

CITY OF BAXTER DATA PRACTICES POLICY

These procedures are adopted to comply with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes §13.01 et seq. The Minnesota Government Data Practices Act (“MGDPA”) establishes a presumption that government data are public and are accessible by the public for both inspection and copying unless there is a federal law, a state statute, or a temporary classification of data that provides that certain data are not public. The City of Baxter’s Responsible Authority hereby establishes the procedures in this policy, consistent with the MGDPA, to ensure that requests for government data are received and complied with in an appropriate and prompt manner.

I. Responsible Authority and Compliance Official. Minnesota Statutes, section 13.02, subdivision 16, requires that the City of Baxter (“City”) appoint a person as the Responsible Authority to administer the requirements for the collection, storage, use and dissemination of data on individuals. Minnesota Statutes, section 13.05 subd. 13 requires that the City appoint a data practices compliance official (“DPCO”). The DPCO is a designated employee of the City to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems. Per statute, the Responsible Authority and the DPCO may be the same person. The City Council has appointed Assistant City Administrator/Clerk, as the City’s Responsible Authority and the DPCO for the MGDPA:

Assistant City Administrator/Clerk
Baxter City Hall
13190 Memorywood Drive
Baxter, MN 56425
ksteele@baxtermn.gov

The Responsible Authority has authorized other City employees to collect, maintain, disseminate and otherwise assist in complying with the MGDPA (“Designees”) pursuant to authority granted in Minnesota Statutes, section 13.02, subdivision 6. The Responsible Authority has appointed the following positions to be designees to assist in administering the MGDPA:

City Administrator
Police Chief
Assistant Police Chief
Police Administrative Assistant

II. Government Data Generally is Accessible to the Public. “Government Data” means all data collected, created, received, maintained or disseminated by the City regardless of its physical form, storage media or conditions of use. Government Data is public data and is generally accessible by the public according to the terms of the MGDPA, unless it is specifically classified differently by the MGDPA or other law, and may be subject to a fee. The MGDPA classifies categories of Government Data that are not generally accessible to the public as follows:

- **“Confidential data on individuals”** are inaccessible to the public or to the individual subject of the data.

- **“Private data on individuals”** are inaccessible to the public, but is accessible to the individual subject of the data.
- **“Protected nonpublic data”** are data not on individuals that is inaccessible to the public or the subject of the data, if any.
- **“Nonpublic data”** are data not on individuals that is inaccessible to the public, but accessible to the subject of the data, if any.

The Data Practices Act does not require the City to create or collect new data in response to a data request, or to provide data in a specific form or arrangement if not ordinarily kept in that form or arrangement. For example, if the requested data are on paper only, the City is not required to create electronic documents to respond to a request. If the City agrees to create data in response to a request, the City will work with the requestor on details of the request, including cost and response time.

In certain scenarios depending upon the size, scope and nature of the request, the City may provide data in multiple batches. A requestor may notify the City if certain data should be prioritized when processing a request.

The City is not required to respond to questions that are not about a data request or requests for government data.

III. Access to Public Data. The MGDPA presumes that all government data are public unless a state or federal law says the data are not public. Government data means all recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

The law also says that the City of Baxter must keep all government data in a way that makes it easy for a requestor to access public data. A requestor has the right to look at (inspect), free of charge, all public data the City keeps. A requestor also has the right to get copies of public data. The MGDPA allows the City to charge for copies.

- A. People entitled to Access.** Any person has the right to inspect and copy public data. The person also has the right to have an explanation of the meaning of the data. The person does not need to state his or her name, provide identification or give the reason for the request, except as may be necessary to facilitate access to data (Minnesota Statute § 13.05, subd. 12). Examples of when identifying information may be requested include, but are not limited to, obtaining a mailing address when the person has requested that copies be mailed, requesting identification when copies have been paid for by check, or requesting contact information in order to clarify or follow up on the request. Identity can be established through personal knowledge, presentation of photo identification, comparison of the data subject’s signature on a consent form with the person’s signature in City records, or other reasonable means. To fulfill the request, the City may ask questions to clarify the request and may ask a requestor to complete the form contained in this policy. If the City does not understand a request and has no way to contact the requestor, the City cannot respond to the request. The City must

determine whether it maintains the requested data. The City is not required by the MGPDA to provide data that it does not maintain, nor is the City required to produce data in a new format.

- B. How to Request Public Data.** The request for public data must be in writing. If a requestor does not use the data request form included with this policy, the data request should state that the request is for public data under the Data Practices Act (Minnesota Statutes, Chapter 13), include whether the requestor would like to inspect the data, have copies of the data, or both, and provide a clear description of the data being requested.
- C. How the City will Respond to a Public Data Request.** Requests will be received and processed during normal business hours. If requests cannot be processed or copies cannot be made immediately at the time of the request, the information must be supplied as soon as reasonably possible. The Responsible Authority may require the requestor make an appointment or return at a later time to inspect or to pick up copies of the requested data. Standing requests will be valid for one year at which time the request must be renewed by the party making the request.
- D. Fees for Public Data.** Minnesota Statutes, section 13.03, subdivision 3(c) allows the City to charge for copies. Fees may be charged only if the requestor asks for a copy or electronic transmittal of the data. The fee may not include time necessary to separate public from non-public data. Fees may not be charged for inspection of government data. The City may require prepayment for data before it will be released. The City's copy costs are:

For 100 or Fewer Paper Copies – 25 cents per page

100 or fewer pages of black and white, letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy.

Most Other Types of Copies – Actual cost

The charge for most other types of copies, when a charge is not set by statute or rule, 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, the City may factor in employee time, the cost of the materials onto which the data is being copied (e.g., paper, CD, DVD, etc.), and mailing costs, if any. If a request is for copies of data the City cannot reproduce itself, the City will charge the actual cost the City must pay an outside vendor for this service.

- E. Summary Data.** Summary data are statistical records and reports derived from data on individuals but which does not identify an individual by name or any other private or confidential data. Summary data are public. The City will prepare summary data upon request if the request is in writing and the requesting party pays for the cost of preparation. The City shall disclose the summary data within ten days after receiving the request. If the summary data cannot be prepared within ten days, the City must notify the requester of the anticipated time schedule and the reasons for the delay.

Summary data may be prepared by “blacking out” personal identifiers, cutting out portions of the records that contain personal identifiers, programming computers to delete personal identifiers, or other reasonable means.

The City may authorize 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 City determines that access by this outside agency or person will not compromise the privacy of the private or confidential data.

IV. Access to Data on Individuals. When the City can identify an individual in government data, that individual is the “data subject” of the data. Data about individual people is classified by law as public, private, or confidential.

The City of Baxter has data on many people, such as employees, job applicants, vendors, etc. The City can collect and keep data about data subjects only when it has a legal purpose to have the data. The City must also keep all government data in a way that makes it easy for data subjects to access data about themselves.

- A. People Entitled to Access.** Government data about an individual have one of three “classifications”. These classifications determine who is legally allowed to see the data. Subject data are classified by the MGDPA as public, private, or confidential.
 - 1. Public data.** The MGDPA presumes that most government data are public unless a state or federal law says that the data are not public. The City must give public data to anyone who asks. It does not matter who is asking for the data or why the person wants the data.
 - 2. Private data.** The City cannot give private data to the general public. The City may share private data with the data subject, with someone who has the data subject’s permission, with City staff whose job requires or permits them to see the data, and with others as permitted by law or court order.
 - 3. Confidential data.** Confidential data have the most protection. Neither the public nor the data subject can access confidential data even when the confidential data are about the data subject. The City may share confidential data with City staff who have a work assignment to see the data, and to others as permitted by law or court order.
- B. How to Request Access to Data on Individuals.** If requesting data about themselves, their minor child(ren), or an individual for whom the requestor has been appointed legal guardian, a data subject must make a written request for the data. The request form found in this policy may be used. A requestor may ask to look at (inspect) data at City offices, or ask for copies of data the City has about the requestor, the requestor’s minor child(ren), or an individual for whom the requestor has been appointed legal guardian.

The City must verify the identity of the requesting party as a person entitled to access. This can be done through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.

- C. How the City will Respond to the Request for Data.** Requests will be received and processed during normal business hours. The response must be immediate, if possible, or within 10 working days if an immediate response is not possible, excluding Saturdays, Sundays and legal holidays (Minnesota Statutes, section 13.04, subd. 3).

After the City has provided the requested data, it does not have to show the requestor the same data again for 6 months unless there is a dispute about the data or the City collects or create new data about the requestor.

- D. Fees.** The City will charge the actual cost of making copies of subject data. In determining the actual cost, the City may include the employee time to create and send the copies, the cost of the materials onto which the City is copying the data (paper, CD, DVD, etc.), and mailing costs such as postage (if any).

If a request is for copies of data the City cannot reproduce itself, the City will charge the actual cost the City must pay an outside vendor for this service.

VI. 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 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 the Responsible Authority believes the data to be 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 Minnesota Statutes Chapter 14. The Responsible Authority will correct any data if so ordered by the Commissioner.

VII. Data Protection

The MGDPA requires the City to protect data. The City has established appropriate safeguards to ensure that data are safe. In the unfortunate event the City determines a breach of the security of the data, as defined in Minnesota Statutes section 13.055, has occurred, the City will notify the data subjects as required by the law.

This policy was reviewed and approved by the Baxter City Council on May 21st, 2024.