

## **POLICY 750 DATA SUBJECT RIGHTS AND ACCESS POLICY**

### **I. PURPOSE**

The purpose of this policy is to explain Crosslake Community Schools's (CCS) process for reviewing or obtaining public data and to comply with the Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes Chapter 13. Policy 750 must be updated 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

### **II. DEFINITIONS AND CONSTRUCTION**

This policy must be construed as consistent with the MGDPA and Minnesota Rules Chapter 1205. All terms used herein that are defined by the MGDPA must be given the same definition as listed in the MGDPA and Rules Chapter 1205. Nothing in this policy shall be interpreted to contradict any other CCS policy.

### **III. RIGHT TO ACCESS PUBLIC DATA**

All data collected, created, received, maintained or disseminated by CCS, which is classified by state statute or federal law as public, shall be accessible to the public pursuant to the procedures established by CCS in this policy.

### **IV. MAKING A PUBLIC DATA REQUEST**

To review or request copies of public data in CCS's possession, a member of the public should make a written request using Attachment B and submit this request to the appropriate data practices contact described in Attachment B. CCS reserves the right to accept verbal requests for data or reduce verbal requests to writing, at its sole discretion.

### **V. PROCESSING A DATA REQUEST**

Upon receipt of a written request, CCS will process such request within a reasonable time depending on the nature and volume of the request. If the response to a request will take longer than fifteen (15) business days and the requester has provided contact information, then CCS may notify the person of the approximate amount of time it will take to process the request. If it is unclear what data is being requested, then CCS will seek clarification if the requester has provided contact information. If CCS does not have the data requested, then it will notify the requester in writing as soon as reasonably possible.

If CCS has the data requested, and the data may lawfully be disclosed to the requester, then CCS will respond to the request by doing one of the following:

- a. Arrange a date, time, and place for the requester to review the data without cost to the requester; or
- b. Provide the requester with copies of the data. The requester may choose to pick up the copies, or CCS will mail or fax copies of the data to the requester. CCS will provide electronic copies (such as email or CD-ROM) only if CCS keeps the data in electronic format. Prepayment of copies is required unless other arrangements are approved by the responsible authority or designee. Additional information about copy charges is included on Attachment B.

Upon request, CCS will inform the requester as to the meaning of any data disclosed pursuant to this policy.

If CCS determines that the requested data is classified so as to deny the requester access, then CCS shall inform the requester of that determination either verbally at the time of the data request, or in writing as soon as

reasonably possible. The responsible authority or designee will certify in writing the denial of the request and cite the specific statutory section, temporary classification, or specific provision of law upon which the denial was based.

## **VI. CREATING NEW DATA OR RESPONDING TO QUESTIONS**

Nothing in this policy or the MGDPA requires CCS to create data in response to a data request, collect new data in response to a data request, or to provide data in a specific form or arrangement if CCS does not keep the data in that form or arrangement. If CCS agrees to create data in response to a request, then CCS will work with the requester regarding the details of the request including cost and response time.

Nothing in this policy or the MGDPA requires CCS to respond to questions that are not requests for data.

## **VII. REQUESTS FOR 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. CCS will prepare summary data if such request is made in writing and the cost of creating the summary data is prepaid by the requester.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.02 (Definitions)  
Minn. Stat. § 13.025 (Public Data Access Policy; Data Subject Rights and Access Policy; Availability of Public Data Access Policies)  
Minn. Stat. § 13.03 (Access to Government Data; Costs for Providing Copies of Data)  
Minn. Stat. § 13.37 (General Nonpublic Data)  
**Minn. Stat. § 124E.03 (Applicable Law)**  
Minn. Rules Part 1205.1200, subpart 2 (Duty of Responsible Authority to Inform Public Where to Direct Inquiries)  
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices) Minnesota Department of Administration Advisory Opinion 13-007  
20 U.S.C. § 1232g et seq. (Family Educational Rights and Privacy Act)

**Cross References:** MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

Policy 750 Access to Public Data is a requirement of Osprey Wilds' and Minnesota Department of Education's Annual Charter School Assurances submission by October 31 of each year.

## **POLICY 750 ACCESS TO PUBLIC DATA**

### **Attachment A**

#### **Copy Costs – Requests for Public Data**

CCS charges members of the public for copies of government data as authorized under Minnesota Statutes Section 13.03, subdivision 3(c). A member of the public must pay for the copies before CCS will provide the copies requested.

#### **For 100 or Fewer Paper Black and White Copies -- \$0.25 per Page**

The charge for 100 or fewer pages of black and white, letter or legal size paper copies is \$0.25 for a one-sided copy and \$0.50 for a two-sided copy.

#### **Most Other Types of Copies – Actual Cost**

The charge for more than 100 pages of black and white copies, or other types of copies, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data.

CCS charges the actual cost of 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 the actual cost, CCS includes the cost of the employee time, the cost of the materials, and any mailing costs.

If the request is for copies of data that CCS cannot reproduce itself, such as photographs, then it will charge the requester the actual cost it must pay an outside vendor for the copies.

The cost of employee time to search for the requested data, retrieve the requested data, and make copies of the requested data is based upon the lowest hourly rate of the appropriate CCS employee. If, because of the subject matter of your request, CCS finds it necessary for a higher-paid employee to search for and retrieve the data, then the search and retrieval portion of the copy charge will be charged at the higher salary/wage. There is no charge for time spent separating public from not public data.

If the data request involves copies of public data that includes 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 CCS, the responsible authority may charge a reasonable fee for the information in addition to the costs of making and certifying the copies. Any fee charges must relate to the actual development costs of the information. Upon request, the responsible authority will provide sufficient documentation to explain and justify the fee being charged.

#### **Discretionary Copy Charge Waivers**

In some cases, whether CCS charges a requester of public data a copy charge will depend on the costs to the department for providing the copies compared to the costs for collecting and recording a copy charge payment from a requester. If the cost of providing the copies is outweighed by the costs to CCS for collecting and recording payment, then CCS may waive a copy charge.

If CCS determines that it is in the best interests of the public and CCS to release data without copy charges, then CCS may waive such copy charges. For example, CCS may decide to waive copy charges for a media request when it appears the community and CCS will benefit from release of the data.

POLICY 750 ACCESS TO PUBLIC DATA

## Attachment B

## Data Request Form – Requests for Public Data

**Date of Request:** \_\_\_\_\_

## Method of Access to Data:

In-Person Review Copies Both (in-person review and copies) (Note: *In-person review is free, but there is a charge for copies*)

### **Description of Requested Public Data:**

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*(Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form or additional pages.)*

### **Contact Information for Requester of Public Data:**

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

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

A requester of public data does not have to provide any of the above contact information. If a requester wants CCS to mail or email him/her copies of data, then a mailing and/or email address will be necessary. In addition, a lack of contact information could delay the processing of a request. If a requester declines to provide his/her contact information, and CCS does not understand the request and needs clarification, then processing of the request will be delayed until the requester contacts CCS.

**Return Completed Form To:**

Return Completed Form 101  
Annette Klang, Director of Seat-Based Learning  
35808 County Road 66  
P.O. Box 1020  
Crosslake MN 56442  
218-692-5437