

CITY OF MONTROSE
Data Practices Policy

Adopted: October 22, 2007

Revised: July 12, 2010

Revised: October 12, 2015

I. Introduction. These procedures are adopted by the City of Montrose, Minnesota (the “City”) to comply with the requirements of the Minnesota Government Data Practices Act, found at Minnesota Statutes, Chapter 13, as amended (the ”Act”), Sections 13.03, Subdivision 2 and 13.05, Subdivision 5 of the Act.

II. Responsible Authority/Compliance Official. The Responsible Authority/Compliance Official shall be appointed by Resolution of the City Council. The current Responsible Authority/Compliance Official is:

Wendy Manson
Deputy Clerk
311 Buffalo Avenue South
PO Box 25
Montrose, MN 55363

The Responsible Authority/Compliance Official may designate certain other City employees to assist in complying with the Act. As of the date of this Policy, the City does not have a City Clerk/Treasurer. Once the City employs a City Clerk/Treasurer, such person will automatically become the City’s Responsible Authority/Compliance Official under this Policy, with no further action required by the City Council.

III. Access to Data. All information maintained by the City is public unless there is a specific statutory designation that gives it a different classification. Categories of classification are as follows:

Data on Individuals (Natural Persons)	Data Not on Individuals	Degree of Accessibility
Public	Public	Accessible to anyone
Private	Nonpublic	Accessible to data subjects and to government officials whose duties reasonably require access
Confidential	Protected Nonpublic	Accessible only to government officials whose duties reasonably require access

The City uses the State of Minnesota’s General Records Retention Schedule which lists data series maintained by the City and their classifications.

Any person has the right to inspect and copy public data (there may be charges associated for obtaining copies, and these charges are set forth in the City's Fee Schedule and/or Data Practices Policy for Members of the Public and Data Practices Policy for Data Subjects). 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 or give the reason for the request. However, staff may ask clarifying questions for the sole purpose of facilitating access to the data. If a data requester chooses not to give the City any identifying information, the City will provide the requester with contact information to check on the status of the request. If the City does not understand a data practices request and has no way of contacting the requester, the City will not process the data request.

- A. Access to Public Data on Individuals.** All public data on individuals is accessible to anyone.
- B. Access to Public Data not on Individuals.** All public data not on individuals is accessible to anyone.
- C. Access to Private Data on Individuals.** Private data on individuals is accessible to:
 - i. The individual who is the subject of the data, but only once every six months, unless a dispute has arisen or additional data has been collected;
 - ii. A person who has been given access by the express written consent of the individual data subject;
 - iii. People who are authorized access by federal, state, or local law or court order;
 - iv. People about whom the individual was advised at the time the data was collected (the identity of those people must be part of the Tennessee warning described below) and
 - v. People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.
- D. Access to Nonpublic Data not on Individuals.** Nonpublic data not on individuals is accessible to:
 - i. People who are authorized access by federal, state, or local law or court order;
 - ii. People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.
- E. Access to Confidential Data on Individuals.** Confidential data is not accessible to the subject of the data but is accessible to:
 - i. People who are authorized access by federal, state, or local law or court order;
 - ii. People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.
- F. Access to Protected Nonpublic Data not on Individuals.** Protected Nonpublic data not on individuals is accessible to:
 - i. People who are authorized access by federal, state, or local law or court order;
 - ii. People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

G. Summary Data. Summary data is statistical records and reports derived from data on individuals but which does not identify an individual by name or contain any other characteristic that could uniquely identify an individual. Summary data derived from private or confidential data is public. The Responsible Authority/Compliance Official or designee will prepare summary data upon request, if the request is in writing and the requesting party pays for the cost of preparation.

The Responsible Authority/Compliance Official or designee must notify the requesting party about the estimated costs and collect those costs before preparing or supplying the summary data. This inquiry should be done within a reasonable amount of time after receiving the request. However, if the summary data cannot be prepared within 10 working days, the Responsible Authority/Compliance Official 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 Responsible Authority/Compliance Official may ask 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 agrees in writing to indemnify and hold harmless the City for the release of the data underlying the summary, and (3) the Responsible Authority/Compliance Official determines that access by this outside agency or person will not compromise the privacy of the private or confidential data.

H. Identification of Requesting Party. Unless the data requested consists solely of public data, the Responsible Authority/Compliance Official or designee must verify the identity of the requesting party as a person entitled to access. This can be through presentation of written identification, comparison of the data subject’s signature on a consent form with the person’s signature in City records (when applicable), or other reasonable means.

IV. Request for Data.

A. Form of Request. Any request for data must be made in writing on the form provided by the City, which is attached as Exhibit A. The form can be presented to the City in person or mailed to the business address of the Responsible Authority/Compliance Official. All requests must be presented in the form provided by this Policy. The City will not respond to data requests presented in emails, by telephone or by fax.

B. Time Limit. All data requests will be responded to in a reasonable amount of time. If the request cannot be filled within 30 days the City will notify the person who requested the information and inform them of the approximate amount of time it will take to complete the request. The 30-day time period will begin when the City receives

the data request. Requests will be received and processed only during normal business hours.

C. Fees. Fees will be charged according to the City's fee schedule and/or Data Practices Policy for Members of the Public and Data Practices Policy for Data Subjects. The fee may include the actual cost of searching for, retrieving, summarizing, copying or electronically transmitting the data, and mailing costs. The fee may not include time necessary to separate public from nonpublic data. The City may provide an estimate of the fee before the request is filled if the person requesting the information asks for such an estimate. The City may require that any fees be prepaid before the request is filled. The Responsible Authority/Compliance Official may also charge an additional fee if the copies have commercial value and are a substantial and discrete portion of a formula, compilation, program, process, or system developed with significant expenditure of public funds. This additional fee must relate to the actual development costs of the information.

D. Denial of Request. If the Responsible Authority/Compliance Official or designee determines that the requested data is not accessible to the requesting party, the Responsible Authority/Compliance Official or designee must inform the requesting party in writing as soon as possible after the determination is made. The Responsible Authority/Compliance Official or designee must give the specific legal authority for withholding the data.

V. Collection of Data on Individuals. The collection and storage of information about individuals will be limited to that necessary for the administration and management of programs specifically authorized by the State Legislature, City Council, Economic Development Authority, or federal government. When an individual is asked to supply private or confidential information about the individual, the City employee requesting the information must give the individual a Tennessen warning. This warning must contain the following:

- A.** The purpose and intended use of the requested data;
- B.** Whether the individual may refuse or is legally required to supply the requested data;
- C.** Any known consequences from supplying or refusing to supply the information; and
- D.** The identity of other persons or entities authorized by state or federal law to receive the data.

A Tennessen warning is not required when an individual is requested to supply investigative data to a law enforcement officer. A Tennessen warning may be on a separate form or may be incorporated into the form that requests the private or confidential data.

VI. Challenge to Responsible Authority/Compliance Official. Any individual who is dissatisfied with the Responsible Authority/Compliance Official's action may file a complaint with the Office of Administrative Hearings using the procedures under Minnesota Statutes, Chapter 14.