

City of Grand Rapids Data Access Procedures

Introduction

These procedures are adopted to comply with the requirements of the Minnesota Government Data Practices Act (the “Act”), specifically MN stat. Sec. 13.03, Subd. 2 and 13.05, Subd. 5 and 8.

The Minnesota Data Practices Act establishes a system for compilation and distribution of data gathered by government agencies. All data collected and maintained by the City of Grand Rapids (“City”) are presumed public and are accessible to the public for both inspection and copying, unless classified as Private, Confidential, Nonpublic or Protected Nonpublic in accordance with federal law, state statute or a temporary classification.

Required Officials

Responsible Authority

The person designated by the City Council as the Responsible Authority is Kimberly Gibeau, City Clerk. The Responsible Authority is responsible for collection, use, and dissemination of any set of data. The Responsible Authority has designated certain other City employees to assist in complying with the Act. These designees are as follows:

- Police Chief for police records
- IT Systems Administrator for electronic data storage
- City Clerk for official records

Other positions responsible for maintenance of City records are as apparent or assigned.

Compliance Officer

The person designated by the Responsible Authority as the Compliance Officer is Tom Pagel, City Administrator. This is to whom questions regarding problems in obtaining access to data may be directed.

Categories of Data

All government data falls into one of three categories:

Data on Individuals	Data on Decedents	Data not on Individuals	Meaning of Classification
Public <i>MS §13.02, subd. 15</i>	Public <i>MS §13.02, subd. 15</i>	Public <i>MS §13.02, subd. 4</i>	Available to anyone for any reason
Private <i>MS §13.02, subd. 12</i>	Private <i>MS §13.10, subd. 1B</i>	Nonpublic <i>MS §13.02, subd. 9</i>	Available only to the data subject and to anyone authorized by the data subject or by law to see it
Confidential <i>MS §13.02, subd. 3</i>	Confidential <i>MS §13.10, subd. 1A</i>	Protected Nonpublic <i>MS §13.02, subd. 13</i>	Not available to the public or to the data subject

Before responding to any request, the Responsible Authority must determine the classification in which the requested data falls by consulting the Act or the appropriate statute. Requests for data determined not to be public, must be approved by the Responsible Authority.

Access to Data

All requests to examine data and for copies, can be oral or in writing. Depending upon the complexity of the request and/or data, the City may require that the request be in writing. All requests to see or copy private or confidential information must be in writing on a *City of Grand Rapids Data Request Form*. See Exhibit A, Data Request Form. Requests for government data shall be made to the Responsible Authority or her/his designee. Data requests may be submitted by mail addressed to: City of Grand Rapids, Administration Department, 420 North Pokegama Ave, Grand Rapids, MN 55744. Mailed requests will be treated as made on the date the request is received. A mailed request must be signed and notarized if the requested data is not public and the requestor wishes to have copies mailed without appearing in person to verify identity. Payment for the cost of mailing and cost of copies is to be made by the requestor prior to mailing of the copies.

All requests to inspect data will be limited to normal business hours of the City.

Employees and the requesting public should be aware that government records are maintained by certain functional classifications depending upon the purpose and use of the data. Staff will make an effort to facilitate the identification of the appropriate records, but their collection for review may go beyond their normal scope of work. If a request for public information is of such a nature or volume as to go beyond the reasonable scope of work, the Responsible Authority may determine the earliest possible date for production. The requestor has the **option** of calling to check on availability or of leaving a telephone number to be called with information on availability.

Examination of private or non-public government data is available without charge to:

- the subject of the data,
- a parent of a juvenile data subject unless the juvenile requests this denial or evidence is presented, such as state law, court order, or other legally binding document, which prohibits this right,
- persons with the City whose work assignment reasonably requires access,
- agencies authorized by state or federal law; and
- agencies or individuals who have the express written consent of the subject of the data. This consent must be on the form attached as Exhibit B, or a form reasonably similar.

In the instance when request for private data on an individual is made by a person with an informed consent for release, the identity of the requestor will be verified, the release will be reviewed to determine that the form complies with the requirements of MN Statue 13.05, Subd 4(d) and the data subject may be contacted to verify that informed consent was given.

Any person may request from the Responsible Authority or designee an explanation of the factual content and meaning of the data which has been received or inspected. Employees are not able to interpret policy decisions of legislative bodies. They may only provide minutes, resolutions and other factual documentation of such decisions.

Juvenile Records

A parent has the right to sign a consent for release of data concerning the parent's minor child. A minor child who has sufficient mental capacity to make a decision which reflects an appreciation of the consequences may give informed consent by signing a consent for release of data concerning the minor child without a parent's signature.

The following applies to *private* (not confidential) data about people under the age of 18.

- **Parental Access.** In addition to the people listed above who may have access to private data, a parent may have access to private information about a juvenile data subject. The parent is presumed to have this right unless the Responsible Authority or designee has been given evidence that there is a state law, court order, or other legally binding document which prohibits this right.
- **Notice to Juvenile.** Before requesting private data from juveniles, city personnel must notify the juveniles that they may request that the information not be given to their parent(s). This notice should be in the form attached as Exhibit C.
- **Denial of Parental Access.** The Responsible Authority or designee may deny parental access to private data when the juvenile requests this denial and the Responsible Authority or designee determines that withholding the data would be in the best interest of the juvenile. In determining the best interest of the juvenile, the Responsible Authority or designee will consider:
 - Whether the juvenile is of sufficient age and maturity to explain the reasons and understand the consequences,
 - Whether denying access may protect the juvenile from physical or emotional harm
 - Whether there is reasonable grounds to support the juvenile's reasons, and

- Whether the data concerns medical, dental, or other health services provided under MN statutes §144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize the health of the minor.

The Responsible Authority or designee may also deny parental access without a request from the juvenile under MN Statutes §144.335.

Summary Data

Summary data is statistical records and reports derived from data on individuals but which does not identify an individual by name or any other characteristics that could uniquely identify an individual. Summary data derived from private or confidential data is public. The Responsible Authority or designee will prepare summary data upon request, if the request is in writing and the requesting party pays for the cost of preparation. The Responsible Authority or designee must notify the requesting party about the estimated costs and collect those costs before preparing or supplying the summary data. This should be done within 10 days after receiving the request. If the summary data cannot be prepared within 10 days, the Responsible Authority must notify the requestor of the anticipated time schedule and reasons for the delay.

Pursuant to MN statute §13.05, subd. 7, the Responsible Authority may ask an outside agency or person to prepare the summary data if (1) the specific purpose is given in writing, (2) the agency or person agrees not to disclose the private or confidential data, and (3) the Responsible Authority determines that access by this outside agency or person will not compromise the privacy of the private and confidential data. If requested summary data cannot be provided without compromising not public data, the requestor will be informed in writing of the reason for denial of the request.

Fees

In general, individuals have the right to look at any public data at no charge. Fees may be charged only if the requesting person asks for a copy or electronic transmittal of the data, which can be reviewed by the requester prior to deciding if copies are necessary. Fees will be charged according to the City's standard fee schedule. All reasonable effort will be made to determine the actual costs of searching for, retrieving, copying and, where applicable, certifying the data. The City will not charge any fee that is more than the demonstrated cost of allowable expenses.

Multiple Smaller Requests: The City will only charge for requests that exceed \$20.00. The City may consider multiple requests by an individual or organization within 60 days as a single request.

Individuals requesting data about themselves: The City may only charge for actual cost of an employee to make paper copies or print copies of electronically stored data and not for time spent searching and retrieving that data.

Media or other government requests: Requests made by the media or other government agencies will generally not be assessed a fee, unless the request requires the data to be reformatted in a manner other than the way the City maintains it.

Data Charges may include:

- Cost of media (Paper, CD ROMS, DVDs, Flash Drives, etc.)
- Mailing Costs
- Employee time to prepare media (see standard hourly rate)
- Costs of reproduction that cannot be done by the entity, such as photographs, oversized materials, etc.
- Employee time to search for and retrieve the data (this charge does not apply if you are the subject of the data.)

Requester will not be charged for:

- Employee time to redact or separate from not public data
- Operating expenses of office equipment
- Costs not related to preparing media, such as generating invoices or cover sheets
- Sales tax
- Accounting functions
- Costs related to the inspection of data

The following laws govern charges of the City specific to Data Access:

- Minnesota Statutes 13.03
- Minnesota Rules, 1205.0300, Subpart 4

Rights of Data Subjects

An individual asked to supply private or confidential data concerning him/her will be given a *Tennessen* warning which will inform them of:

- the purpose and intended use of the requested data,
- whether h/she may refuse or is legally required to supply the requested data,
- any known consequences from supplying or refusing to supply the information, and
- the identity of other persons or entities authorized by state or federal law to receive the data.

A Tennessean warning is not required when an individual is requested to supply investigative data to a law enforcement officer. A Tennessean warning may be on a separate form or may be incorporated into the form which requests the private or confidential data.

Data Protection

A. Accuracy and Currency of Data

- All employees will be requested to provide updated personal information to the appropriate supervisor, which is necessary for tax, insurance, emergency notifications, and other personnel purposes. Other people who provide confidential information will also be encouraged to provide updated information when appropriate.
- All records must be disposed of according to the City's records retention schedule.

B. Data Safeguards

- Private and confidential information will be stored in files or databases which are not readily accessible to individuals who do not have authorized access and which will be secured during hours when the offices are closed.
- Private and confidential data must be kept only in City offices, except when necessary for City business.
- Only those employees whose job responsibilities require them to have access will be allowed access to files and records that contain private and confidential information. These employees will be instructed to:
 - not discuss, disclose or otherwise release private or confidential data to City employees whose jobs responsibilities do not require access to the data,
 - not leave private or confidential data where non-authorized individuals might see it, and
 - shred private or confidential data before discarding, or dispose through confidential locked recycling.

* When a contract with an outside party requires access to private or confidential information, the contracting party will be required to use and disseminate the information consistent with the Act.

Challenge to Data Accuracy

An individual who is the subject of public or private data may contest the accuracy or completeness of that data maintained by the City. The individual must notify the City's Responsible Authority in writing describing the nature of the disagreement. Within 30 days,

the Responsible Authority or designee must respond and either (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual, or (2) notify the individual that it is believed that the data is correct.

An individual who is dissatisfied with the responsible authority's action may appeal to the Commissioner of the Minnesota Department of Administration, using the contested case procedures under MN Statutes Chapter 14. The Responsible Authority will correct any data if so ordered by the Commissioner.

Denial of Access

If the Responsible Authority or designee determines that the requested data is not accessible to the requesting party, the Responsible Authority or designee must inform the requesting party orally at the time of the request or in writing as soon after that as possible. The Responsible Authority or designee must give the specific legal authority including statutory section, for withholding the data. The Responsible Authority or designee must place an oral denial in writing upon request. This must also include the specific legal authority for the denial.

City of Grand Rapids Data Request Form

A. Completed by the requestor. If applicable, also attach copy of consent for release of data.

Requestor Name:(required if requesting not public data)	Date of Request:
Address:(optional for notification/mailing purposes)	Phone Number:(optional, for notification purposes)
Description of the information requested: (attach additional sheets if necessary)	

B. Signature: If form is mailed and includes a request for data that is not public, sign this form and have your signature notarized.

Signed:
Acknowledged before me this _____ day of _____, 20____.
_____ NOTARY PUBLIC

C. Completed by Department

Department Name:	Handled by:
Information Classified as: ☐ Public ☐ Private ☐ Confidential ☐ Non-public ☐ Protected non-public	Action: ☐ Approved ☐ Approved in part (Explain below) ☐ Denied (Explain below)
Remarks or basis for denial including statue section:	
Charges: ☐ None ☐ Photocopy _____ Pages X _____ cents = _____ ☐ Special Rate: _____ (attach explanation) ☐ Other: _____ (attach explanation)	Identity verified for Private information: ☐ Identification: Driver's license, state ID, etc. ☐ Comparison with signature on file ☐ Personal knowledge ☐ Other: _____
Authorized Signature:	Date:

CONSENT TO RELEASE PRIVATE DATA

I, _____, authorize the City of Grand Rapids to release and provide copies the following private data about me:

to the following person or people:

The person or people receiving the private data may use it only for the following purpose or purposes:

This authorization is dated _____ and expires on _____

The expiration cannot exceed one year from the date of the authorization, except in the case of authorizations given in connection with applications for life insurance or non-cancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

I understand that information about me is protected under the Minnesota Government Data Practices Act, M.S. Chapter 13, and cannot be disclosed without my written consent unless otherwise provided for by state or federal law. I also understand that I may revoke this consent at any time and that this consent expires as specified, or if not specified, within one year of the date of my signature below.

Signature: _____

Date: _____

IDENTITY VERIFIED BY:

- ☐ Witness: X _____
- ☐ Identification: Driver's License, State ID, Passport, other: _____
- ☐ Comparison with signature on file
- ☐ Other: _____

Notice to Persons Under Age 18

Some of the information you are asked to provide is classified as private under state law. You have the right to request that some or all of the information not be given to one or both of your parents/legal guardians. Please complete the form below if you wish to have information withheld.

Your request does not automatically mean that the information will be withheld. State law requires the City to determine if honoring the request would be in your best interest. The City is required to consider:

- Whether you are of sufficient age and maturity to explain the reasons and understand the consequences,
- Whether denying access may protect you from physical or emotional harm,
- Whether there is reasonable grounds to support your reasons, and
- Whether the data concern medical, dental, or other health service provided under Minnesota Statutes Sections 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize your health.

NOTICE GIVEN TO: _____

DATE: _____

BY: _____

(NAME)

(TITLE)

REQUEST TO WITHHOLD INFORMATION

I request that the following information: _____

Be withheld from: _____

For these reasons: _____

Date: _____

Printed Name: _____ Signature: _____