

# **Data Practices Policy for Members of the Public**

**City of Montrose, Minnesota**

**Adopted: October 12, 2015**

## **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 Montrose, Minnesota, as the applicable government entity (the “City”) 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 purchase copies of public data. The Government Data Practices Act allows us to charge for copies.

## **How to Make a Data Request**

To look at data or request copies of data that this government entity keeps, you will be required to make a written request specifying the data you request. Make your request for data to the appropriate individual listed in this Policy. You may make your request for data by electronic transmission as long as payment is provided using the Data Practices Request Form located in this Policy at Exhibit A.

The City cannot require you, as a member of the public, to 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 a completed request, we will work to process it.

- If we do not have the data, we will notify you 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 within a reasonable amount of time by doing one of the following:
  - arranging a date, time, and place to inspect data, 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 as long as payment is secured. If you want us to send you the copies, you will need to provide us with an address or fax number. We may provide electronic copies (such as email or CD-ROM) upon request if we already keep the data in electronic format.

Information about copy charges is located in this Policy.

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 the cost and response time to do so.

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 pre-pay for the cost of creating the data. Upon receiving your written request on the Data Practices Request Form contained in this Policy at Exhibit A we will respond within ten business days with the summary data or details of when the summary data will be ready and how much we will charge.

### **Data Practices Contact**

#### **Responsible Authority**

City of Montrose

Wendy Manson, Deputy Clerk/Data Practices Compliance Official

311 Buffalo Avenue South

Montrose, Minnesota 55363

763-575-7422 (phone)

763-675-3032 (fax)

wmanson@montrose-mn.com (email)

### **Copy Costs – Members of the Public**

The City 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 requested copies of data before we will release 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 rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data.

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 per hour. This fee may also be included in the City's regular fee schedule, which is adopted from time to time by ordinance.

**EXHIBIT A**

**DATA PRACTICES REQUEST FORM**