

DATA PRACTICES POLICY FOR MEMBERS OF THE PUBLIC

Right to Access Public Data

The Government 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 is a term that means all recorded information a government entity has, including paper, email, digital files, DVDs, photographs, etc.

The Government Data Practices Act also provides that the City of Marshall must keep all government data in a way that makes it easy for you, as a member of the public, to access public data. You have the right to look at (inspect), free of charge, all public data that we keep. You also have the right to get copies of public data. The Government Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

How to Make a Data Request

To look at data or request copies of data that the City of Marshall keeps, make a written request. Submit your request for data to the appropriate individual listed under the Data Practices Contacts. You may make your request for data in-person, or by mail, fax, or email, using the City's Data Request Form.

If you choose not to use the City's Data Request Form, your request should include the following:

- State that you, as a member of the public, are making a request for data under the Government Data Practices Act, Minnesota Statutes, Chapter 13;
- State whether you would like to look at the data, get copies of the data, or both; and
- Provide a clear description of the data you would like to inspect or have copied.

The City of Marshall cannot require you, as a member of the public, to identify yourself or explain the reason for your data request. However, depending on how you want us to process your request (if, for example, you want us to mail you copies of data), we may need some information about you. If you choose not to give us any identifying information, we will provide you with contact information so you may check on the status of your request. In addition, please keep in mind that if we do not understand your request and have no way to contact you, we will not be able to begin processing your request.

How We Respond to a Data Request

Upon receiving your request, we will work to process it.

- If we do not have the data, we will notify you in writing as soon as reasonably possible.
- If we have the requested data, but the data are not public, we will notify you as soon as reasonably possible and state which specific law says the data are not public.
- If we have the data, and the data are public, we will respond to your request appropriately and promptly, within a reasonable amount of time by doing one of the following:
 - arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
 - provide you with copies of the data as soon as reasonably possible. You may choose to pick up your copies, or we will mail or fax them to you. If you want us to send you the copies, you will need to provide us with an address or fax number. We will provide electronic copies (such as email, secure file transfer link, flash drive or CD-ROM) upon request if we keep the data in electronic format.

Information about copy charges is provided below. We may also arrange for you to prepay for the copies.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.

The Government Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. (For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request.) If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

If data or copies are available for inspection or collection, and the requesting person does not inspect the data or collect the copies within five business days of the notification, the responsible authority may consider the request closed or suspend any further response to the request until the requesting person inspects the data that has been made available, or collects and pays for the copies that have been produced. In addition, the Government Data Practices Act does not require the City of Marshall to answer questions that are not specific requests for data.

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. We will prepare summary data if you make your request in writing and pay for the cost of creating the data. Upon receiving your written request – you may use the data request form – we will respond within ten business days with the data or details of when the data will be ready and how much we will charge.

Copy Costs – Members of the Public

The City of Marshall may charge members of the public for copies of government data as authorized under Minnesota Statutes, section 13.03, subdivision 3(c). The requestor must pay for the copies before the City will provide the copies.

Copy charges are set by the City Council. Reference the Fee Resolution Schedule for a complete listing of fees and charges that may be associated with your request.

Actual Cost of Making Copies

The charge for most other types of copies, when a charge is not set by statute, rule, or resolution, is the actual cost of searching for and retrieving the data and making the copies or electronically transmitting the data (e.g. sending the data by email).

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.) and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data, and make copies is based upon the lowest hourly rate (wage/salary plus benefits) of the appropriate staff member. There is no charge for time spent separating public from non-public data.

If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher hourly rate.

Standing Requests

The City does not prohibit or refuse a standing request for data. However, the duration of a standing request is limited to 90 days from the date of the original request. After 90 days, the City will require the requestor to complete a new Data Practices Request Form to initiate a new request.

Data Practices Contacts

Data requests should be sent to:

Email: datarequest@ci.marshall.mn.us Subject line: Data Request

Fax: 507-537-6830 Attn: City Clerk—Data Request

Mail: City of Marshall, Attn: City Clerk—Data Request, 344 West Main Street, Marshall, MN 56258

Responsible Authority

Sharon Hanson, City Administrator

344 West Main Street, Marshall, MN 56258

Office: 507-537-6760

Fax: 507-537-6830

Email: Sharon.Hanson@ci.marshall.mn.us

Data Practices Designee(s)

Karla Drown, Finance Director

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Fax: 507-537-6830

Email: Sheila.Dubs@ci.marshall.mn.us

Jim Marshall, Director of Public Safety

611 West Main Street, Marshall, MN 56258

Office: 507-537-7000

Fax: 507-537-6034

Email: Jim.Marshall@ci.marshall.mn.us

Steven Anderson, City Clerk

344 West Main Street, Marshall, MN 56258

Office: 507-537-6775

Fax: 507-537-6830

Email: Steven.Anderson@ci.marshall.mn.us

Data Practices Compliance Official

Sheila Dubs, Human Resource Manager

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