

## Overview of the Minnesota Government Data Practices Act

Effective August 1, 2001, urban townships (as defined by Minn. Stat. § 368.01) located in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington County, must comply with the Minnesota Government Data Practices Act, Minn. Stat. Chapter 13. This new requirement is a result of changes imposed as part of the Omnibus Government Data Practices Act, Chapter 202 of the 2001 Session Laws.

The primary impact of this new law is that townships now falling under the provisions of the Data Practices Act will need to make most township records, regardless of their format (i.e. paper, electronic, etc.) available for review by the public, and provide photocopies of records as requested. There are, however, many specific requirements that townships must be aware of to avoid violating the statutory requirements imposed by the Act. The following is intended to summarize the basic steps townships will need to take to comply with the Data Practices Act.

1. Appoint a “Responsible Authority”. The responsible authority is the person responsible for understanding the different classifications of data (i.e. public, private, confidential, etc.), and who oversees collecting and disseminating such information as required by the provisions of Minn. Stat. Chapter 13. The responsible authority may appoint assistants.
2. Appoint a “Compliance Official”. Minn. Stat. §13.05 requires that the responsible authority or the governing body appoint a person to be that entity’s data practices compliance official. It is the compliance official’s responsibility to respond to questions and concerns regarding problems in obtaining data. The person who has been appointed the responsible authority may also be appointed the compliance official.
3. Adopt “Public Access Procedures”. Minn. Stat. § 13.03, subd. 2 requires the responsible authority to develop written procedures to be provided to members of the public to guide them through the process to be used to request access to and/or photocopies of data maintained by the township. The procedures should specify where, when, and to whom a request for data is to be made (i.e. the name of the responsible authority and his or her designees as well as appropriate contact information including reasonable “business hours”), what if any forms are to be used to request documents (forms must be short and require minimal time to fill out and must be readily available), and what if any fees will be charged for photocopying and other authorized expenses. The procedures cannot require a requestor to provide his or her name nor the reasons why the person is requesting the data (Minn. Stat. §13.05, subd. 12).

Although the responsible authority is charged with the task of developing the access procedures, it is advisable for the Town Board to pass a resolution adopting the procedures, especially if fees are to be charged. Once adopted, free copies of the procedures must be made available for distribution to the public. In addition, a copy

of the procedures should be posted at the township's designated posting place. Finally, the procedures must be reviewed and updated at least once per year by no later than August 1 of each year.

4. Become familiar with the different types of data classification. The presumption of the Minnesota Government Data Practices Act is that all government data is to be public and thus available for review and distribution. Much of the actual statute, however, goes on to provide protected status to a wide variety of data commonly collected and maintained by townships. It is highly advisable, therefore, to read through Chapter 13 a few times and identify the types of data that the township maintains and the classification that applies to each. Additional information and requirements regarding the Data Practices Act can be found in Minnesota Rules Chapter 1205.
5. Develop the "Public Document of Data Categories". The responsible authority must develop a document which is to be made available for public review and that provides the responsible authority's name, title, and address, as well as which describes each category of record, file, or process relating to private or confidential data on individuals, maintained by the township. (Minn. Stat. § 13.05, subd. 1).
6. Act timely. Requests for data must be handled in a timely manner. Requests to review information that is readily available should be dealt with immediately unless there is a compelling reason for a delay. Requests for information that must be retrieved from archived storage areas, and requests for photocopies when the township does not have the equipment necessary to make the required copies, can be postponed for a reasonable period as required to obtain and/or duplicate the requested information.
7. Document reasons for denying access. Minn. Stat. §13.03, subd. 3(f) requires that anyone being denied access to information be provided with the reason why access is being denied, including the specific statutory citation or other applicable basis for determining the requested data's protected status.

Townships will incur costs associated with complying with the Data Practices Act. Some of these costs can be charged back to the requesting party. While no charge can be made if someone only asks to review data, a township may impose a reasonable fee for copies of requested data. The fee may include the actual costs of duplication, plus reimbursement for the time required to find and compile the data (Minn. Stat. § 13.03, subd. 3(c)).

Before releasing any data for which there is a question about its classification status, a township should consult with an attorney. In addition, a township is entitled to seek an advisory opinion from the Commissioner of Administration via the Information Policy Analysis Division. Reliance on an advisory opinion can insulate the township from liability for violations of the Minnesota Government Data Practices Act. Finally, additional information and requirements regarding the Data Practices Act can be found in Minnesota Rules Chapter 1205.

# MINNESOTA GOVERNMENT DATA PRACTICES

## RESOURCE INFORMATION & TRAINING AIDS

Available at no cost to public entities as a result of a one-time legislative appropriation.

### Website information

- **ADVISORY OPINIONS**

VISIT OUR WEBSITE [www.ipad.state.mn.us](http://www.ipad.state.mn.us) and use our advisory opinions for your continuing education. Search more than 450 Commissioner data practices advisory opinions regarding public access to government data using our web page search engine. All advisory opinions issued by the Commissioner of Administration pursuant to Minnesota Statutes, section 13.072 are searchable. Advisory Opinions are indexed according to entity and year issued.

Our website includes information prepared by IPAD such as model access policies, a guidebook on government records management, information about video and slide presentations and links to other data practices, privacy, records management and access information resources.

- **E-MAIL YOUR MINNESOTA GOVERNMENT DATA PRACTICES QUESTION TO US AT [info.ipad@state.mn.us](mailto:info.ipad@state.mn.us)**

### INFORMATION IN PRINT

- **MODEL DATA PRACTICES POLICIES**, 74 pages (downloadable from IPAD web site) with a specific emphasis on compliance with public access to government data and to the rights of subjects of data. Model intended to explain in a practical way what MGDPA requires of each government entity as it establishes its own specific policies and procedures. Government entities may adopt all, some or none of the model in developing their own policies and procedures required by Minnesota Statutes, section 13.03.
- **"PRESERVING AND DISPOSING OF GOVERNMENT RECORDS,"** 46-page guidebook (downloadable from IPAD website) recently updated in cooperation with the State Archives Department of the Minnesota Historical Society. Guidebook covers Minnesota basic legal framework for records management and data practices including access and privacy, principles of records management, describes official records, including electronic records, and includes sections on protection of government records containing classified data, forms, and additional sources of information.
- **FYi NEWSLETTER**, about Minnesota data practices published quarterly by IPAD. Each newsletter includes highlights of recently issued advisory opinions, guest comments, frequently asked questions (FAQ's), data practices and records management notes as well as a look at upcoming activities or issues. Newsletter subscription is by request. Please provide name, title and complete mailing address to us at 651.296.6733 or 1.800.657.3721, or e-mail us at [info.ipad@state.mn.us](mailto:info.ipad@state.mn.us).

Information Policy Analysis Division (IPAD)

305A Centennial Office Building

658 Cedar Street

St. Paul, MN 55155

Voice: 1.800.657.3721, or 651.296.6733

Please visit our website at [www.ipad.state.mn.us](http://www.ipad.state.mn.us) for additional sources of information

## INFORMATION IN ELECTRONIC FORMAT

- BASIC DATA PRACTICES IN MINNESOTA – PowerPoint Presentation

IPAD designed basic PowerPoint presentation appropriate for use in orientation or adapted to fit expert led group presentation or structured for facilitated group discussion, focused on basic legal framework and essential data practices and access provisions.

- ABOUT BASIC TRAINING VIDEOS - include closed captioning.

IPAD in cooperation with St. Paul Technical College and MNSAT produced videos from statewide interactive teleconferences during 2000, which are available to government entities at no cost.

Each 90-minute video lays out a framework for understanding the Minnesota Government Data Practices Act, and features a short general discussion of issues common to public sector entities. Following the overview, a panel of data practices experts discusses specific dramatized cases and implications for practice in the specified topic area. Overall purposes are to expand awareness of data practices knowledge, vocabulary and skill, to encourage consistent use of basic data practice terms and procedures common across government systems.

### LEARN MORE ABOUT

- Public access to information
- Rights of individuals who are data subjects
- Ways to collect, store use and disseminate data
- How to deal with media or citizens demanding immediate access to data.

Video content appropriate for use in new employee orientation programs, group presentations, or as a jumping off point for small group discussion. Video includes a self-assessment check list and diagnostic model for use by individuals and work groups at any level to assess compliance with public access and privacy requirements contained in the Minnesota Government Data Practices Act.

### SIX 90-MINUTE BASIC TRAINING VIDEOS (VHS) AVAILABLE THROUGH IPAD INCLUDE

- ADMINISTRATION (90 MINS)

Appropriate for individuals involved in land records management, information systems, tax records, personnel management or who is involved in other general government administrative functions.

- HUMAN SERVICES (90 MINS)

Designed for individuals that collect, maintain or disseminate data regarding public assistance and social service clients.

- PUBLIC SAFETY/LAW ENFORCEMENT (90 MINS)

Intended for state, city and county staff involved in law enforcement, probation services, and prosecution of crimes.

- PUBLIC HEALTH (90 MINS)

Intended for individuals who have access to, collect, maintain or disseminate data on public health activities for the state, county or city.

- EDUCATION (90 MINS)

Designed for administrators, college or school board members, administrative personnel and anyone who has access to data, collects or provides data about district or college employees, students or teachers.

- RECORDS MANAGEMENT FOR PUBLIC ENTITIES (90 MINS)

Intended for public entity employees, who create, store, retrieve and dispose of government data, including electronic records. Minnesota Official Records Act and Records Management Act establish the basic legal framework for records management. Teleconference panel reviews key concepts in these laws and discusses implications for records management practices in public entities.

For requests, contact Linda Miller at IPAD - 1.800.657.3721, or [Linda.L.Miller@state.mn.us](mailto:Linda.L.Miller@state.mn.us). Or, write us at: IPAD 305A Centennial Office Building, St. Paul MN. 55155