

10.00 Data Practices Policy for Members of the Public

Purpose:

The City of Medina (“City”) is required to approve procedures for processing data requests in accordance with the requirements of the Minnesota Government Data Practices Act, specifically Minnesota Statutes, Chapter 13. The Data Practices Act attempts to balance the public’s right to information, individual’s right to privacy, and government’s need to function responsibly.

Policy Statement:

The 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, e-mail, electronic data, photographs, etc. The Data Practices Act generally requires that all public officials, including City Staff, City Council, appointed volunteers (such as Planning and Park Commissioners), if or when requested, must provide or submit any and all relevant correspondence associated with a specific issue, subject or topic under current or past consideration by the City or relevant body.

The Data Practices Act also provides that the City must keep all government data in a way that makes it easy for a member of the public to access public data. Any person has the right to look at (inspect), free of charge, all public data that is maintained by the City. Any person also has the right to obtain copies of public data, which the City may charge in accordance with the Data Practices Act and the City’s Fee Schedule.

The City cannot require a member of the public to identify themselves or explain the reason for a data request.

The designated Responsible Authority shall also be authorized to amend or supplement the Exhibits attached to these procedures as needed to further the intent of these procedures and the City’s compliance with the Act.

Data Request Procedures:

The request for public data may be verbal or written. The City’s Responsible Authority or designee (see Exhibit A) may require a verbal request to be made in writing whenever a written request will assist the Responsible Authority or designee in performing his or her duties. Written requests will be accepted by completing a City Data Practices Request Form in person, by mail, fax, or e-mail.

City Response to Data Practices Request:

Data will be released depending on whether or not the City has stored the data requested and whether the data is classified as public, private, or confidential. Information about individual people is classified by law as public, private, or confidential.

Timing. Requests will be received and processed only at Medina City Hall or the Police and Public Works Facility during normal business hours. If copies cannot be made at the time of the request, copies must be supplied as soon as reasonably possible. Whenever possible, the Responsible Authority or designee will immediately allow the person to inspect the public data. Where providing immediate copies would unreasonably interfere with the efficient performance of the City's operations, the Responsible Authority or designee may require that the requesting person make an appointment or return at a later time to inspect or to pick up copies of the requested data. When public data on individuals is requested by the individual data subject and an immediate response is not possible, the Responsible Authority or designee will provide the data within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays.

Form of Copies. The City is not required to provide data in a format or program that is different from the format or program in which the City maintains the data. Where public data is maintained in a computer storage medium, the Responsible Authority or designee shall provide copies of the public data in electronic form upon request, provided a copy can reasonably be made in that form. The City may charge a fee for the actual cost of providing the copy.

Fees. Anyone may inspect or view public data for any reason without charge. Fees may be charged only if the requesting person asks for a copy or electronic transmittal of the data. Fees will be charged according to the City's current fee schedule, or as indicated below, and may not include time necessary to separate public from non-public data.

- The City will not charge for copies if the cost is less than \$5.00.
- The City will not charge for employee time to search data, retrieve data, making copies (hard copy or electronic) if the actual time is less than five (5) minutes.

Denial of Access. If the Responsible Authority or designee determines that the requested data is not accessible to the requesting party, the Responsible Authority or designee must inform the requesting party orally at the time of the request or in writing as soon after that as reasonably possible. The Responsible Authority or designee must give the specific legal authority, including statutory section, for withholding the data. The Responsible Authority or designee must place an oral denial in writing upon request. This must also include the specific legal authority for the denial.

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. The City will prepare summary data if a City Data Practices Request Form is completed. The City will charge a fee in accordance with the City's Fee Schedule for creating the summary data. The City will respond within ten business days with the data or details of when the data will be ready and how much the City will charge.

Approval: City Council approved on 3/17/2009; Amended on: October 6, 2015.

EXHIBIT A

CITY OF MEDINA DATA PRACTICES CONTACTS

Responsible Authority and Compliance Officer

Jodi Gallup
Assistant City Administrator/City Clerk
2052 County Road 24
Medina, MN 55340
Ph: (763) 473-8850
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Designees

Cec Vieau (Police Department)
Administrative Assistant
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Erin Barnhart (Finance Department)
Finance Director
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Dusty Finke (Planning Department)
City Planner
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Other persons responsible for the maintenance and dissemination of City records are as apparent or assigned.