



PUBLIC DATA AND DATA SUBJECT REQUESTS

POLICY:	722
ADOPTED:	08/19/19
REVISED:	10/24/22

I. Purpose

The school district recognizes its responsibility in regard to the collection, maintenance, and dissemination of public data as provided in state statutes.

II. General Statement of Policy

The school district will ensure there is a clear process in place for requesting public data that complies with and follows the Minnesota Government Data Practices Act., Minnesota Statutes chapter 13 (MGDPA), and Minnesota Rules Parts 1205.0100-1205.2000 in response to requests for public data.

Public data requests definitions can be found in Appendix I of this policy.

III. Responsible Authority

- A. The superintendent or designee will serve as the authority responsible for data requests.
- B. The responsible authority will establish procedures to ensure that requests for government data are received and compiled within an appropriate and prompt manner.
- C. The responsible authority may designate one or more designees.

IV. Requests for Data

- A. A written request is required to inspect data or request copies of data that Inver Grove Heights Schools maintains. A form requesting data is available on the district's website however a person may make a request in writing including the following information:
 - 1. State that you, as a member of the public, are making a request for data

under the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13.

2. State whether you would like to inspect the data, get copies of the data or both.
 3. Include a specific description of the data you are requesting.
- B. Inver Grove Heights Schools cannot require a person to identify themselves or explain the reason for the data request. However, contact information such as phone number, address, or email address may be needed to process the data request.
- C. Prior to fulfilling a request, the district may contact the requestor for the following reasons:
1. To ask for clarification or additional information to help fulfill the request;
 2. To indicate that the request may involve a charge or require prepayment.
- D. Upon request to a responsible authority or designee, a person will be permitted to inspect and/or copy public government data at reasonable times and places, and, upon request, will be informed of the data's meaning.
- E. If the person requests access for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee to inspect the data.
- F. In order to complete a request, the district will do one of the following:
1. If the district does not have the data, the requestor will be notified in writing as soon as reasonably possible.
 2. If the district has the data but the data are not public, the requestor will be notified as soon as reasonably possible and identified the date and specify in writing the legal authority for the decision to withhold or release the data.

3. If the district has the data, and the data are public, the district will respond to the request appropriately and promptly, with a reasonable amount of time by doing one of the following:
 - a. Arrange a date, time, and place to inspect data, for free, if the request is to look at the data, or
 - b. Provide copies of the data as soon as reasonably possible. The requestor may choose to pick up copies, or it will be mailed. Electronic copies will be provided upon request if the data is maintained in an electronic format.
- G. The Government Data Practices Act does not require the creation or collection of new data in response to a data request, or to provide data in a specific form or arrangement if not kept in that form or arrangement.
- H. The Government Data Practices Act does not require the district to answer questions that are not requests for data.
- I. Unless specifically authorized by statute, the school district may not require persons to identify themselves, state a reason for, or justify a request to gain access to public government data. A person may be asked to provide certain identifying or clarifying information for the sole purpose of facilitating access to the data.

V. Requests for Summary Data

- A. 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. The school district will prepare summary data if you make your request in writing and pay for the cost of creating the data. Upon receiving your written request, the school district will respond within ten business days with the data or details of when the data will be ready and how much we will charge.
- B. The school district may require the requestor to pre-pay all or a portion of the cost of creating the summary data before the school district begins to prepare the summary data.

VI. Data by an Individual Data Subject

- A. Collection and storage of all data on individuals and the use and dissemination of private and confidential data on individuals shall be limited to that necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government.
- B. Private or confidential data on an individual shall not be collected, stored, used, or disseminated by the school district for any purposes other than those stated to the individual at the time of collection in accordance with Minnesota Statutes section 13.04, except as provided in Minnesota Statutes section 13.05, subdivision 4.
- C. Upon request to the responsible authority or designee, an individual shall be informed whether the individual is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data on individuals shall be shown the data without any charge and, if desired, shall be informed of the content and meaning of that data.
- D. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to that individual for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created.
- E. The responsible authority or designee shall provide copies of the private or public data upon request by the individual subject of the data. The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies.
- F. The responsible authority or designee shall comply immediately, if possible, with any request made pursuant to this subdivision, or within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible.
- G. An individual subject of the data may contest the accuracy or completeness of public or private data. To exercise this right, an individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within 30 days either: (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or (2) notify the individual that the authority believes the data to be correct. Data in dispute shall

be disclosed only if the individual's statement of disagreement is included with the disclosed data.

- H. The determination of the responsible authority may be appealed pursuant to the provisions of the Administrative Procedure Act relating to contested cases. Upon receipt of an appeal by an individual, the commissioner shall, before issuing the order and notice of a contested case hearing required by Minnesota Statutes chapter 14, try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties consent, the commissioner may refer the matter to mediation. Following these efforts, the commissioner shall dismiss the appeal or issue the order and notice of hearing.
- I. Data on individuals that have been successfully challenged by an individual must be completed, corrected, or destroyed by a government entity without regard to the requirements of Minnesota Statutes section 138.17.
- J. After completing, correcting, or destroying successfully challenged data, the school district may retain a copy of the commissioner of administration's order issued under Minnesota Statutes chapter 14 or, if no order were issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

VII. Requests for Data by an Individual Subject of the Data

- A. All requests for individual subject data must be made in writing directed to the responsible authority.
- B. A request for individual subject data must include the following information:
 - 1. Statement that one is making a request as a data subject for data about the individual or about a student for whom the individual is the parent or guardian;
 - 2. Date the request is made;
 - 3. A clear description of the data requested;
 - 4. Proof that the individual is the data subject or the data subject's parent or guardian;
 - 5. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.); and

6. Method to contact the requestor (such as phone number, address, or email address).
- C. The identity of the requestor of private data is private.
- D. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.
- E. Policy 515 (Protection and Privacy of Pupil Records) addresses requests of students or their parents for educational records and data.

VIII. Data Belonging to an Individual Subject

- A. The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies.
- B. The responsible authority shall not charge the data subject any fee in those instances where the data subject only desires to view private data.
- C. The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies. Based on the factors set forth in Minnesota Rule 1205.0300, subpart 4, the school district determines that a reasonable fee would be the charges set forth in section VIII.A of this policy that apply to requests for data by the public.
- D. The school district may not charge a fee to search for or to retrieve educational records of a child with a disability by the child's parent or guardian or by the child upon the child reaching the age of majority.

IX. Costs

- A. Inver Grove Heights Public Schools may charge members of the public for copies of government data as authorized under Minnesota Statutes, Section 13.03, subdivision 3(c).
- B. A member of the public must pay in cash or by check for copies before the school district will provide the requested copies.
 1. For 100 or Fewer Paper Black and White Copies – \$.35 per page: The charge for 100 or fewer pages of black and white, letter or legal sized paper, is \$.35 for a one-sided copy and \$.70 for a two-sided copy.

2. More than 100 Copies or Other Types of Copies – Actual Cost:
The charge for more than 100 pages of black and white paper copies or any other types of copies, is the actual cost of searching for and retrieving the data and making the copies or electronically transmitting the data.
 - A. The school district charges the actual cost for preparing summary data. Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals.
 - B. In determining the actual cost, the school district includes the cost of employee time, the cost of materials (paper, DVD, etc.) and mailing costs (if any). If the request is for copies of data that the school district cannot reproduce itself such as photographs, it will charge the actual cost it must pay an outside vendor for the copies.
 - C. The cost of employee time to search for data, retrieve data and make copies is dependent upon the hourly wage of the lowest paid employee who can perform the work given the data privacy issues related to searching for the records.

X. Annual Review and Posting

- A. The responsible authority shall prepare a written data access policy and a written policy for the rights of data subjects (including specific procedures the school district uses for access by the data subject to public or private data on individuals). The responsible authority shall update the policies no later than August 1 of each year, and at any other time as necessary to reflect changes in personnel, procedures, or other circumstances that impact the public's ability to access data.
- B. Copies of the policies shall be easily available to the public by distributing free copies to the public or by posting the policies in a conspicuous place within the school district that is easily accessible to the public or by posting them on the school district's website.

Data Practices Contacts

Responsible Authority:
Superintendent Dave Bernhardson
bernhardson@isd199.org

Data Practices Compliance Officials:

Abel Riodique (Student Data Requests)

Director of Special Services

651-306-7828

riodiquea@isd199.org

Michele Carroll (Employee and Non-Student Data Requests)

Director of Human Resources

651-306-7805

carrollm@isd199.org

Legal References: Minn. Stat. Ch. 13 Minnesota Government Data Practices Act

Minn. Stat. § 13.01 (Government Data)

Minn. Stat. § 13.02 (Definitions)

Minn. Stat. § 13.025 (Government Entity Obligation)

Minn. Stat. § 13.03 (Access to Government Data)

Minn. Stat. § 13.04 (Rights of Subjects to Data)

Minn. Stat. § 13.05 (Duties of Responsible Authority)

Minn. Stat. § 13.32 (Educational Data)

Minn. Rules Part 1205.0300 (Access to Public Data)

Minn. Rules Part 1205.0400 (Access to Private Data)

Cross References: Policy 406 — Public and Private Data

Policy 515 — Protection and Privacy of Student Records

PUBLIC DATA REQUESTS DEFINITIONS

A.

A. Confidential Data on Individuals

Data made not public by statute or federal law applicable to the data and are inaccessible to the individual subject of those data.

B. Data on Individuals

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.

C. Data Practices Compliance Officer

The data practices compliance official is the designated employee of the school district to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems. The responsible authority may be the data practices compliance official.

D. Government Data

All data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use.

E. Individual

“Individual” means a natural person. In the case of a minor or an incapacitated person as defined in Minnesota Statutes section 524.5-102, subdivision 6, "individual" includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.

F. Inspection

“Inspection” means the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the school district, unless printing a copy is the only method to provide for inspection of the data. For data stored in electronic form and made available in electronic form on a remote access basis to the public by the school district, inspection includes remote access to the data by the public and the ability to print copies of or download the data on the public’s own computer equipment.

G. Not Public Data

Any government data classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.

H. Nonpublic Data

Data not on individuals made by statute or federal law applicable to the data: (a) not accessible to the public; and (b) accessible to the subject, if any, of the data.

I. Private Data on Individuals

Data made by statute or federal law applicable to the data: (a) not public; and (b) accessible to the individual subject of those data.

J. Protected Nonpublic Data

Data not on individuals made by statute or federal law applicable to the data (a) not public and (b) not accessible to the subject of the data.

K. Public Data

All government data collected, created, received, maintained, or disseminated by the school district, unless classified by statute, temporary classification pursuant to statute, or federal law, as nonpublic or protected nonpublic; or, with respect to data on individuals, as private or confidential.

L. Public Data Not on Individuals

Data accessible to the public pursuant to Minnesota Statutes section 13.03.

M. Public Data on Individuals

Data accessible to the public in accordance with the provisions of section 13.03.

N. Responsible Authority

The individual designated by the school board as the individual responsible for the collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law. Until an individual is designated by the school board, the responsible authority is the superintendent.

O. Summary Data

Statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual is ascertainable. Unless classified pursuant to

Minnesota Statutes section 13.06, another statute, or federal law, summary data is public.