

Adopted: May 2, 2022

Revised:

722 PUBLIC DATA ACCESS REQUESTS

1. PURPOSE

Becker Public School District 726 (the “school district”) recognizes its responsibility for transparency **relative to the collection, maintenance, and dissemination of public data as provided in state statutes** ~~and establishing physical data storage components that isolate non-public data from public data, collecting data, determining whether it is public nor non-public, storing the data in the appropriate data storage component, maintaining the data, and disseminating the data as provided in state statutes.~~

2. GENERAL STATEMENT OF POLICY

~~The school district recognizes its responsibility to keep all records containing government data in a segregated arrangement between public and non-public data, and in such manner as to make all public data easily and conveniently accessible for access by the public while maintaining the privacy and security of all non-public data.~~

The school district will comply with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 (MGDPA), and Minn. Rules Parts 1205.0100-1205.2000 in responding to requests for public data.

This policy will become effective on the date of its adoption by the school board.

3. DEFINITIONS

A. Government Data

“Government data” means all data collected, created, received, maintained or disseminated by the School District, regardless of its physical form, storage media, or conditions of use.”
Minn. Stat. § 13.02, subd. 7.

B. Requester

“Requester” as set forth in Minn. Stat. § 13.03, subd. 8, is defined as any individual who makes a request under this policy to access school district government data.

C. Responsible Authority

“Responsible authority” means the individual designated by the school board as the individual responsible for collecting data, classifying data as public or as non-public pursuant to statute, ~~or temporary classification pursuant to section of Minn. Stat. Section 13.06, or federal law,~~

~~storing the data in separate public and non-public storage components according to its classification, maintaining the data, disseminating the data, and arranging for inspection and or copying of data when requested. In storing non-public data, where practical, the responsible authority will also store a duplicate of the data in the public storage component with the confidential or non-public portions thereof redacted, in order that the public portions of such data may be released as public data. Until an individual is designated by the school board, the responsible authority is the superintendent.~~

D. Inspection

“Inspection” means the in-person, visual inspection of government data. Inspection does not include printing copies by the school district, unless printing a copy is the only method to provide for inspection of the data. Public data that is maintained only in paper form will be made available to the requester for on-site inspection. Public data that is stored in digital or electronic form will be made available to the requester for inspection on-site, utilizing the school district’s own equipment.

E. Public Data

“Public data” means all government data unless otherwise classified by statute, or temporary classification pursuant to statute or federal law, as nonpublic or protected nonpublic data, or with respect to data on individuals as private or confidential data.

F. Summary Data

“Summary data” means 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 reasonably be used to identify an individual is ascertainable. Summary data is presumptively public data unless otherwise classified pursuant to Minnesota Statutes section 13.06, another statute, or federal law.

4. REQUEST FOR PUBLIC DATA

All requests for public data must be made in writing directed to the responsible authority.

1. A request for public data must include the following information:

- a. Date the request is made;
- b. A **clear** description of the data requested;
- c. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
- d. Method to contact the requester (such as phone number, address, or email address).

2. Unless as specifically authorized by statute, a requester is not required to explain the reason for the data request or justify a request to gain access to public government data. A requester may be asked to provide certain identifying or clarifying information for the purpose of facilitating access to public government data sought.

3. The identity of the requester is public, if provided, but cannot be required by the school district. ~~However, if the district provides internet access to public data, it may require a username and password.~~

4. The responsible authority may seek clarification from the requester if the request is not reasonably clear before providing a response to the data request.

B. The responsible authority will respond to a data request at reasonable times and places as follows:

1. The responsible authority will notify the requester in writing as follows:

a. The requested data does not exist; or

b. The requested data does exist but either all or a portion of the data is not accessible to the requester; or

(i) If the responsible authority determines that the requested data is classified so that access to the requester is denied, the responsible authority will inform the requester of the determination in writing, as soon thereafter as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based.

(ii) Upon the request of a requester who is denied access to data, the responsible authority shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

c. The requested data does exist and arrange for inspection of the data if so requested. If the requester seeks printed or digital copies of the data, provide the cost of such copies and identify when the data will be available for pick-up, or indicate that upon receipt of payment, the data will be sent by mail or email. If the requester does not appear at the time and place established for inspection, or copies are not retrieved within ten (10) business days after the requester is notified, then the school district will conclude that the data is no longer wanted and consider the request closed.

2. The school district's response time may be affected by the size and complexity of the request, including necessary redactions of the data, and also by the number of requests made within a particular period of time.

3. Upon request, the school district will provide an explanation of technical terminology,

abbreviations, or acronyms contained in the responsive data.

4. The school district is not required by the MGDPA to create or collect new data in response to a data request, or to provide responsive data in a specific form or arrangement if the school district does not usually keep the data in that form or arrangement in the school district's ordinary and usual data collection practices.

5. The school district is not required to respond to questions that are not about a particular data request or requests for data in general.

5. REQUEST FOR SUMMARY DATA

A. A request for the preparation of summary data **as defined in 3.F.** shall be made in writing directed to the responsible authority.

1. A request for the preparation of summary data must include the following information:

- a. Date the request is made;
- b. A clear description of the data requested;
- c. Identify the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
- d. Method to contact requester (phone number, address, or email address).

B. The responsible authority will respond within ~~a reasonable period~~ **10 business days** of the receipt of a request to prepare summary data and inform the requester of the following:

1. The estimated costs 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 requires the requester to pre-pay all of the cost of creating the summary data before the school district begins to prepare the summary data in accordance with the policy provisions outlined below.

6. COSTS

A. Public Data Costs

1. The requester may not be charged for any copies made by the school district if not specifically agreed to in writing by both the school district and the requester. Such

agreement will include a good faith estimate by the school district of the costs involved and will promptly notify the requester if the actual costs will exceed the estimate and may only be charged if requester expressly agrees to the additional costs in writing.

Should such a written agreement is **be** made between the school district and the requester, the school district ~~may~~ **will** charge for copies provided as follows:

a. 100 or fewer pages of black and white, letter or legal sized paper copies will be charged at 25 cents for a one-sided copy or 50 cents for a two-sided copy.

b. More than 100 printed pages or copies on other materials of printed data or printed pages of electronic or digital data are charged based upon the actual cost of searching for and retrieving the data and making the copies or electronically sending the data, unless the cost is specifically set by statute or rule.

(1).The actual cost of making copies includes employee time, the cost of the materials onto which the data is copied (paper, CD, DVD, **flash drive**, etc.), and mailing costs (if any).

(2). Also, if the school district does not have the capacity to make the copies, e.g., photographs, the actual cost paid by the school district to an outside vendor will be charged.

2. All charges must be paid for ~~in cash~~ in advance of receiving the copies.

B. Summary Data Costs

1. Any costs incurred in the preparation of summary data shall be paid by the requester prior to preparing or supplying the summary data.

2. The school district may assess reasonable costs associated with the preparation of summary data as follows:

a. The reasonable cost of materials, including paper, the reasonable cost of the labor required to prepare the copies, any schedule of standard copying charges established by the school district, any reasonable special costs necessary to produce such copies from a machine-based record-keeping system, including computers and microfilm systems;

b. The school district may consider the reasonable value of the summary data prepared and, where appropriate, reduce the costs assessed to the requester.

~~7. DATA PRACTICES AUDIT AND DISPUTE RESOLUTION~~

~~1. The responsible authority will commission an independent audit of all data subject to and governed by this policy at a minimum of every two years commencing with an initial~~

~~independent audit commissioned within two (2) months of the adoption of this policy. The independent auditor will be selected by approval of the school board by majority vote. Upon completion of the data audit the independent auditor will certify to the school board the results of its audit, noting any material deficiencies of the implementation of this policy including but without limitation, any misclassification of data as to public or non-public.~~

~~21. Any disputes arising between a requester and the responsible authority from the implementation of this policy and its procedures will first be informally negotiated by the parties. If no resolution is reached the school board will convene a board meeting to attempt to mediate resolution of the dispute. If no resolution is reached the requester or the school district agree to seek an advisory opinion from the Data Practices Officer the relevant state agency at no cost to the requester.~~

~~32. If no resolution between the requester and the responsible authority is reached after following the informal dispute resolution as stated above, then both parties are free to pursue whatever remedies are available under Minnesota law.~~

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act); Minn. Rules Part s 1205.0100-1205.2000.

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