

# **PUBLIC DATA ACCESS REQUESTS**

## **1. PURPOSE**

Becker Public School District 726 (the “school district”) recognizes its responsibility for transparency 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” includes all recorded information that the school district has, including paper, email, flash drives, CDs, DVDs, photographs, etc. Full convenience and comprehensive accessibility shall be allowed to all “requesters” to access data to which they are permitted under this policy and in accordance with applicable state law.

For purposes of this policy, “Government data” shall include all instructional or training materials, or activities, used for staff and faculty training as well as all learning or curricular materials, or activities, used for student instruction and any procedures for the documentation, review, or approval of the training, learning, or curricular materials used for staff and faculty training or student instruction at the school, including by the principal, curriculum administrators, or other teachers.

### **B. Requester**

“Requester” 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 data in its original form as it exists in the physical location in which it is stored by the school district regardless of whether the data is on paper or in a digital or electronic form such as files on a computer, email, flash drives, CDs, DVDs, or as photographs or microfilm.

Public data stored on paper must be made available for inspection by the requester on-site. Public data stored in digital or electronic files must be made available for inspection by the requester either (1) on-site, utilizing the school district’s equipment, (2) by downloading digital files from the school district’s computer directly to (a) the requester’s portable electronic computer equipment or (b) to the requester’s portable digital storage media (e.g. a “flash drive”), upon the examination and approval of such media by, and under the supervision of a designated school district employee, or (3) if the school district so provides, by means of internet access utilizing the requester’s own computer equipment.

A request for inspection and/or copy of the government data at reasonable times and places shall be granted and, upon request, the requester shall be informed of the data’s meaning. If a requester seeks access to data for the purpose of on-site inspection, the responsible authority may not assess a charge or request the requesting person to pay a fee to inspect 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. 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.

### E. Public Data

“Public data” means all government data unless otherwise classified by statute, or temporary classification pursuant to section of Minn. Stat. Section 13.06, or federal law, as non-public or protected no public, or with respect to data on individuals as private or confidential.

## F. Summary Data

“Summary data” means a **summary of** statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities or any other characteristics that could **reasonably be used to** identify an individual. **Summary data shall presumptively be classified as public data.**

### 4. REQUEST FOR PUBLIC DATA

A. **If the district provides internet access to its public data, no request is required.** All other 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 **general** 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 A requester is not required to explain the reason for the data request **or justify a request to gain access to public government data.**

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 provide arrangements for **in person** inspection of the data **if so requested. If the requester requires printed copies of the data, provide the cost of such printing 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. If the requester does not appear at the time and place established for inspection of the data or the data is not picked up within ten (10) business days after the requester is notified, the school district will conclude that the data is no longer wanted and will 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. The school district will provide an explanation of technical terminology, abbreviations, or acronyms contained in the responsive data on request.

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 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 ~~ten (10)~~ **a reasonable period** 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 ~~may~~ **requires** the requester to pre-pay all ~~or a portion~~ 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 made between the school district and the request,** 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, 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.
2. 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 relevant state agency at no cost to the requester.
3. 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:** MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)