

Adopted: MSBA/MASA Model Policy 722

Revised: 2022 (Originated 2017)

## **722 Public Data Requests**

***[Note: School districts are required by statute to establish procedures consistent with the Minnesota Government Data Practices Act for public data requests.]***

### **I. PURPOSE**

It is the policy of BrightWorks, the service cooperative, to fulfill the responsibility relative to the collection, maintenance, and dissemination of public data as provided in state statutes.

### **II. GENERAL STATEMENT OF POLICY**

The service cooperative will comply with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13 (MGDPA), and Minnesota Rules parts 1205.0100-1205.2000 in responding to requests for public data.

### **III. DEFINITIONS**

#### **A. Government Data**

“Government data” means all recorded information that the school district has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

#### **B. Inspection**

“Inspection” means the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the service cooperative, 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 service cooperative, 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.

#### **C. Public Data**

D. “Public data” means all government data collected, created, received, maintained, or disseminated by the service cooperative, unless classified by statute, temporary classification pursuant to statute, or federal law, as nonpublic or protected nonpublic; or, with respect to data on individuals, as private or confidential.

- E. Responsible Authority
- F. “Responsible authority” means the individual designated by the BrightWorks board as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law. Until an individual is designated by the BrightWorks board, the responsible authority is the executive director.
- G. Summary Data
- H. “Summary data” means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable.

#### **IV. REQUESTS FOR PUBLIC DATA**

- A. All requests for public data must be made in writing directed to the responsible authority.
- B. A request for public data must include the following information:
- C. Date the request is made;
- D. A clear description of the data requested;
- E. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and
- F. Method to contact the requestor (such as phone number, address, or email address).
- G. A requestor is not required to explain the reason for the data request.
- H. The identity of the requestor is public, if provided, but cannot be required by the government entity.
- I. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.
- J. The responsible authority will respond to a data request at reasonable times and places as follows:
- K. The responsible authority will notify the requestor in writing as follows:
- L. The requested data does not exist; or
- M. The requested data does exist but either all or a portion of the data is not accessible to the requestor; or

- N. If the responsible authority determines that the requested data is classified so that access to the requestor is denied, the responsible authority will inform the requestor 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.
- O. Upon the request of a requestor 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.
- P. The requested data does exist and provide arrangements for inspection of the data, identify when the data will be available for pick-up, or indicate that the data will be sent by mail. If the requestor 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 requestor is notified, the service cooperative will conclude that the data is no longer wanted and will consider the request closed.
- Q. The service cooperative's response time may be affected by the size and complexity of the particular request, including necessary redactions of the data, and also by the number of requests made within a particular period of time.
- R. The service cooperative will provide an explanation of technical terminology, abbreviations, or acronyms contained in the responsive data on request.
- S. The service cooperative 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 service cooperative does not keep the data in that form or arrangement.
- T. The service cooperative is not required to respond to questions that are not about a particular data request or requests for data in general.

**V. REQUEST FOR SUMMARY DATA**

- A. A request for the preparation of summary data shall be made in writing directed to the responsible authority.

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 requestor (phone number, address, or email address).
- B. The responsible authority will respond within ten (10) business days of the receipt of a request to prepare summary data and inform the requestor 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 requestor's access would compromise the private or confidential data.
  5. The service cooperative may require the requestor to pre-pay all or a portion of the cost of creating the summary data before the service cooperative begins to prepare the summary data.

## VI. COSTS

### A. Public Data

1. The service cooperative 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 pages or copies of other materials 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 service cooperative does not have the capacity to make the copies, e.g., photographs, the actual cost paid by the service cooperative 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**

1. Any costs incurred in the preparation of summary data shall be paid by the requestor prior to preparing or supplying the summary data.
2. The service cooperative may assess costs associated with the preparation of summary data as follows:
  - a. The cost of materials, including paper, the cost of the labor required to prepare the copies, any schedule of standard copying charges established by the service cooperative, any special costs necessary to produce such copies from a machine-based record-keeping system, including computers and microfilm systems;
  - b. The service cooperative may consider the reasonable value of the summary data prepared and, where appropriate, reduce the costs assessed to the requestor.

**VII: Annual Review and Posting**

- A. The executive director shall prepare a written data access policy and a written policy for the rights of data subjects (including specific procedures the service cooperative uses for access by the data subject to public or private data on individuals). The executive director shall update the policies 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.
- B. Copies of the policies shall be easily available to the public by distributing free copies to the public or by posting the policies in a conspicuous place within the service cooperative that is easily accessible to the public or by posting them on the service cooperative's website.

**Data Practices Contacts**

**Responsible Authority:**

Executive Director

BrightWorks Service Cooperative

2 Pine Tree Drive

Arden Hills, MN 55112

[Phone number; email address]

**Data Practices Compliance Official:**

Executive Director



BrightWorks Service Cooperative

2 Pine Tree Drive

Arden Hills, MN 55112

**Data Practices Designee(s):**

[Name]

[Location]

[Phone number; email address]

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. 13.025 (Government Entity Obligation)

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

**PUBLIC DATA REQUEST FORM**

To be Completed by the Requestor

Requestor name (not required):	Phone number:*
Address:*	Email address:*
Date of request:	
Description of the information requested: (attach additional page if necessary)	
<p>Manner in which responsive data is to be provided:</p> <p>Inspection only                      copies only**                      both inspection and copies **</p> <p>**Inspection is free, but there is a charge for copies. Payment must be received before copies will be provided.</p>	

**For office use only**

Date request received:	Request received by:
Date of response:	Response provided by:

\* Requestor's name is optional. However, contact information is necessary to mail/email the data. Also, contact information is needed if the school district does not understand the request. We will not work on such a request until clarified.