phone, the notice should be provided verbally.
 - ▶ The Park District employee collecting the data must record the details of whether the notice was given, the date given, and the identity of the employee giving the notice.
 - ▶ The subject will also be given the notice in writing as soon as practicable.
 - ▶ Data on individuals cannot be legally collected or stored if a proper *Tennessee Warning Notice* was not given.

E. Subject's right to access data about her/himself:

1. The data subject has the right to ask and be told whether the Park District maintains data about her/him, and whether the data is classified as public, private, or confidential.
 - a. To exercise this right, the subject must make a request to the Responsible Authority.
 - b. This request must be in writing, which includes by letter, facsimile, or email transmission.
 - c. The Park District will require the individual to provide identification in order to confirm that she/he is the subject of the data.
 - d. The Park District must respond immediately, if possible, or within 10 working days.
 - e. Questions may be directed to the Responsible Authority or General Counsel.

Three Rivers Park District
DATA & COPY FEES FORM

Click here for fillable form: <G:\Public\ADMINISTRATIVE MANUAL\Forms to Use>

ITEM	FEE	# OF HRS/ITEMS	TOTAL
Clerical Staff Time	\$24 per hour		\$
Information Technology Staff Time	\$24 per hour		\$
Labels	\$2.50 per 1,000		\$
Paper	\$0.25 per page		\$
CD's	\$1.00 each		\$
USB/Flash Drive	\$10.00 each		\$
Maps up to 24" x 36"	\$2.00 per copy		\$
Maps larger than 24" x 36"	\$4.00 per copy		\$
Postage	actual cost		\$
TOTAL			\$

REVENUE CODING:

Fund	Dept/Div	Basic Activity	Element	Object	Project (opt)
		321	01	46	

Complete this form and return it to the Finance Section. Fill in the Fund and Dept/Div you want the revenue coded into. (Note: The Project code is optional).