

108 DATA REQUEST POLICY

I. PURPOSE

The purpose of this policy is to provide guidance to the public and school district employees as to the data the School District ("District") collects and maintains and the permissible distribution of such data.

II. GENERAL STATEMENT OF POLICY

- A. All data on individuals collected, created, received, maintained or disseminated by the School District, which is classified by state statute or federal law as public, shall be accessible to the public pursuant to the procedures established by the District.
- B. All other data on individuals is private or confidential.

III. GENERAL INFORMATION ABOUT THE DATA THE DISTRICT KEEPS

- A. The law says that all the data the District keeps are public unless there is a state or federal law that classifies the data in some other way. The District must give public data to anyone who asks, no matter who is asking or why. In this document, "data" means individual items or elements of data. Each document, record or file contains many data elements.
- B. Some of the public data the District keeps are posted on the Web at www.isd709.org, but it is not necessary to have access to the Web to inspect or have copies of the data. The District also offers reports, brochures, and other publications for anyone to have if they ask.

IV. DEFINITIONS

- A. Data: The term, data, when used in this policy, means government data. Government data are all data kept in any recorded form by government entities in the executive branch of government in Minnesota. As long as data are recorded in some way by a government entity, they are government data, no matter what physical form they are in, or how they are stored or used. Government data may be stored on paper forms/records/files, in electronic form, on audio or videotape, on charts, maps, etc.
- B. Public Data: Public data means that the data is available to anyone who requests it.
- C. Private Data: Private data means the data is available to the subject of the data and to District staff who need it to conduct the business of the District and to others outside the District who are given access to the private data by state statute or federal law.

- D. **Confidential Data: Confidential data means the data is not available to the subject and is accessible only by authorized staff of the District and to others outside the District who are given access to the private data by state statute or federal law.**
- E. **Personnel Data: Personnel Data means data on individuals collected because they are or were employees of the District, or is or were applicants for employment, volunteers for the District, or is a member of or applicant for an advisory board or commission.**
- F. **Educational Data: Educational Data means those records which: (1) are directly related to a student; and (2) are maintained by the District or by a party acting for the District.**
- G. **Not Public Data: Not public data means data on individuals that is private or confidential or data not on individuals that are non-public or protected non-public as classified by state or federal law.**
- H. **Summary Data: Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. The preparation of summary data is not a means to gain access to private or confidential data.**

V. RIGHT TO ACCESS PUBLIC DATA

The Minnesota Government Data Practices Act (“Data Practices Act”), Minnesota Statutes, Chapter 13, presumes that all government data are public unless a state or federal law says the data are not public. Government data means all recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

The law also provides that the District must keep all government data in a way that makes it easy for you to access public data. You have the right to look at (inspect), free of charge, all public data that the **School** District keeps. You also have the right to get copies of public data. The Data Practices Act allows the **School** District to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

VI. HOW TO MAKE A DATA REQUEST

A written request is required to inspect data or request copies of data that the **School** District maintains. **There are three different ways to request information in writing:**

1. **Complete Attachment A**
2. **Complete the online Google Form located on the District’s website**

3. **Send a letter or an email to one of the Data Practices Contacts**

A form for requesting data is provided; however, a requesting party may make a request in writing including the following information:

The following information must be included on your written request:

1. State that you, as a member of the public, are making a request for data under the Minnesota **Government** Data Practices Act, Minnesota Statutes, Chapter 13;
2. State whether you would like to inspect the data, get copies of the data, or both; and
3. Provide a clear description of the data you are requesting. **Anyone requesting public data has the right to inspect the data before deciding to request copies.**

The District is required only to respond to requests for access to data under Chapter 13. The District is not required to respond, or follow timelines in responding, if you only submit a question about data.

The **School** District cannot require that a requesting party identify themselves, or explain the reason for the request. However, the requesting party may need to provide the **School** District with some personal information for practical reasons (for example: if an individual requests that data be mailed, it is necessary that the requesting party provide the **School** District with an address or P.O. Box). Further, it may be necessary for the **School** District to contact a requesting party if it has questions concerning the request **or to discuss any charges associated with the request.**

VII. HOW DULUTH PUBLIC SCHOOLS RESPONDS TO A DATA REQUEST

- A. Upon receiving a request, the **School** District will review.
- B. The District will acknowledge receipt and assign the appropriate person to gather the data. Acknowledgement can come in the form of an email, phone call, fax, letter or in person.**
- C. The **School** District may ask that the requestor clarify what data is being requested.
- D. If the District does not have the data, the requestor will be notified as soon as reasonably possible.**

- E. If the **School** District has the data, but such data is not public, the **School** District will tell you as soon as reasonably possible, including reference to the law that restricts the release of such data.
- F. If the **School** District has the data, and the data are public, the **District** will respond to the request appropriately and promptly, within a reasonable amount of time by doing one of the following:
- **If the request is to inspect the data, the District will arrange a date, time and place for inspection. The District cannot charge a fee for letting someone inspect data.**
 - **If copies are requested, the District will provide them as soon as reasonably possible by mail or fax, or they may be picked up. If the District keeps the data in electronic form and copies are requested in electronic form (such as by email or on disk), the copies will be provided in electronic form. The District charges a fee for providing copies. If a person inspects data and then asks for copies of only some of the data, the District charges a fee only for the copies requested. The District charges an additional fee for providing copies of data that have commercial value. Fees are described in Attachment B.**
 - ~~**Arrange a date, time, and place for the requestor to inspect the data at School District offices; or**~~
 - ~~**The requestor may choose to pick up copies, or the School District will mail or email them. The School District will provide electronic copies upon request if it is reasonably possible to keep the data in that format and make a copy.**~~

Response time may be impacted by:

- **the size and/or complexity of the request**
- **the number of requests that the requesting party makes in a given period of time**
- **staff availability to respond to the request**
- **how many other data requests the District is handling**

If a requesting party does not understand some of the data (technical terminology, abbreviations, or acronyms), please contact the **School** District for an explanation.

The Data Practices Act does not require the **School** District to create or collect new data in response to a data request, or to provide data in a specific form or arrangement other than the form/arrangement the data is currently maintained in. For example, if the requested data is maintained on paper only, the **School** District

is not required to create electronic documents in response to a request. If the **School** District agrees to create data in response to a request, the **School** District will work with the requesting party on the details of the request, including cost and response time.

VIII. REQUESTS FOR SUMMARY DATA

The **School** District will prepare summary data if the requesting party makes a request in writing, and pays for the cost of creating the data. Upon receiving a written request for summary data, the **School** District will:

- respond to the requesting party **within a reasonable amount of time** (**generally** ten (10) business days) with the data, or details of when the data will be ready
- notify the requesting party of how much the School District will charge for the data

DATA PRACTICES CONTACTS:

Responsible Authority:

William Gronseth, Superintendent
215 North First Avenue East
Duluth, MN 55802
william.gronseth@isd709.org

Data Practices Compliance Official:

Douglas Hasler, Chief Financial Officer
215 North First Avenue East
Duluth, MN 55802
douglas.hasler@isd709.org
datapactices@isd709.org

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DULUTH PUBLIC SCHOOLS' DISTRICT COPY COSTS

The **School** District **may will** charge members of the public for copies of government data as authorized under Minnesota Statutes, Section 13.03, subdivision 3(c).

If the cost of the copies exceeds \$10, payment must be made before copies are provided. Personal checks and credit cards are not accepted.

For 100 or Fewer Paper Black and White Copies – 25 cents per page

The charge for 100 or fewer pages of black and white, letter or legal-sized paper is 25 cents per page for a one-sided copy, and 50 cents for a two-sided copy. **If the District provides a copy by making a computer printout, the charge is 25 cents for each page and 50 cents for a two-sided copy.**

Color Printouts

The charge for color printouts is 50 cents per page printed; \$1.00 for a two-sided print.

More than 100 Copies or Other Types of Copies – Actual Cost

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 and making the copies or electronically transmitting the data.

Summary Data

The **School** District charges the actual cost for preparing summary data. **Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals.**

In determining actual cost **of summary data**, the **School** District will include the cost of employee time, the cost of materials, and mailing costs. If the request is for copies of data that the **School** District cannot reproduce itself, such as photographs, it will charge the actual cost it must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data, and make copies is dependent upon the hourly wage of the lowest paid employee who can perform the work given the data privacy issues related to searching for the records.

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 **School** 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 information. The responsible authority, upon request, shall provide sufficient documentation to explain the fee being charged.

Postage Fees

Any costs associated with mailing the data will be included in the charges. This includes, but is not limited to, USPS, Fed-Ex, UPS.