

ISD No. 2683 Policy No. [INSERT]

Adopted: \_\_\_\_\_

Revised: \_\_\_\_\_

**[POLICY NUMBER] DATA ACCESS POLICY**

**I. PURPOSE**

A. Policy Regarding Data Subjects

Consistent with Minnesota Statutes section 13.025, subdivision 3, the purpose of this policy is to set forth a written policy of the rights of data subjects under Minnesota Statutes section 13.04 and the specific procedures used by Greenbush Middle River School District #2683 (the “District”) for access by a data subject to public or private data on individuals. (See Section IV of this policy.)

B. Policy Regarding Members of the Public

Consistent with Minnesota Statutes section 13.025, subdivision 2, the purpose of this policy is also to set forth a written policy regarding the public’s ability to access data. (See Section V of this policy.)

**II. GENERAL STATEMENT OF POLICY**

This policy must be construed as consistent with the Minnesota Government Data Practices Act (MGDPA) and Minnesota Rules chapter 1205. All terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary customary usage. This policy does not confer upon an individual the right to access data not otherwise provided in any applicable law or other District policy. Nothing in this policy shall be interpreted to contradict any other District policy.

**III. DEFINITIONS**

A. Government Data

“Government data” means data that is collected, created, received, maintained, or disseminated by the District regardless of its physical form, storage media, or conditions of use. The MGDPA presumes that all government data are public unless a state or federal law says that the data are not public.

B. Inspection

“Inspection” means the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the 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 school 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 computer equipment.

C. Public Data

"Public Data" means all government data collected, created, received, maintained, or disseminated by the District, unless classified by statute, temporary classification pursuant to statute, or federal law, as nonpublic or protected nonpublic; or, with respect to data on individuals, as private or confidential.

D. Responsible Authority

"Responsible Authority" means the individual identified in Section VII of this policy, who is designated by the School Board as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law.

E. Personnel and Educational Data

For more information on personnel data, see Policy 406 PUBLIC AND PRIVATE PERSONNEL DATA, which specifies what personnel data is public and what personnel data is private. For more information on educational records, see Policy 515 PROTECTION AND PRIVACY OF PUPIL RECORDS.

#### **IV. DATA ACCESS BY DATA SUBJECTS**

A. Data Subjects

"Data subjects" are individuals who are the subject of government data. Data subjects may include employees, parents, eligible students, or other individuals who are seeking to inspect or obtain data about themselves, the individual's minor child, or person for whom the individual has been appointed legal guardian, which has been collected, created, received, maintained, or disseminated by the District.

B. Classification of Data

Data about a data subject are generally classified by state law as public, private, or confidential. See below for some examples.

1. Public data. The District must give public data to anyone who asks; it does not matter who is asking for the data or why.

2. Private data. The District cannot give private data to the general public, but a data subject has access when the data are about the data subject. The District can share a data subject's private data with the data subject, with someone who has the data subject's permission (i.e., when the data subject has given informed consent), with District staff who need the data to perform their job duties, and as permitted by law or court order.
3. Confidential data. Confidential data have the most protection. Neither the public nor a data subject can get access even when the confidential data is about the data subject. The District can share confidential data about a data subject with District staff who need the data to do their work and with others as permitted by law or court order. The District cannot give a data subject access to confidential data.

C. When the District Collects Data from You

1. Consistent with the MGDPA and other applicable law, when the District asks you to provide data about yourself, your minor child, or person for whom you have been appointed legal guardian that is not public, certain circumstances may require the District to give you a notice. The notice is sometimes called a data practices notice or a Tennessean warning.
2. The notice will inform you of: (a) the purpose and intended use of the requested data; (b) whether you may refuse or are legally required to supply the requested data; (c) any known consequence arising from supplying or refusing to supply private or confidential data; and (d) the identity of other persons or entities authorized by state or federal law to receive the data.

D. When You Believe Your Data is Inaccurate or Incomplete

1. Consistent with the MGDPA, any person who believes that data contained in the District's records regarding that individual, the individual's minor child, or person for whom the individual has been appointed legal guardian is inaccurate or incomplete may contest the accuracy or completeness of the data.
2. To exercise this right, the individual must notify the responsible authority in writing of the nature of the disagreement. Upon receiving such notification, the responsible authority will take action as required by Minnesota Statutes section 13.04. The individual has the right to appeal the responsible authority's determination in accordance with Minnesota Statutes section 13.04, subdivision 4(a).
3. See the REQUEST TO AMEND RECORDS; PROCEDURES TO CHALLENGE DATA section of Policy 515 for the specific process by

which an individual may contest the accuracy or completeness of data contained in education records.

4. Submission of a challenge to data does not guarantee that the District will amend its records.

E. Access to Your Data

1. You have the right to look at (inspect), free of charge, public and private data that the District keeps about you, your minor child, or person for whom you have been appointed legal guardian. You also have the right to get copies of public and private data about you, your minor child, or person for whom you have been appointed legal guardian. The MGDPA allows the District to charge for copies. In certain circumstances, the parents of an “eligible student” may be entitled to inspect or obtain copies of private educational data regarding such student. See Policy 515 for more information. In those cases, parents should follow the procedures outlined in Section IV of this policy to access private educational data on the eligible student. The term eligible student is defined in Policy 515.
2. Upon request to the responsible authority, an individual will be informed whether that individual, the individual’s minor child, or person for whom the individual has been appointed guardian is the subject of stored data on individuals and whether it is classified as public, private, or confidential.
3. Upon further request, an individual who is the subject of stored private or public data on individuals will be shown that public or private data about him or herself, his or her minor child, or person for whom he or she has been appointed legal guardian without any charge and, if desired, shall be informed of the content and meaning of that data.
4. Except as stated otherwise in Section IV of this policy (in particular, see Paragraph E.8.c. of Section IV) or except as required by law, after an individual has been shown the data and informed of its meaning, the District need not disclose the data to that individual for six months unless a dispute or action pursuant to Minnesota Statutes section 13.04 is pending, or additional data on the individual has been collected or created.
5. If a data subject’s records are maintained in more than one location, the responsible authority may collect copies of the records or the records themselves from various locations so they may be inspected at one time.
6. If a data subject’s records contain data on more than the data subject, the data subject may inspect or obtain copies of only the specific data that pertains to the data subject.

7. The District will use reasonable methods to identify and authenticate the identity of an individual who requests data about him or herself, his or her minor child, or person for whom he or she has been appointed legal guardian (or who asks whether he or she is the subject of stored data on individuals as described in Paragraph E.2. of Section IV of this policy). For example, prior to responding to a request, the District may require a data subject requesting data about him or herself, his or her minor child, or person for whom he or she has been appointed legal guardian to:
  - a. appear at the offices of the District to gain access; or
  - b. provide valid photo identification (proof of the data subject's identity) or other valid documentation (proof of legal relationship to student).

Similarly, the District will use reasonable methods, including but not limited to those listed above, to identify and authenticate the identity of any other individual or entity to whom private or confidential data is to be disclosed.

8. With regard to education records (see Policy 515 PROTECTION AND PRIVACY OF PUPIL RECORDS for definitions of terms used in this paragraph):
  - a. An eligible student and the parent or guardian of a student has the right to a response from the District to reasonable requests for explanations and interpretations of their records.
  - b. If circumstances effectively prevent the parent, guardian, or eligible student from exercising the right to inspect and review the education records, the District will provide the parent, guardian, or eligible student with a copy of the records requested, or make other arrangements for the parent, guardian, or eligible student to inspect and review the requested records.
  - c. Nothing in this policy shall be construed as limiting the frequency of inspection of the education records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.
  - d. In some cases, a minor student has the right to request that his or her private data not be released to his or her parent or guardian. Please note that the District may not deny access by parents or guardians to data that is considered an "education record" as that term is defined in FERPA, 34 C.F.R. § 99.3, unless the minor student is an eligible student.

- e. See Policy 515 for more information regarding the disclosure of education records.

F. How to Make a Request for Data on You

1. To inspect data or request copies of data that the District keeps about you, your minor child, or an individual for whom you have been appointed legal guardian, make a written request. Submit your written request for data to the responsible authority. You may make your request by mail, fax, email, or hand delivery, using the attached data request form A. The District reserves the right to accept verbal requests for data, or reduce verbal requests to writing, at its sole discretion.
2. If you choose not to use data request form A, your written request should include:
  - a. that you are making a request, under the MGDPA, as a data subject, for data about you, your minor child, or an individual for whom you have been appointed legal guardian;
  - b. whether you would like to inspect the data, have copies of the data, or both;
  - c. a clear description of the data you would like to inspect or have copied; and
  - d. identifying information that proves you are the data subject or the data subject's parent or guardian.

G. How the District Responds to Your Data Request

1. The District will respond to a written data request submitted pursuant to Section IV of this policy immediately, if possible, or within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays ("business days"), if immediate compliance is not possible.
2. If it is not clear to the District what data you are requesting, the District will seek clarification.
3. If the District does not have the requested data, the District will notify you in writing within ten business days.
4. If the District has the requested data, but the data are confidential or private data that are not about you (or are otherwise classified so as to deny you access), the District will notify you within ten business days of

the request and cite the specific statutory section, temporary classification, or specific provision of federal law which says you cannot access the data.

5. If the District has the requested data, and the data are public or private data about you, your minor child, or an individual for whom you have been appointed legal guardian (and may be lawfully disclosed to you), the District will respond to your request within ten business days by doing one of the following:
  - a. arrange a date, time, and place for you to inspect the data, for free, if your request is to inspect the data; or
  - b. provide you with copies of the data. You may choose to pick up your copies, or the District will mail or fax you copies of the data. The District will provide electronic copies (such as email) upon request if the District keeps the data in electronic format.

#### H. Copy Costs for Data Subjects

1. The District will charge you for the actual costs of making and certifying copies of public or private data about you, your minor child, or an individual for whom you have been appointed legal guardian as authorized under Minnesota Statutes section 13.04, subdivision 3, as amended. If the law changes to allow additional fees, the law will supersede this policy. Prepayment for copies is required.
2. In determining the actual cost, the District will consider the following:
  - a. the cost of the materials, including paper, used to provide the copies;
  - b. the cost of the labor required to prepare the copies;
  - c. any schedule of standard copying charges established by the District in its normal course of operations;
  - d. any special costs necessary to produce such copies from machine based record-keeping systems, including but not limited to computers and microfilm systems; and
  - e. mailing costs.
3. The cost of employee time to make and certify copies is based upon the hourly wage of the lowest-paid staff member who is able to make the copies.

4. If the request is for copies of data that the District cannot reproduce itself, such as photographs, it will charge the actual cost it must pay an outside vendor for the copies.
5. There is no charge for time spent separating public from non-public data.
6. With regard to copies of education records, the responsible authority may not impose a fee for a copy of an education record made for a parent or eligible student (*see* Policy 515 PROTECTION AND PRIVACY OF PUPIL RECORDS for definitions of these terms) if doing so would effectively prevent or, in the case of a student with a disability, would impair the parent or eligible student from exercising their right to inspect or review the student's education records.
7. The District reserves the right to charge a data subject for copies of data about the data subject, such as transcripts, that it forwards per the data subject's request to potential employers or post-secondary institutions for employment or admissions purposes.
8. In situations involving extensive or burdensome data requests, the District may exercise its right to require prepayment of estimated copying charges before gathering records in response to a data request to the extent permitted by law. The District will not provide copies of records to a requestor until it has received payment for applicable copying costs.

## **V. DATA ACCESS BY MEMBERS OF THE PUBLIC**

### **A. Public Access to Data**

Members of the public have the right to look at (inspect), free of charge, all public data that the District keeps. Members of the public also have the right to get copies of public data. The MGDPA allows the District to charge for copies.

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

1. To inspect data or request copies of public data that the District keeps, make a written request. Submit your written request for data to the responsible authority. You may make your request by mail, fax, email, or hand delivery, using the attached data request form B. The District reserves the right to accept verbal requests for data, or to require the request to be reduced to writing, at its sole discretion.
2. If you choose not to use data request form B, your written request should include:



- a. that you, as a member of the public, are making a request for data under the MGDPA;
  - b. whether you would like to inspect the data, have copies of the data, or both; and
  - c. a clear description of the data you would like to inspect or have copied.
3. The District cannot require you, as a member of the public, to identify yourself or explain the reason for your public data request. However, if you want the District to mail or email you copies of data, the District will need some contact information. In addition, failure to provide contact information could delay the processing of your request. If the District does not understand your request and needs to get clarification from you, without contact information, the District may not be able to process all, or a portion of, your request until you contact the District again.

C. How the District Responds to a Data Request from a Member of the Public

1. The District will respond to a written request for data submitted pursuant to Section V of this policy appropriately and promptly, as soon as reasonably possible, taking into account the nature and volume of the request.
2. If it is not clear to the District what data you are requesting, the District will seek clarification.
3. If the District does not have the requested data, the District will notify you in writing as soon as reasonably possible.
4. If the District has the requested data, but the data are not public (or are otherwise classified so as to deny you access), the District will notify you that your request is denied and will cite the specific statutory section, temporary classification, or specific provision of federal law which says the data are not public.
5. If the District has the requested data, and the data are public (and the District may lawfully disclose the data to you), the District will respond to your request as soon as reasonably possible by doing one of the following:
  - a. arrange a date, time, and place for you to inspect the data, for free, if your request is to inspect the data; or

- b. provide you with copies of the data. You may choose to pick up your copies, or the District will mail or fax you copies of the data. The District will provide electronic copies (such as email) upon request if the District keeps the data in electronic format.
- c. Upon request, the District will inform you as to the meaning of any data disclosed pursuant to Section V of this policy.

D. Copy Costs for Members of the Public

1. The District charges members of the public for copies of government data as authorized under Minnesota Statutes section 13.03, subdivision 3(c), as amended. If the law changes to allow additional fees, the law will supersede this policy. Prepayment for copies is required. In addition, the District reserves the right to require prepayment of estimated charges to the extent permitted by law prior to gathering data in situations involving extensive or burdensome data requests.
2. 100 or Fewer Paper Copies. If 100 or fewer pages of black and white, letter or legal size paper copies are requested, the District will charge 25 cents for a one-sided copy and 50 cents for a two-sided copy.
3. More than 100 Paper Copies and Other Types of Copies. The charge for more than 100 pages of black and white, letter or legal size paper copies, and the charge for any other types of copies (when a charge is not set by statute or rule), is the actual cost of searching for and retrieving the data, including the cost of employee time, and for making, certifying, and electronically transmitting the copies of the data.
  - a. In determining the actual cost of making copies, the District will consider the following:
    - (1) the cost of the materials, including paper, used to provide the copies;
    - (2) the cost of the labor required to prepare the copies;
    - (3) any schedule of standard copying charges established by the District in its normal course of operations;
    - (4) any special costs necessary to produce such copies from machine based record-keeping systems, including but not limited to computers and microfilm systems; and
    - (5) mailing costs.

- b. The cost of employee time to search for data, retrieve data, and make copies is based upon the hourly wage of the lowest-paid staff member who is able to search for, retrieve, and make the copies.
  - c. If the request is for copies of data that the District cannot reproduce itself, such as photographs, it will charge the actual cost it must pay an outside vendor for the copies.
  - d. There is no charge for time spent separating public from non-public data.
4. Copies of Data that has Commercial Value. If the request involves copies of public data that has commercial value and is a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, database, or system developed with a significant expenditure of public funds by the District, the responsible authority may charge a reasonable fee for the information in addition to the costs of making and certifying the copies. Any fee charged must relate to the actual development costs of the information. The responsible authority, upon request, shall provide sufficient documentation to explain and justify the fee being charged.

E. Summary Data

- 1. 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.
- 2. The responsible authority will prepare summary data if your request for summary data is in writing pursuant to Section V of this policy and you pre-pay for the cost of preparing the data.
- 3. Within ten (10) business days of receiving your written request (you may use the attached data request form B), the responsible authority will respond with an estimate of how much the District will charge. In addition, within ten (10) business days of receiving your written request, the responsible authority will respond:
  - a. with the summary data; or
  - b. with a written statement describing when the summary data will be ready including reasons for any time delays; or

- c. with a written statement stating the reasons why the responsible authority has determined that the member of the public's access would compromise the private or confidential data on individuals.
- 4. In assessing the costs associated with the preparation of summary data, the District will follow Minnesota Rule 1205.0700, subpart 7.
- 5. The preparation of summary data is not a means to gain access to private or confidential data.

## **VI. REQUESTS OUTSIDE THE MGDPA**

- A. Nothing in this policy or the MGDPA requires the District to create data, collect new data, or to provide data in a specific form or arrangement if the District does not keep the data in that form or arrangement.
- B. Nothing in this policy or the MGDPA requires the District to respond to questions that are not requests for data under the MGDPA or other applicable law.

## **VII. DATA CONTACTS**

### **A. Responsible Authority**

The responsible authority is the designated employee to whom persons may submit their data requests and other requests as outlined in this policy. The responsible authority is the person responsible for answering inquiries from the public concerning the provisions of the MGDPA or of Minnesota Rules chapter 1205. The following individual is designated as the District's responsible authority:

Tom Jerome  
Superintendent  
401 Park Avenue West  
P.O. Box 70  
Greenbush, MN 56726  
(P) 218-782-2232  
(F) 218-782-3141

### **B. Data Practices Compliance Official**

The responsible authority also serves as the District's data practices compliance official. The data practices compliance official is the designated employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.

## **VIII. REVIEW OF POLICY**

The District will review and, if necessary, update this policy no later than August 1 of each year, and at any other time as necessary to reflect changes in personnel, procedures, or other circumstances that impact the public's ability to access data.

## **IX. COPIES OF POLICY**

Copies of this policy will be posted on the District's website and made available at the front desk in the District's main offices.

***Legal References:*** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

***Cross References:*** Policy 406 (Public and Private Personnel Data)  
Policy 515 (Protection and Privacy of Pupil Records)

## Data Request Form A – Data Subjects

**Date of request:** \_\_\_\_\_

**I am requesting access to data in the following way:**

☐ Inspection

☐ Copies

☐ Both inspection and copies

Note: Inspection is free but the District charges for the actual cost of making and certifying any copies.

Note: The District will use reasonable methods to identify and authenticate your identity or your legal relationship to the student. You may be required to show valid photo identification as proof of identity or valid documentation as proof of your legal relationship to the student.

**These are the data I am requesting:**

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

### Contact Information

Data subject name \_\_\_\_\_

Parent/Guardian name (if applicable) \_\_\_\_\_

Address \_\_\_\_\_

Phone number \_\_\_\_\_ Email address \_\_\_\_\_

### Staff Verification

Identification provided \_\_\_\_\_

## Data Request Form B – Members of the Public

Date of request: \_\_\_\_\_

**I am requesting access to data in the following way:**

☐ Inspection

☐ Copies

☐ Both inspection and copies

Note: Inspection is free but there is a charge for copies.

**These are the data I am requesting:**

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

### Contact Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email address: \_\_\_\_\_

The District cannot require you, as a member of the public, to identify yourself. However, if you want the District to mail or email you copies of data, the District will need some contact information. In addition, failure to provide contact information could delay the processing of your request. If the District does not understand your request and needs to get clarification from you, without contact information, the District may not be able to process all, or a portion of, your request until you contact the District again.