

“The Minnesota Data Practices Act? – Who told you about that?”

YOUR RIGHT TO ACCESS GOVERNMENT DATA

All government data, including data held in paper, electronic and other formats, that are collected, created, received, maintained or disseminated by any state or local government agency are accessible by the public unless otherwise classified by law.

The Minnesota Government Data Practices Act, Minn. Stat. Chapter 13, establishes the following rights for citizens and duties for government agencies in regard to access to government data in general and to **public** government data in particular.

Your Rights

- * You have the right to **inspect** public government data at reasonable times and places at **no cost**.
- * You have a right to gain access to **public government data without telling the government who you are or why you want access to data**.
- * You have the right to get **copies** of public government data upon request. You **may be charged** for what it costs an agency to provide copies of the public data.
- * You have the right to be informed of the **meaning of public data**.
- * If the data you ask to see are classified in a way that **prevents** you from access, you have the right to be informed of that fact, and to be told **which state statute or federal law prevents access**. You may request this notification be in writing.

Government's Responsibility

- * Records containing government data must be **easily accessible** for **convenient use**.
- * Agencies must receive and comply with requests for data in an **appropriate and prompt manner**.
- * In **assessing** charges for copies of public data, agencies may **only charge the actual and reasonable costs** of searching out and retrieving the data and providing the copies.
- * **If 100 or fewer paper copies** are requested, agencies **may not charge more than 25 cents** for each page copied.
- * If copies of government data are requested in **electronic form**, agencies **should**, if they can reasonably do so, **provide copies in electronic form** (discs, tapes, etc.)

Continuum of Data and Information In Minnesota Government Agencies

GOVERNMENT DATA*

(Regulated as to time,
cost, etc.)

SUMMARY DATA*

(Somewhat regulated
as to time, etc.)

INFORMATION GENERATABLE FROM ELECTRONIC DATABASES**

(Not regulated!
Familiarity with a given
system capability, may
assist negotiations as to
time and cost.)

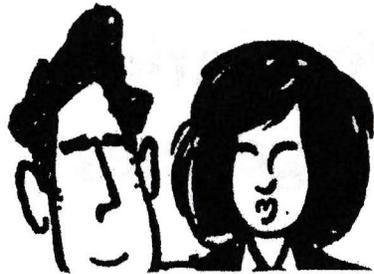
INFORMATION GENERATABLE FROM GOVERNMENT FILES**

(Not regulated! "The
sky's the limit.")

* As that term is defined in the Data Practices Act.

** Not defined or covered by the Data Practices Act.

DEFINITIONS AND CLASSIFICATIONS OF DATA UNDER THE
MINNESOTA GOVERNMENT DATA PRACTICES ACT



DATA ON INDIVIDUALS*

Section 13.02, subd. 5.

(PUBLIC)

Section 13.02, subd. 15.
Accessible by any member of
the public for any reason.

(PRIVATE)

Section 13.02, subd. 12.
Accessible by the data subject.
Not accessible by the public.

(CONFIDENTIAL)

Section 13.02, subd. 3.
Not accessible by the data subject.
Not accessible by the public.

GOVERNMENT DATA

I.E. "EVERYTHING"
DEFINED AT
MINNESOTA STATUTES SECTION
13.02, SUBDIVISION 7.

DATA ON DECEDENTS

Section 13.10, subd. 1.

(PUBLIC)

Section 13.02, subd. 15.
Accessible by any member of
the public for any reason.

**(PRIVATE DATA ON
DECEDENTS**)**

Section 13.10, subd. 1B.
Accessible by the representative
of the decedent.
Not accessible by the public.

**(CONFIDENTIAL DATA ON
DECEDENTS**)**

Section 13.10, subd. 1A.
Not accessible by the representative
of the decedent.
Not accessible by the public.

**DATA NOT
ON INDIVIDUALS***

Section 13.02, subd. 4.

(PUBLIC)

Section 13.02, subd. 14.
Accessible by any member of
the public for any reason.

(NON-PUBLIC)

Section 13.02, subd. 9.
Accessible by the subject of
the data, if any.
Not accessible by the public.

**(PROTECTED
NON-PUBLIC)**

Section 13.02, subd. 13.
Not accessible by the data subject.
Not accessible by the public.

* Individual is defined by Section 13.02, subdivision 8. Simply stated, individual means a living human being. It does not mean any type of entity created by operation of law, such as a corporation.

** Private and Confidential data on decedents become public data 10 years after the death of the data subject and 30 years after the creation of the data.

YOUR RIGHTS AS THE SUBJECT OF GOVERNMENT DATA

The Minnesota Government Data Practices act gives you important rights whenever a government entity collects, creates, keeps, uses or releases data about you. Your rights include:

- Whenever a government entity asks you to provide private or confidential data about yourself, the entity must tell you:
 - Why the entity wants to collect the data from you and how the entity will use the data;
 - Whether you can refuse to provide the data you are asked for, or whether you are legally required to provide the data;
 - What the consequences are to you if you supply the data or if you refuse to supply the data; *and*
 - What other persons or agencies are authorized by law to receive any data collected.

This notice sometimes is called the "Tennessee warning."

- As a general rule, once the entity gives you the Tennessee warning notice, and you choose to give the data, the law says the entity may use and release the data only in the ways that were stated in the notice.
- You have the right to authorize anyone else to see or have copies of private data about you. This is called giving your informed consent.
- You have the right not to have private data about you used or released in by the entity if
 - there is no law permitting the use or release, *or*
 - a law permits the use or release but the entity didn't tell you that in a Tennessee warning notice when the data were collected.In either case, the entity can't use or release the data unless you consent to the new use or release.
- You have the right not to have confidential data about you used or released by the entity if
 - there is no law permitting that use or release, *or*
 - a law permits the use or release but the entity didn't tell you that in a Tennessee warning notice when the data were collected.
- You have the right to ask and be told whether the entity keeps data about you, and whether those data are classified as public, private or confidential.
- You have the right to see all public and private data about yourself that the entity keeps. The entity cannot charge you a fee to look at the data.
- You have the right to have public and private data about you explained to you in a way you understand.
- You have the right to have copies of public and private data about yourself. You may be

charged only the actual cost of providing the copies.

- You have the right to challenge the accuracy and/or completeness of any public or private data about yourself that the entity keeps.
- If you believe that public or private data about you are not accurate and/or complete, you have the right to include a statement of disagreement with the data. Your statement of disagreement must be included any time the entity shares the disputed data with anyone else.
- If you do not agree with the entity's's decision about your data challenge, you may appeal the decision to the Commissioner of the Minnesota Department of Administration.

Sample Letter Asking for Public Data from Minnesota Governments

Dear _____:
(name of responsible authority)

I am writing to you in your capacity as the Chapter 13 responsible authority for
_____. My request is being made under Minnesota Statutes
(agency/government entity)
Section 13.03.

[If the entity's policies and procedures actually tell you who the responsible person is,
use the following language instead of the first sentence above.]

(Your agency's policies and procedures identify you as the person responsible for
providing access to the data held by your agency.)

I want to inspect the following data held by your agency:

_____ (describe the data as specifically as possible)

[If you want copies of the data, then use the following language instead of the
"inspection" language.]

(I want to receive copies of the following data held by your agency:

_____ (describe the data)

Before preparing the copies, please give me an estimate of the cost of the copies.)

Please contact me, as indicated below, with detailed information as to when and where I

can inspect the data (or pickup copies). If electronic access to the data is possible, please tell me exactly how to gain access.

If you should determine that these data are not available to me, please, as required by Minnesota Statutes Section 13.03, inform me in writing of the specific statutory provision that classifies these data as not public.

If you have any questions about this request, please contact me.

Name
Contact Information