



## Data Practices Policy for Members of the Public

The Office of the State Auditor (OSA) collects and uses information (data) in its work on behalf of the public. Minnesota Statutes, Chapter 13, the Government Data Practices Act (GDPA), 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 collected, created, received, maintained, or disseminated by a governmental entity regardless of the information's physical form, storage media, or conditions of use. Government data includes but is not limited to such things as paper, e-mail, and photographs.

In accordance with the GDPA, the OSA collects and keeps only the data that we need for administering and managing programs that are permitted by law. You may inspect, free of charge, any public data that we keep. You also may obtain copies of public data. The GDPA allows us to charge for copies and, generally, we charge for copies unless we have waived the charges. You may 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 OSA keeps, you may make a written request. Make your request for data to the OSA Data Practices Compliance Official Mark Kerr by using the attached Data Request Form and submitting it by e-mail to [datarequests@osa.state.mn.us](mailto:datarequests@osa.state.mn.us), by fax at 651-296-4755, or U.S. mail at 525 Park Street, Suite 500, St. Paul, MN 55103. You can contact Mark Kerr by phone at 651-296-4717 with any questions.

If you choose not to use the Data Request Form, your request should include:

- That you, as a member of the public, are making a request for data under the GDPA;
- Whether you would like to inspect the data, get copies of the data, or both; and
- A clear description of the data you would like to inspect or have copied.

Depending on how you want us to process your request, we may need some information about you. We may also need identifying information if the requested data contains a mix of public and private data. 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, if we do not understand your request and have no way to contact you, we will not be able to begin processing your request.

Standing requests will be honored for 90 days, after which they must be renewed to ensure that the requester is still interested in the data.

### Responsible Authority

As a constitutional officer, the State Auditor is the Responsible Authority for the Office of the State Auditor. See Minn. const. art. V, § 4; Minn. R. 1205.0200, subp. 13.

## **How We Respond to a Data Request**

Once you make your request, we will work to process it.

If we do not have the data, we will notify you in writing of that fact as soon as reasonably possible. If we have the data, but the data are not public, we will notify you of that fact as soon as reasonably possible and identify the law that classifies the data as 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 or more of the following:

1. If your request is to look at the data, we will arrange a date, time, and place to inspect data, for free.
2. If you request copies of the data, you may choose to pick them up, or have them mailed or faxed 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 upon request if we keep the data in electronic format. If the data being provided is private data, we can only e-mail the data with "secure" e-mail.

We will provide you with an estimate of the costs if you ask for it. We also will arrange for you to pre-pay for the copies if the estimate for the cost of the copies is \$100 or more. Information about copy costs is attached.

The OSA cannot give you legal advice but can provide information. 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 GDPR does not require us to answer questions that are not specific requests for data.

If the data is mixed public and not public data, we will review the data and separate or redact classified data that you may not access. We will identify the law that classifies that data as data you may not access.

The GDPR 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. We may, however, voluntarily agree to create data in response to your request. If we do so, we will work with you on the details of your request, including cost and response time.

## **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 may prepare summary data if you make your request in writing and pay for the cost of creating the data. You may use the Data Request Form to request summary data. Upon receiving your written request, we will respond within ten business days with either the cost to prepare the data and an estimate of when it will be ready or the reasons why we cannot prepare summary data in response to your request. Once you have confirmed that you still wish to obtain the data, we will then prepare it.

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

The OSA generally charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c). We will give you an estimate of the costs if you ask.

One hundred 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. If the estimated costs of the copies are over \$100, you must pay for the copies before we will give them to you, unless you have made other arrangements.

The OSA may waive the costs of the copies if the circumstances warrant it. The decision to waive the costs of the copies is within the sole discretion of the OSA.

### **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 e-mail).

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, etc.), and any mailing costs. If your request is for copies of data that we cannot reproduce ourselves, such as photographs or for summary data for which we determine a vendor's services would be appropriate, we will charge you the actual cost we must pay an outside vendor to fulfill the request. If a requester seeks remote access to data stored in electronic form, the requester may be charged a fee if the data or the access is enhanced at the request of the requester.

The cost of employee time to search for data, retrieve data, and make copies will be included and identified in the estimate. The cost of the employee time will be computed using the hourly rate of the lowest-paid employee who is capable of completing the task. 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, and we will include it in the estimate.

If a request for data involves the receipt of data which have commercial value and are a substantial and discrete portion of an entire formula, pattern, compilation, program, device, method, technique, process, data base, or system which has been developed with a significant expenditure by the OSA of public funds, the OSA may charge, in addition to the other costs allowed, a fee in keeping with the actual development costs of the information.

The OSA will prepare an invoice for all copying charges.

**Office of the State Auditor**

**Data Request Form – Members of the Public**

**Date of request:** \_\_\_\_\_

**I am requesting access to data in the following way:**

- Inspection                                       Copies                                       Both inspection and copies

Inspection is free but the OSA charges for the costs of copies unless we have agreed to waive the charges.

**These are the data I am requesting:**

*Describe the data you are requesting as specifically as possible in the space below. If you need more space, please attach additional paper to this form.*

**Contact Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_ E-mail address: \_\_\_\_\_

You do not have to provide any of the above contact information. However, if you want us to mail/e-mail you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information, we will not be able to begin processing your request until you contact us.

We will respond to your request as soon as reasonably possible.