

MINNESOTA GOVERNMENT DATA PRACTICES ACT

The Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public. State or federal law must specifically classify data for the government to limit access. The Act also describes government's duty to respond to data requests made by a member of the public or by the subject of the data.

WHO?

- The Data Practices Act applies to government entities
- in Minnesota, but does not apply to the Legislature or
- to the courts. Anyone can make a request to view or
- receive copies of government data. Public data are available to anyone for any reason and private or nonpublic data are available if the requester is the subject of the data being requested. Confidential or protected nonpublic data are available only to those government employees who require access to it for work-related reasons.

WHEN?

- Government must respond to a request from a
- member of the public within a reasonable amount
- of time. Government must respond to requests
- from data subjects for data about themselves immediately or within ten business days.

HOW?

- **Step 1:** A person submits a data request to the
- Responsible Authority for the government entity that
- maintains the data. If the request is for private
- information, the government entity may ask for proof of identity.

Step 2: The government entity retrieves the responsive data, if it has any.

Step 3: The entity reviews the requested data. If the government entity denies access to any of the requested data, it must inform the requestor of the specific law that justifies the denial.

Step 4: The government entity provides access to the data and collects copy costs, if copies are requested.

WHAT?

- "Government data" means all data collected, created,
- received, maintained or disseminated by state or local
- government, regardless of its physical form, storage
- media, or conditions of use. Paper documents, email, CD-Roms, videotape, and computer files are all forms of "government data."

WHY?

- The Act seeks to balance three principles:
- 1) Government's need to have data to do its work; 2) The
- need to maintain an accountable and transparent
- government; and 3) The need to protect individual privacy rights.

HOW MUCH?

- **Government may charge limited amounts for**
- **copies.** Inspection of government records is always free.
- Government may never charge for the cost of separating
- public and not public data (i.e. redaction).

For members of the public: If the request is for 100 or fewer printed black and white pages: no more than \$0.25 per page.

For all other requests (including electronic data): Actual cost of searching and retrieving the data, and for making the copies.

For data subjects: For all requests: Only the actual cost of making the copies. Government may not charge for search and retrieval time.