
YOUR RIGHTS AS A MEMBER OF THE PUBLIC TO ACCESS GOVERNMENT DATA

The Minnesota Government Data Practices Act gives you, and all other members of the public, the right to see and have copies of public data that we keep. The law also controls how we keep government data and what we tell you when you ask to see the data that we have.

This document is intended to help you request information from the City of Hopkins. Most of the information, or data, that the City has is classified as public, which means it can be released to anyone. Some of the data the City keeps is classified as private or confidential and therefore has restrictions on its release.

The City is committed to providing the public with access to government data.

1. The City shall respond to a data request appropriately and promptly.
2. If the City determines that the requested data are not public, it shall inform the requestor. The City shall cite the specific statutory section, temporary classification or specific provision of federal law that classifies the data as not public.
3. If requested, the City shall explain the meaning of the data provided.

The following individuals have been appointed to assist you:

Responsible Authority and Data Compliance Official:

Amy Domeier, City Clerk
Telephone Number: 952.548.6304
Fax Number: 952.935.1834
E-Mail: cityofhopkins@hopkinsmn.com

Data Practices Designees:

Ari Lenz, Assistant City Manager, 952.548.6303
Gretchen Monahan, Support Services Manager, 952.548.6400
Laura Wolfson, Payroll and Benefits Specialist, 952.548.6331
Pam Hove, Public Works Recycling Coordinator, 952.939.1382

The law says that all the data we have are public (can be seen by anybody) unless there is a state or federal law that classifies the data as *not public*.

We have a report that lists the kinds of data we keep about individuals¹, how each kind is classified, and what law classifies that kind of data. This report is called the Data on Individuals Report. If you want to see or have a copy of this report, contact the responsible authority.

How do I request access to data?

You may request and receive public information over the phone, in person, through the mail, or via e-mail. If it is not possible to give you the info in the way you ask, we will contact you to decide on another way to give you the information you asked for.

To look at public data that we keep, contact the responsible authority or designee. You can make your request during our normal working hours, which are 8:00 a.m. to 4:30 p.m., Monday through Friday.

Must a data request be made in writing?

Simple requests need not be in writing. The City may require more complex requests, such as requests for multiple documents, to be made in writing.

What kinds of data may I request?

Examples of data you may ask to see:

- specific types of data or data elements;
- specific documents or portions of documents;
- entire records, files or data bases;

In your request, you should say that you are making a data request under the MGDPA. Tell us as clearly as you can what information you want to see. If we are not sure exactly what information you are requesting, we will ask you, but you don't have to tell us who you are or explain why you are asking for the data.

How soon will I receive the data that I request?

This depends upon the scope of the request, and may vary depending upon such factors as the type and/or quantity of data requested, the clarity of the data request, and the number of staff available to respond to the request.

¹ MS 13.02, Subd. 5. Data on individuals. "Data on individuals" means all government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual.

MN Rules 1205.0200, Subp. 4: All data, in whatever form it is maintained, is "data on individuals" if it can in any way identify any particular individual. Data is "data on individuals" if it identifies an individual in itself, or if it can be used in connection with other data elements to uniquely identify an individual. Such data shall include, but is not limited to, street addresses, job titles, and so forth where the particular data could only describe or identify one individual.

For example, if the request is to see a copy of the minutes of the last council meeting, this could be done immediately. But if the request were to have copies made of all the documents related to a particular development project, it may take several days or longer to respond.

If the request cannot be answered immediately, you will be informed as to how long it is likely to take. If we don't have the data you are asking for, we will tell you right away. We do not have to collect or create data for you in order to respond to your request.

We may not have to give you public data in the form you want.

If we have the data you're asking for, but we don't keep the data in the form you want, we may not be able to give you the data in that form. If we can't put the data in the form you want, you may have the data in our format and convert it to the form you want. If we can put the data in the form you want, we will let you know how long it will take us to provide the data and how much it will cost. Then you can decide if you want the data in that form or not.

In addition, the 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.

How much will I have to pay to receive data?

You have the right to look at public data at no cost. We will let you look at computerized data on a computer screen, or print a copy, so that you can inspect the data at no charge. We can't charge you a fee for separating public data from data that are not public.

You have the right to have a copy of any data that you have a right to see. This includes the right to have copies of all or parts of specific documents, files, records, data bases or types of data that we keep. If you ask for the copies in electronic form, and we keep the data in electronic form, we will give you the data in electronic form.

To ask for a copy of public data that we keep, contact the responsible authority or a data practices designee.

In your request, say that you are making a request for copies of data under the MGDPA. Tell us as clearly as you can what types of data or information you want copies of. If we have any question about the copies you are requesting, we will ask you. You don't have to tell us who you are or explain why you are asking for the data.

Once we have your request, we will provide the copies you asked for as soon as reasonably possible, depending on how many copies you are requesting and how many staff we have available to respond to your request.

We have the right to charge you a reasonable fee for providing copies.

We will charge you a fee for making copies of the data you ask for. The fee may include the actual costs of searching for and retrieving the data, including the cost of employee time, and for making, certifying and compiling, and electronically transmitting the data or copies of the data. If you ask us to mail or fax the copies to you, the fee will include postage or long distance phone charges. If you request a certified copy of a document, we will not charge you a fee to certify the document.

If you are requesting copies of data that have commercial value, we will charge you a fee in addition to the fee for the copies.

The current fee for making copies is 30 cents per copy. However, if 100 or fewer pages of black and white, letter or legal size paper copies are requested, the City shall charge no more than 25 cents for each page copied. Additional fees for searching for and retrieving the data may also be charged. We may require payment in advance.

Can I ask you to explain the data provided?

If you have any questions about the meaning of public data that we keep, please contact one of the individuals on page 1 of this document and ask for an explanation. If you ask, we will provide an interpreter or find another way to explain the data.

What if the data I request is not public?

If the City determines that the requested data are not public, we will let you know. This may be done orally at the time of the request, or may be done in writing as soon as possible after the request is made.

The City will cite the specific statutory section, temporary classification or specific provision of federal law that classifies the data. You may request a written certification that the request has been denied including the specific statutory section, temporary classification or specific provision of federal law upon which the denial was based.

You have the right to see and have copies of summary data.

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. We will prepare summary data for you if you make a request in writing (letter, fax, e-mail, etc.) to the responsible authority or a data practices designee and pay us what it costs to prepare the data.

We require prepayment. When we receive your request, we will contact you to make detailed arrangements to prepare the summary data.

We will let you or someone else prepare the summary data if:

- you explain in writing why you want to prepare the data;
- if you agree not to release any of the private or confidential data used to prepare the summary data; and
- if we determine that giving you access to private and confidential data will not compromise those data.

If you have any questions about how to access public data that we keep, please contact the responsible authority or a data practices designee.

YOUR RIGHTS AS THE SUBJECT OF GOVERNMENT DATA

The Minnesota Government Data Practices Act is a law that gives you important rights when we collect, create, keep, use or release data about you, and controls how we collect, use, and release data about you.

An important note about who may exercise your rights

The law defines an individual as a living human being and gives every individual all of the rights discussed in this section.

If you are a minor (which means that you are not yet eighteen years old), your parents or your guardian usually have the same rights as you do. This means that each of your parents or your guardian usually can look at and have copies of information we keep about you. Usually, they each have the right to give their consent to release the data about you. They each can challenge the accuracy and completeness of the data about you.

If you have no parents, or if your parents are not a part of your life, then the person who is caring for you has these rights.

In some cases, your parent or guardian does not have these rights. For example, we won't let your parent(s) or guardian exercise the rights the law gives you if there is a court order that takes these rights away from them. The court order might be about a divorce, separation, custody or some other matter, or it might take away the parental rights of your parent(s). Sometimes a state or federal law says that we can't let your parents see information about you.

If you have been appointed as the legal guardian for someone, you may exercise that individual's rights under the MGDPA. To do so, you must show proof of your appointment as legal guardian.

The law controls how we collect, keep, use and release data about you.

We can collect, keep, use and release private and confidential data about you only when a state or federal law allows or requires us to do it. The law also says we can collect, keep, use and release private and confidential data about you only if we need to in order to do our job.

The law says we have to give you a notice when we ask you to give us data about yourself.

When we ask you to give us private or confidential data about yourself, we will give you a notice. The notice sometimes is called a Tennessen warning notice. The notice tells you these things:

DATA ON INDIVIDUALS REPORT

- We will tell you why we are collecting the data from you and how we plan to use the data.
- If there is a law that says you have to give us the data, we will tell you that. We also will tell you if you do not have to give us the data.
- We will tell you what might happen (consequences) to you if you give us the data.
- We also will tell you what might happen (consequences) to you if you do not give us the data.
- We will tell you what other people or entities have the legal right to know about, see or have copies of the data you give us. When we tell you this, we will be as specific as we can be.

Parts of this City may collect information about you for different reasons and use it in different ways, so we may give you more than one notice, and the notices may be different. We will explain anything in the notice if you ask us.

Whenever we can, we will give you the notice in writing for you to read and sign, and we will give you a copy of the written and signed notice to keep. If we ask you for information over the phone, we will give you the notice when we talk to you, and we will give or send you a copy in writing for you to sign as soon as we can after that. You do not have to sign the notice.

We only have to give you the Tennessee warning notice when we are asking you to give us private or confidential data about yourself. We *do not* have to give you the notice when:

- you give us information we haven't asked for,
- the information we are asking for is about someone else,
- the information we are asking for is public data about you, or
- the information is collected by a law enforcement officer who is investigating a crime. This includes police officers, and members of the fire department and sheriff's office.

The notice puts limits on what we can do with data we keep about you.

Usually, after we give you the Tennessee warning notice and you choose to give us the data we ask for, we will use and release the data only in the ways that were stated in the notice. There are some exceptions to this rule. These exceptions are:

- If a federal, state or local law is passed after we give you the notice and collect the data from you, and if that law says we may or must use or release the data in a way we didn't tell you about in that notice, then we will use or release the information in order to comply with the new law.
- Sometimes, after we collect private or confidential data about people for one purpose, we need to use or release that information for a different purpose. If there is no law that says we can use the data for the new purpose, we need permission from those people in order to use or release the information in the new way. Sometimes we can't get their permission. This might happen if we need to ask

hundreds or thousands of people for permission to use data about them, or if the people can't give us their permission to use the data in the new way. If this happens, we may ask the Commissioner of the Minnesota Department of Administration to approve the new use or the new release of the information. We will use or release the data in the new way if the Commissioner approves.

- If we collected private or confidential data about you before August 1, 1975, we have the right to use, keep and release the data for the reasons we collected it. We also can ask the Commissioner of Administration for permission to use, keep or release the data to protect public health, safety or welfare.
- If a court orders us to release private or confidential data about you, we have to release the data.

If we need to use or release data about you in a new way, we need your permission.

If we need to use or release private data about you in a way that we didn't tell you about in the Tennessen warning notice, we will ask you for your informed consent. This has to be done in writing, so we will ask you to read and sign a consent form. A copy of the form we use is at the end of this section.

The consent form tells you:

- What information we want to release, or what information we want someone else to give us. You may consent to release *all* of the information, *some* of the information or *none* of the information that is listed on the form.
- The reasons we are asking for your consent and how the information will be used. You may consent to *all*, *some* or *none* of the uses/purposes listed on the form.
- Who will release the information and who will receive it. You may consent to release information to *all*, *some*, or *none* of the entities or people listed on the form.
- What will happen (the consequences) if you let us release or use the information in a new way.
- Who to talk to if you have any questions.

You don't have to let us use or release the information in the new way. Before you decide, you should look at the information. The consent form tells you who to talk to if you want to look at the information or have copies of it.

We have to explain everything on the consent form in a way that you understand. After you read and understand the consent form, we will ask you to sign it.

If you give us your consent, we can release the information for the length of time that is written on the consent form. You may stop your consent any time before that time is over. If you want to stop your consent, you must write to the person named on the form and clearly say that you want to stop all or part of your consent. Stopping your consent will not affect information that already has been released because you gave your consent.

We also will ask for your consent if someone asks us for private data about you and the law doesn't let us give the data to that person.

If *you* ask us to release private data about you to someone else, we will ask for your informed consent. If you give us your informed consent, we have to release the data in the way you ask.

We only ask for your informed consent to release *private* data about you. We don't need to ask for your consent to release public data about you because the law says we have to give public data to anyone who asks. The law does not give you the right to see confidential data about you or to let anyone else see the data.

You have the right to know if we keep data about you.

If you ask us, we will tell you if we keep information about you and we will tell you if the data are classified as public, private or confidential. To find out what information we keep about you, contact the responsible authority or a data practices designee.

You have the right to see data we keep about you.

If you ask us, we will show you the public and private data that we keep about you. Contact name the responsible authority or appropriate designee.

In your request, tell us as clearly as you can what types of data or information you want to see. You have the right to see specific documents, files, records or types of data that we keep. You also have the right to ask for and see *all* of the public and private data about you that we keep.

Once we have your data request, we will show you the data right away if we can. If we can't show you the data right away, we will show you the data in no more than ten business days.

The law says we have to protect private data about you. For this reason, a member of our staff may be with you when you inspect the information.

After you have looked at the data you requested, we do not have to let you see the data again for six months, unless we collect or create more information about you before six months have passed. You do not have to wait for six months to see the data again if we have collected new data about you, or if you have challenged any of the data, or if you are appealing the results of that challenge. See the information below about how to challenge the accuracy and/or completeness of government data.

Note about access to data about minors:

If you are a minor, you have the right to ask us not to let your parents or guardian have private data about you. If you don't want us to give your parents information about you, you must write to the responsible authority. Tell us why you don't want us to release the information to your parents; then sign your name, on your request. If you have any questions about how to do this, talk to the responsible authority.

After you make your request, we have to decide if we will let your parents see the data. Before we make this decision, we have to think about:

- Is there a law that says we have to give the data to your parents?
- Do you have a good reason for asking us not to release the data?
- If we give your parents the data, would you be harmed in any way?
- Do you understand what will happen if we don't release the data?

We also have to think about whether it is in your best interest for us not to give the data to your parents.

We can't charge you a fee for looking at data about yourself.

You do not have to pay any money just to look at data about yourself, even if we have to make a copy of the information so that you can look at it.

You have the right to have public and private data about you explained to you.

If you have questions about the data we keep about you, please contact the responsible authority or appropriate designee. We will explain the data in a way you understand. If you ask, we will provide an interpreter or explain the data in some other way.

You have the right to have copies of data about yourself.

You have the right to have a copy of public and private data about yourself -- in other words, you may have a copy of any information you have the right to see. To get a copy of public or private data that we keep about you, contact the responsible authority or a data practices designee.

Once we have your request for copies, we will give you the copies right away if we can. If we can't give you the copies right away, we will give them to you in no more than ten business days.

We have the right to charge a fee for making the copies.

We will charge you a fee for making copies of the data you ask for. We can only charge you the actual cost of making and compiling the copies. If you ask us to mail or fax the copies to you, the fee will include postage or long distance phone charges. If you request a certified copy of a document, we will not charge you a fee to certify the document.

You have the right to know why you can't see or get copies of data we keep about you.

If the information you want to see is not public or private data about you, we will tell you that, and we will tell you what part of the law says we can't show it to you.

You have the right to challenge the accuracy and/or completeness of data about you.

If you believe that public or private data that we keep about you are inaccurate and/or incomplete, you may file a data challenge with us. You may challenge only *accuracy* and *completeness* of data.

- *Accurate* means the data are reasonably correct and do not contain any errors.
- *Complete* means that the data describe the history of your contacts with us in a complete way.

For example, data may be inaccurate or incomplete if a wrong word, name, or phrase is used; if the data give a false impression about you; if certain information is missing from the record; or if certain information should not be in the record.

To make a data challenge, write a letter to the responsible authority and say that you are challenging the accuracy and completeness of data we maintain about you.

Tell us very clearly what data you are challenging. Be very specific. For example, make it clear whether you are challenging a specific word, sentence, date, time, or name.

Tell us very clearly *why* or *how* the data inaccurate or incomplete. Be very specific and write down as many reasons as you can.

Tell us very clearly *what you think should be done* to make the data accurate or complete. For example, you may ask us to add information, change the data we have, or remove information from our records.

When we receive your letter, the law says we have 30 days to review it and the data you are challenging, to decide whether all, some or none of the data are inaccurate or incomplete, and respond to your challenge.

If we *agree* with all or part of your challenge, we will correct the inaccurate or incomplete data and try to notify anyone who has received the data in the past. This includes anyone you tell us has received the data.

If we *don't agree* with all or part of your challenge, we will tell you we believe that the data you are challenging are accurate and/or complete.

You have the right to include a statement with inaccurate and/or incomplete data.

If you believe that public or private data we have about you are not accurate or complete, you have the right to include a statement of disagreement with the data. If we release the disputed data to anyone else, we have to include your statement of disagreement with the data.

You can appeal our decision about your data challenge.

If you don't agree with our decision about your challenge, you may appeal the decision to the Commissioner of the state Department of Administration. When we respond to your challenge letter, we will tell you that you have the right to appeal our decision. You then have 60 days (about two months) to file your appeal. If we do not tell you about your right to appeal our decision, you have 180 days (about six months) to file your appeal.

Your appeal must be made to the Commissioner of Administration in writing (such as sending a letter, an e-mail message, or fax). Include your name, address, and a phone number, and make sure you name the City and its responsible authority.

Say that you are appealing a decision we made about your data challenge (or your challenge to accuracy and/or completeness of data we keep about you). Tell the Commissioner what data you believe are inaccurate or incomplete. Also tell why you disagree with our decision.

Then tell the Commissioner what you want to happen because of your appeal. For example, do you want us to add, change or delete data in our files?

Include a copy of your challenge letter and any other letters about your challenge that you have sent or received. Send your appeal to:

Commissioner of Administration
State of Minnesota
50 Sherburne Avenue
Saint Paul, MN 55155

The Commissioner's staff will contact you about your appeal. The Commissioner's staff can be reached at

Information Policy Analysis Division (IPAD)
Minnesota Department of Administration
305A Centennial Building, 658 Cedar Street
St. Paul, MN 55155

Voice: 651.296.6733 or 1.800.657.3721
Fax: 651.205.4219
www.ipad.state.mn.us

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If you have any questions about your rights, please contact Amy Domeier, who is our responsible authority, at 1010 1st St S, 952-548-6304.