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<b>SERIES</b>	700	Non-Instructional Operations
<b>SUBJECT</b>	700	Public Data and Data Subject Requests
<b>Adopted</b>		December 11, 2018
<b>Revised</b>		March 7, 2023

## **I. GENERAL STATEMENT OF POLICY**

The school district will comply with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13 (MGPDA), the Federal Educational Rights and Privacy Act, 20 U.S.C. 1232g (FERPA), and Minn. Rules Parts 1205.0100-1205.2000 in responding to requests for public data.

## **II. DEFINITIONS**

### **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 Official**

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 a government entity, including the School District, regardless of its physical form, storage media, or conditions of use.

E. Individual

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. Not Public Data

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

G. Inspection

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.

H. 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.

I. 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.

J. 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.

K. 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.

### **III. REQUESTS FOR PUBLIC DATA OR SUMMARY DATA**

- A. All requests for public data or summary data must be made in writing directed to the responsible authority, and must include the following information:
  - 1. Date the request is made;
  - 2. A clear description of the data requested;
  - 3. Identification of the form in which the data is to be provided (e.g., inspection, copying, both inspection and copying, etc.): and
  - 4. Method to contact the requestor (such as phone number, address, or email address)
- B. Unless specifically authorized by statute, a requestor is not required to provide his/her identity, nor is a requestor required to explain the reason for a data request.
- C. A public data request, including the identity of the requestor (if provided), is public data.
- 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. The responsible authority will respond, in writing, to a request for public data within a reasonable period of time as follows:
  - 1. The requested data does not exist; or
  - 2. The requested data does exist but either all or a portion of the data is not accessible to the requestor, in which case the responsible authority will cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based; or
  - 3. The requested data does exist, and describe arrangements for inspection of the data, identify when the data will be available for pick-up, or indicate that the data will be sent by mail or email.

If the requestor does not appear at the time and place established for inspection of the data or the data is not picked up within ten (10) business days after the requestor was notified, the school district will conclude that the data is no longer wanted and will consider the request closed.

- F. The school district's response time may be affected by the size and complexity of the particular request, including necessary redactions of the data, and also by the number of requests made within a particular period of time.

- G. Upon request, the school district will provide an explanation of technical terminology, abbreviations, or acronyms contained in the responsive data.
- H. The school district is not required by the MGDPA to create or collect new data in response to a data request, or to provide responsive data in a specific form or arrangement if the school district does not keep the data in that form or arrangement.
- I. The school district is not required to respond to questions that are not requests for existing data.
- J. The responsible authority will respond, in writing, within ten (10) business days of receipt of a request for summary data as follows:
  - 1. The estimated costs of preparing the summary data, if any; and
  - 2. The summary data requested; or
  - 3. A written statement describing a time schedule for preparing the requested summary data, including reasons for any time delays; or
  - 4. A written statement describing the reasons why the responsible authority has determined that the requestor's access would compromise private or confidential data.
- K. The school district shall require the requestor to pay all or a portion of the cost of preparing summary data before the school district begins to prepare the summary data.

#### **IV. DATA ON 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 School District 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. The determination of the responsible authority may be appealed pursuant to the procedures in Minnesota Statutes § 13.04, subd. 4.
- H. Data on individuals that have been successfully challenged by an individual shall be completed, corrected, or destroyed without regard to the requirements of Minnesota Statutes § 138.17. 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.
- I. All requests for individual subject data must be made in writing directed to the responsible authority.

- J. 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, etc.); and
  6. Method to contact the requestor
- K. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request.
- L. Policy 515 (Protection and Privacy of Pupil Records) further addresses requests of students or their parents for educational records and data.

## **V. COSTS**

- A. The per page charge for copies is as follows:
1. Public data, 100 or fewer pages of black and white, letter or legal sized paper copies: 25 cents for a one-sided copy or 50 cents for a two-sided copy.
  2. Public data, More than 100 pages or copies on other materials (including electronic transmittal): the actual cost of searching for and retrieving the data and making the copies or electronically sending the data (unless the cost is specifically set by statute or rule), including employee time in retrieving the data, making copies, sending the copies, the cost of the materials onto which the data is copied (paper, CD, DVD, etc.), and mailing costs (if any). Also, if the school district does not have the capacity to make the copies, e.g., photographs, the actual cost paid by the school district to an outside vendor will be charged.
  3. Summary data: the actual cost of preparing the summary data, including employee time in retrieving, compiling, and copying the data, the cost of materials onto which the data is copied, and mailing costs. The school district will consider the reasonable value to the School District of the summary data prepared and, where appropriate, reduce the costs assessed to the requestor.

4. Data on an Individual Data Subject: The responsible authority or designee may require the requesting person to pay the actual costs of making and certifying the copies. No fee will be charged where the data subject only desires to view private data.
- B. All charges must be paid in advance of receiving the copies. For summary data, all costs must be paid prior to preparing or supplying the data.

Data Practices Contact:  
Superintendent of Schools or designee