

Data Practices Policy for Members of the Public

CITY OF FOLEY, MINNESOTA

This document is required by Minnesota Statutes, Section 13.025, Subdivision 2 and shall be reviewed and updated annually.

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, DVDs, photographs, etc.

The Government Data Practices Act also provides that the City of Foley 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. 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 Foley keeps, make a written request. Make your request for data to the appropriate individual listed in the Data Practices Contacts on page 4. You may make your request for data in person, by mail, fax, or email using the data request form on page 6.

If you choose not to use the data request form, your written request should include:

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

The City of Foley 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 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:
 - arranging a date, time, and place to inspect data, for free, if your request is to look at the data, or
 - providing 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 or CD-ROM) upon request if we keep the data in electronic format. Copy charges must be pre-paid before we provide the copies to you. Information about copy charges in on page 5.

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.

In addition, the Government Data Practices Act does not require us to answer questions that are not 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 on page 6 – 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. The City of Foley may delegate the power to prepare summary data to a person outside of the entity if the person's purpose is set forth, in writing, and the person agrees not to disclose, and the City of Foley reasonably determines that the access will not compromise private or confidential data on individuals.

Sample Contract Provision

When it is necessary for authorized third parties to access data on individuals, the City will require contract provisions similar to the following:

Contractor will have access to data collected or maintained by the City of Foley to the extent necessary to perform Contractor's obligations under this contract. Contractor agrees to maintain all data obtained from the City of Foley in the same manner as the City of Foley is required under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. Contractor will not release or disclose the contents of data classified as not public to any person except at the written direction of the City of Foley. Contractor agrees to defend and indemnify the City of Foley from any claim, liability, damage or loss asserted against the City of Foley as a result of Contractor's failure to comply with the requirements of the Act or this contract. Upon termination of this contract, Contractor agrees to return data to the City of Foley, as requested by the City of Foley.

Data Practices Contacts

Responsible Authority

Sarah A. Brunn, City Administrator
251 4th Avenue N
PO Box 709
Foley, MN 56329
Phone: 320-968-7260 Fax: 320-968-6325
Email: sbrunn@ci.foley.mn.us

Data Practices Compliance Official

Sarah A. Brunn, City Administrator
251 4th Avenue N
PO Box 709
Foley, MN 56329
Phone: 320-968-7260 Fax: 320-968-6325
Email: sbrunn@ci.foley.mn.us

Data Practices Designee(s)

Monica Shaw, Accounting & Administrative Clerk
251 4th Avenue N
PO Box 709
Foley, MN 56329
Phone: 320-968-7260 Fax: 320-968-6325
Email: mshaw@ci.foley.mn.us

or

Sara Judson-Brown, Administrative & Communications Assistant
251 4th Avenue N
PO Box 709
Foley, MN 56329
Phone: 320-968-7260 Fax: 320-968-6325
Email: sjbrown@ci.foley.mn.us

or

Katie McMillin, Police Chief
251 4th Avenue N
PO Box 709
Foley, MN 56329
Phone: 320-968-7260 Fax: 320-968-6325
Email: kmcmillin@ci.foley.mn.us

Other positions responsible for maintenance of City records are as apparent or assigned.

Copy Costs – Members of the Public

This government entity charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, Section 13.03, Subdivision 3(c). You must pay for the copies before we will give them to you.

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 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 fax).

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 \$25.00 to \$125.00 per hour, depending on the position. An effort will be made to have the employee with the lowest rate perform the work.

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 salary/wage.

City of Foley – Data Request Form

To be Completed by Requester – Please Print

Requester Name: _____ Phone Number: _____
 Street Address: _____ Fax Number: _____
 City, State, Zip: _____ Email Address: _____
 Signature: _____ Date of Request: _____

Note: According to MS § 13.05, Subd. 12, persons are not required to identify themselves, or state a reason for or justify a request for public data

Forward information by: Email Mail Fax Call for Pick-Up

Description of Information Requested – Be as Specific as Possible – Use the Back of This Form if Necessary:

To be Completed by City Department

Department Name: _____ Handled by: _____

Information Classified as:

- Public Non-Public
 Private Protected Non-Public
 Confidential

Action:

- Approved
 Approved in Part (Explain below)
 Denied (Explain below)

Remarks or basis for denial including statute section:

Note: According to MS § 13.03, subd. 3, authorizes us to charge fees to recover costs to provide copies of data, including costs associated with searching, compiling, copying, mailing, or otherwise transmitting data. Prepayment is required prior to receiving copies of data. We do not charge for inspection of data or for separating not public data from public data.

Copy Charges:

_____ Pages x .25¢ per Page = \$ _____
 Employee Time _____ Hours @ \$ _____ = \$ _____
 Other Charges _____ = \$ _____
 Date Delivered: _____ Total Charges: \$ _____

Identity Verified for Private Information:

- Identification: Driver's License, State Id, Etc.
 Comparison with Signature on File
 Personal Knowledge
 Other: _____

