

RICHFIELD PUBLIC SCHOOLS

PUBLIC DATA AND DATA SUBJECT REQUESTS

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

The school district will comply with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 (MGDPA), and Minn. Rules Parts 1205.01001205.2000 in responding to requests for public data.

III. 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 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

1 guardians, upon request by the minor if the responsible authority determines
2 that withholding the data would be in the best interest of the minor.

3
4 F. Inspection

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

13
14 G. Not Public Data

15
16 Any government data classified by statute, federal law, or temporary
17 classification as confidential, private, nonpublic, or protected nonpublic.

18
19 H. Nonpublic Data

20
21 Data not on individuals made by statute or federal law applicable to the data:
22 (a) not accessible to the public; and (b) accessible to the subject, if any, of
23 the data.

24
25 I. Private Data on Individuals

26
27 Data made by statute or federal law applicable to the data: (a) not public; and
28 (b) accessible to the individual subject of those data.

29
30 J. Protected Nonpublic Data

31
32 Data not on individuals made by statute or federal law applicable to the data
33 (a) not public and (b) not accessible to the subject of the data.

34
35 K. Public Data

36
37 All government data collected, created, received, maintained, or
38 disseminated by the school district, unless classified by statute, temporary
39 classification pursuant to statute, or federal law, as nonpublic or protected
40 nonpublic; or, with respect to data on individuals, as private or confidential.

41
42 L. Public Data Not on Individuals

43
44 Data accessible to the public pursuant to Minnesota Statutes section 13.03.

45
46 M. Public Data on Individuals

47
48 Data accessible to the public in accordance with the provisions of
49 section 13.03.
50

1 N. Responsible Authority

2
3 The individual designated by the school board as the individual responsible
4 for the collection, use, and dissemination of any set of data on individuals,
5 government data, or summary data, unless otherwise provided by state law.
6 Until an individual is designated by the school board, the responsible
7 authority is the superintendent.

8
9 O. Summary Data

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11 “Summary data” means statistical records and reports derived from data on
12 individuals but in which individuals are not identified and from which neither
13 their identities nor any other characteristic that could uniquely identify an
14 individual is ascertainable. Unless classified pursuant to Minnesota Statutes
15 section 13.06, another statute, or federal law, summary data is public.

16
17 **IV. REQUESTS FOR PUBLIC DATA**

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19 A. All requests for public data must be made in writing directed to the
20 responsible authority.

21
22 1. A request for public data must include the following information:

23 a. Date the request is made;

24 b. A clear description of the data requested;

25
26 c. Identification of the form in which the data is to be provided
27 (e.g., inspection, copying, both inspection and copying, etc.);
28 and

29
30 d. Method to contact the requestor (such as phone number,
31 address, or email address).

32
33
34
35 2. Unless specifically authorized by statute, the school district may not
36 require persons to identify themselves, state a reason for, or justify a
37 request to gain access to public government data. A person may be
38 asked to provide certain identifying or clarifying information for the sole
39 purpose of facilitating access to the data.

40
41 3. The identity of the requestor is public, if provided, but cannot be
42 required by the government entity.

43
44 4. The responsible authority may seek clarification from the requestor if
45 the request is not clear before providing a response to the data
46 request.

47
48 B. The responsible authority will respond to a data request at reasonable times
49 and places as follows:
50

- 1 1. The responsible authority will notify the requestor in writing as follows:
 - 2
 - 3 a. The requested data does not exist; or
 - 4
 - 5 b. The requested data does exist but either all or a portion of the
 - 6 data is not accessible to the requestor; or
 - 7
 - 8 (1) If the responsible authority determines that the requested
 - 9 data is classified so that access to the requestor is denied, the
 - 10 responsible authority will inform the requestor of the
 - 11 determination in writing, as soon thereafter as possible, and
 - 12 shall cite the specific statutory section, temporary classification,
 - 13 or specific provision of federal law on which the determination is
 - 14 based.
 - 15
 - 16 (2) Upon the request of a requestor who is denied access to
 - 17 data, the responsible authority shall certify in writing that the
 - 18 request has been denied and cite the specific statutory section,
 - 19 temporary classification, or specific provision of federal law
 - 20 upon which the denial was based.
 - 21
 - 22 c. The requested data does exist and provide arrangements for
 - 23 inspection of the data, identify when the data will be available
 - 24 for pick-up, or indicate that the data will be sent by mail. If the
 - 25 requestor does not appear at the time and place established for
 - 26 inspection of the data or the data is not picked up within ten (10)
 - 27 business days after the requestor is notified, the school district
 - 28 will conclude that the data is no longer wanted and will consider
 - 29 the request closed.
 - 30
- 31 2. The school district's response time may be affected by the size and
- 32 complexity of the particular request, including necessary redactions of
- 33 the data, and also by the number of requests made within a particular
- 34 period of time.
- 35
- 36 3. The school district will provide an explanation of technical terminology,
- 37 abbreviations, or acronyms contained in the responsive data on
- 38 request.
- 39
- 40 4. The school district is not required by the MGDPA to create or collect
- 41 new data in response to a data request, or to provide responsive data
- 42 in a specific form or arrangement if the school district does not keep
- 43 the data in that form or arrangement.
- 44
- 45 5. The school district is not required to respond to questions that are not
- 46 about a particular data request or requests for data in general.
- 47

48 **V. REQUEST FOR SUMMARY DATA**

49

- 1 A. A request for the preparation of summary data shall be made in writing
2 directed to the responsible authority.
3
4 1. A request for the preparation of summary data must include the
5 following information:
6
7 a. Date the request is made;
8
9 b. A clear description of the data requested;
10
11 c. Identify the form in which the data is to be provided (e.g.,
12 inspection, copying, both inspection and copying, etc.); and
13
14 d. Method to contact requestor (phone number, address, or email
15 address).
16
17 B. The responsible authority will respond within ten (10) business days of the
18 receipt of a request to prepare summary data and inform the requestor of the
19 following:
20
21 1. The estimated costs of preparing the summary data, if any; and
22
23 2. The summary data requested; or
24
25 3. A written statement describing a time schedule for preparing the
26 requested summary data, including reasons for any time delays; or
27
28 4. A written statement describing the reasons why the responsible
29 authority has determined that the requestor's access would
30 compromise the private or confidential data.
31
32 C. The school district may require the requestor to pre-pay all or a portion of the
33 cost of creating the summary data before the school district begins to prepare
34 the summary data.
35

36 **VI. DATA BY AN INDIVIDUAL DATA SUBJECT**
37

- 38 A. Collection and storage of all data on individuals and the use and
39 dissemination of private and confidential data on individuals shall be limited
40 to that necessary for the administration and management of programs
41 specifically authorized by the legislature or local governing body or mandated
42 by the federal government.
43
44 B. Private or confidential data on an individual shall not be collected, stored,
45 used, or disseminated by the school district for any purposes other than those
46 stated to the individual at the time of collection in accordance with Minnesota
47 Statutes section 13.04, except as provided in Minnesota Statutes section
48 13.05, subdivision 4.

- 1 C. Upon request to the responsible authority or designee, an individual shall be
2 informed whether the individual is the subject of stored data on individuals,
3 and whether it is classified as public, private or confidential. Upon further
4 request, an individual who is the subject of stored private or public data on
5 individuals shall be shown the data without any charge and, if desired, shall
6 be informed of the content and meaning of that data.
- 7 D. After an individual has been shown the private data and informed of its
8 meaning, the data need not be disclosed to that individual for six months
9 thereafter unless a dispute or action pursuant to this section is pending or
10 additional data on the individual has been collected or created.
- 11 E. The responsible authority or designee shall provide copies of the private or
12 public data upon request by the individual subject of the data. The
13 responsible authority or designee may require the requesting person to pay
14 the actual costs of making and certifying the copies.
- 15 F. The responsible authority or designee shall comply immediately, if possible,
16 with any request made pursuant to this subdivision, or within ten days of the
17 date of the request, excluding Saturdays, Sundays and legal holidays, if
18 immediate compliance is not possible.
- 19 G. An individual subject of the data may contest the accuracy or completeness
20 of public or private data. To exercise this right, an individual shall notify in
21 writing the responsible authority describing the nature of the disagreement.
22 The responsible authority shall within 30 days either: (1) correct the data
23 found to be inaccurate or incomplete and attempt to notify past recipients of
24 inaccurate or incomplete data, including recipients named by the individual;
25 or (2) notify the individual that the authority believes the data to be correct.
26 Data in dispute shall be disclosed only if the individual's statement of
27 disagreement is included with the disclosed data.
- 28 H. The determination of the responsible authority may be appealed pursuant to
29 the provisions of the Administrative Procedure Act relating to contested
30 cases. Upon receipt of an appeal by an individual, the commissioner shall,
31 before issuing the order and notice of a contested case hearing required by
32 Minnesota Statutes chapter 14, try to resolve the dispute through education,
33 conference, conciliation, or persuasion. If the parties consent, the
34 commissioner may refer the matter to mediation. Following these efforts, the
35 commissioner shall dismiss the appeal or issue the order and notice of
36 hearing.
- 37 I. Data on individuals that have been successfully challenged by an individual
38 must be completed, corrected, or destroyed by a government entity without
39 regard to the requirements of Minnesota Statutes section 138.17.
- 40 J. After completing, correcting, or destroying successfully challenged data, the
41 school district may retain a copy of the commissioner of administration's
42 order issued under Minnesota Statutes chapter 14 or, if no order were issued,
43 a summary of the dispute between the parties that does not contain any
44 particulars of the successfully challenged data.

1 **VII. REQUESTS FOR DATA BY AN INDIVIDUAL SUBJECT OF THE DATA**

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- 3 A. All requests for individual subject data must be made in writing directed to the
- 4 responsible authority.
- 5
- 6 B. A request for individual subject data must include the following information:
- 7
- 8 1. Statement that one is making a request as a data subject for data
- 9 about the individual or about a student for whom the individual is the
- 10 parent or guardian;
- 11
- 12 2. Date the request is made;
- 13
- 14 3. A clear description of the data requested;
- 15
- 16 4. Proof that the individual is the data subject or the data subject's parent
- 17 or guardian;
- 18
- 19 5. Identification of the form in which the data is to be provided (e.g.,
- 20 inspection, copying, both inspection and copying, etc.); and
- 21
- 22 6. Method to contact the requestor (such as phone number, address, or
- 23 email address).
- 24
- 25 C. The identity of the requestor of private data is private.
- 26
- 27 D. The responsible authority may seek clarification from the requestor if the
- 28 request is not clear before providing a response to the data request.
- 29
- 30 E. Policy 515 (Protection and Privacy of Pupil Records) addresses requests of
- 31 students or their parents for educational records and data.
- 32

33 **VIII. COSTS**

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- 35 A. Public Data
- 36
- 37 1. The school district may charge for copies provided as follows:
- 38
- 39 a. 100 or fewer pages of black and white, letter or legal sized
- 40 paper copies may be charged at 25 cents for a one-sided copy
- 41 or 50 cents for a two-sided copy.
- 42
- 43 b. More than 100 pages or copies on other materials will be
- 44 charged based upon the actual cost of searching for and
- 45 retrieving the data and making the copies or electronically
- 46 sending the data, unless the cost is specifically set by statute or
- 47 rule.
- 48

1 (1) The actual cost of making copies includes employee time,
2 the cost of the materials onto which the data is copied (paper,
3 CD, DVD, etc.), and mailing costs (if any).
4

5 (2) Also, if the school district does not have the capacity to
6 make the copies, e.g., photographs, the actual cost paid by the
7 school district to an outside vendor will be charged.
8

9 2. All charges must be paid for in cash in advance of receiving the
10 copies.
11

12 **B. Summary Data**

13
14 1. Any costs incurred in the preparation of summary data shall be paid by
15 the requestor prior to preparing or supplying the summary data.
16

17 2. The school district may assess costs associated with the preparation
18 of summary data as follows:
19

20 a. The cost of materials, including paper, the cost of the labor
21 required to prepare the copies, any schedule of standard
22 copying charges established by the school district, any special
23 costs necessary to produce such copies from a machine-based
24 recordkeeping system, including computers and microfilm
25 systems;
26

27 b. The school district may consider the reasonable value of the
28 summary data prepared and, where appropriate, reduce the
29 costs assessed to the requestor.
30

31 **Data Practices Compliance Official:**

32 Craig Holje, Chief Human Resources and Administrative Officer
33 District Office: 401 70th St. W., Richfield, MN 55423
34 612-798-6031, Fax: 612-798-6057
35 craig.holje@rpsmn.org
36
37

38 **Legal References:**

39 Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
40 Minn. Rules Part 1205.0300 (Access to Public Data)
41 Minn. Rules Part 1205.0400 (Access to Private Data)
42

43 **Cross References:**

44 Policy 412: Public and Private Personnel Data
45 Policy 581: Protection and Privacy of Pupil Records
46
47

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