

## School District

### Data Requests

#### I. Purpose

The school district recognizes its responsibility to disseminate public data as defined by state statute.

#### II. General Statement of Policy

The school district will ensure there is a clear process in place for requesting public data that complies with and follows the Minnesota Government Data Practices Act.

#### III. Definitions

For purposes of this policy, the definitions included in this section apply.

- A. “Confidential Data on Individuals” means ~~D~~data made not public by statute or federal law applicable to the data and are inaccessible to the individual subject of those data.
- B. “Data on Individuals” means ~~A~~all government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and that data are not accessed by the name or other identifying data of any individual.
- C. “Government Data” means ~~A~~all data collected, created, received, maintained, or disseminated by a government entity in its various forms (e.g., paper, email, DVDs, photographs, etc.).
- D. ~~Individual~~ “Individual” means a natural person. In the case of a minor or an incapacitated person, “individual” includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority will withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsibility authority determines that withholding the data would be in the best interest of the minor.
- E. “Inspection” means ~~T~~the visual inspection of paper and similar types of

government data. It does not include printing copies by the school district, unless printing a copy is the only method to provide for inspection of the data. For data stored in electronic form and made available in electronic form on a remote access basis to the public by the district, inspection includes remote access to the data by the public and the ability to print copies of or download the data on the public's own equipment.

- F. "Nonpublic Data" ~~means~~ **means** ~~D~~data not on individuals made by statute or federal law applicable to the data: (a) not accessible to the public; and (b) accessible to the subject, if any, of the data.
  - G. "Not Public Data" ~~means~~ **means** ~~A~~any government data classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.
  - H. "Private Data" ~~D~~data is available to the subject of the data and to district employees who need it to conduct the business of the district.
  - I. "Private Data on Individuals" ~~means~~ **means** ~~D~~data made by the statute or federal law applicable to the data: (a) not public; and (b) accessible to the individual subject of those data.
  - J. "Protected Nonpublic Data" ~~means~~ **means** ~~D~~data not on individuals made by statute or federal law applicable to the data (a) not public and (b) not accessible to the subject of the data.
  - K. "Public Data" ~~means~~ **means** ~~A~~all government data collected, created, received, maintained, or disseminated by the district, unless classified by statute, or temporary classification pursuant to state or federal law, as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential.
  - L. "Public Data Not on Individuals" ~~means~~ **means** ~~D~~data accessible to the public pursuant to Minnesota Statutes section 13.03
  - M. "Public Data on Individuals" ~~means~~ **means** ~~D~~data accessible to the public in accordance with the provisions of Minnesota Statutes section 13.03.
  - N. "Summary Data" ~~S~~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.
- IV. ~~O.~~ **O.** Responsible Authority
- ~~A.~~ **1.** The superintendent or designee will serve as the authority responsible for data requests.

- B- 2. The responsible authority will establish procedures to ensure that requests for government data are received and compiled in an appropriate and prompt manner.
- G- 3. The responsible authority may designate one or more designees.

V. Responding to a Request for Data

- A. All requests for public data must be made in writing and directed to the responsible authority or designee.
- B. Upon receiving a data request, the school district will acknowledge it and provide a tentative timeline for fulfillment.
- C. Prior to fulfilling a request, the district may contact the requester for the following reasons:
  - 1. to ask for clarification or additional information to help fulfill the request;
  - 2. to indicate that the request may involve a charge or require prepayment; or
  - 3. to discuss scheduling partial or rolling productions of data.
- D. The district's response time may be affected by the size and complexity of the particular request, including necessary redactions of the data, and also by the number of requests made within a particular period of time.
- E. Upon request to a responsible authority or designee, a person will be permitted to inspect and/or copy public data at reasonable times and places, and, upon request, will be informed of the data's meaning.
  - 1. ~~If arrangements are made for the requester to inspect the data and the requester does not appear at the time and place established for inspection, and the data is not picked up within 10 business days after the requester is notified of its availability, the district will conclude that the data is no longer wanted and will consider the request closed.~~
  - 1. If the responsible authority has notified the requesting person that responsive data or copies are available for inspection or collection, and the requesting person does not inspect the data or collect the copies within five business days of the notification, the responsible authority may suspend any further response to the request until the requesting person inspects the data that has been made available, or collects and pays for the copies that have been produced.

2. If the person requests access for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee to inspect the data.
- F. In order to complete a request, the district will do one of the following:
1. If the district does not have the data, the requester will be notified in writing as soon as reasonably possible.
  2. If the district has the data but the data are not public, the requester will be notified as soon as reasonably possible and be given written notice of the specific statutory section, temporary classification, or specific provision of federal law on which the decision to withhold or release the data was made.
  3. If the district has the data, and the data are public, the district will respond to the request appropriately and promptly, with a reasonable amount of time by doing one of the following:
    - a. arrange a date, time, and place to inspect data, for free, if the request is to look at the data, or
    - b. provide copies of the data as soon as reasonably possible. Electronic copies such as email, portable document format (PDF), or other electronic formats will be provided in response to the request. If the data is not in an electronic format (such as printed format), the data will be scanned and emailed to the requester or copied and made available to be picked up or mailed to the requester.
- G. The Government Data Practices Act does not require the creation or collection of new data in response to a data request, or to provide data in a specific form or arrangement if not kept in that form or arrangement.
- H. The responsible authority will respond within a reasonable time of the receipt of a request to prepare summary data and inform the requester of the following as appropriate:
1. the estimated costs of preparing the summary data, if any; and
  2. a written statement describing the reasons why the responsible authority has determined that the requester's access would compromise private or confidential data.
- I. The Government Data Practices Act does not require the district to answer questions that are not requests for data.

## VI. Request for Summary Data

- A. A request for the preparation of summary data will be made in writing directed to the responsible authority.
- B. The responsible authority will respond within ten (10) business days of the receipt of a request to prepare summary data and inform the requester of the following:
  - 1. The estimated cost of preparing the summary data, if any; and
  - 2. The summary data requested; or
  - 3. A written statement describing a time schedule for preparing the requested summary data, including reasons for any time delays; or
  - 4. A written statement describing the reasons why the responsible authority has determined that the requester's access would compromise the private or confidential data.
- C. The school district may require the requester to pre-pay all of a portion of the cost of creating the summary data before the district begins to prepare the summary data.

## VII. Data by an Individual Data Subject

- A. Collection and storage of all data on individuals and the use and dissemination of private and confidential data on individuals will be limited to that necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government.
- B. Private or confidential data on an individual will not be collected, stored, used, or disseminated by the school district for any purposes other than those stated to the individual at the time of collection.
- C. Upon request to the responsible authority or designee, an individual will be informed whether the individual is the subject of stored data on individuals, and whether it is classified as public, private, or confidential. Upon further request, an individual who is the subject of stored private or public data on individuals will be shown the data without any charge and, if desired, will be informed of the content and meaning of that data.
- D. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to that individual for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created.
- E. The responsible authority or designee will provide copies of the private or

public data upon request by the individual subject of the data. The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies.

- F. The responsible authority or designee will comply immediately, if possible, with any request made pursuant to this Section VII, or within ten days of the date of the request, excluding Saturdays, Sundays, and legal holidays, if immediate compliance is not possible.
- G. An individual subject of the data may contest the accuracy or completeness of public or private data. To exercise this right, an individual must notify in writing the responsible authority describing the nature of the disagreement. The responsible authority will within 30 days either: (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or (2) notify the individual that the authority believes the data to be correct. Data in dispute will be disclosed only if the individual's statement of disagreement is included with the disclosed data.
- H. The determination of the responsible authority may be appealed pursuant to the provisions of the Administrative Procedure Act relating to contested cases. Upon receipt of an appeal by an individual, the commissioner will, before issuing the order and notice of a contested case hearing required by the Minnesota Administrative Procedures Act, try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties consent, the commissioner may refer the matter to mediation. Following these efforts, the commissioner will dismiss the appeal or issue the order and notice of hearing.
- I. Data on individuals that have been successfully challenged by an individual ~~must~~ will be completed, corrected, or destroyed by the district without regard to the requirements of Minnesota Statutes section 138.17.
- J. After completing, correcting, or destroying successfully challenged data, the district may retain a copy of the commissioner of administration's order issued under the Minnesota Administrative Procedures Act or, if no order was issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

#### VIII. Requests for Data by an Individual Subject of the Data

- A. All requests for data must include proof that the individual is the data subject or the data subject's parent or guardian.
- B. Policy 515 (Protection and Privacy of Student Records) addresses requests of students or their parents for educational records and data.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. Ch. 14 (Minnesota Administrative Procedures Act)

Minn. Stat. § 138.17 (Government Records; Administration)

5 U.S.C. § 552 (Freedom of Information Act (FOIA))

Cross References:

Policy 208 (Development, Adoption, and Implementation of Policies)

Policy 406 (Public and Private Personnel Data)

Policy 515 (Protection and Privacy of Student Records)

Policy

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INDEPENDENT SCHOOL DISTRICT NO. 273

Edina, Minnesota

## Appendix I to Policy 113

### Costs Associated with Public Data Requests

- I. If a person requests copies or electronic transmittal of the data to the person, the responsible authority may require the requesting person to pay the actual costs of searching for and retrieving government data, including the cost of employee time, and for making, certifying, and electronically transmitting the copies of the data or the data, but may not charge for separating public from not public data.
- II. However, if 100 or fewer pages of black and white, letter or legal-size paper copies are requested, actual costs will not be used, and instead, the responsible authority may charge no more than 25 cents for each page copied.
- III. For requests totaling more than 100 pages, the responsible authority may charge the “actual costs” for producing the data, plus a per-page-cost for each paper copy produced.
  - A. “Actual costs” for producing public data of more than 100 pages are computed by applying DHS staff hourly pay rates to the time required for:
    1. Searching for and retrieving data, (if the requester is not the data subject)
    2. Making, certifying, sorting, and electronically transmitting or mailing the data, including the cost of employee time.
    3. There is no charge for redaction.

Appendix  
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