



Your Right to See/Access Public Data

The Government 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 means all data collected, created, received, maintained or disseminated by the City regardless of its physical form, storage media or conditions of use.

The Government Data Practices Act also provides that this government entity must keep all government data in a way that makes it easy for you, as a member of the public, to access public data. You have the right to look at (inspect), free of charge, all public data that we keep. You also have the right to get copies of public data. The Government Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

How to Request Public Data

You can ask to look at (inspect) data at our offices or ask for copies of public data that we keep. Please use the attached Data Request Form and send or deliver your requests to the Fairmont City Clerk.

If you do not use the data request form, your request should:

- Say that you are making a request for public data under the Government Data Practices Act (Minnesota Statutes, Chapter 13).
- Include whether you would like to inspect the data, have copies of the data, or both.
- Provide a clear description of the data you would like to inspect or have copied.

You are not required to identify yourself or explain the reason for your data request. However, you may need to provide us with some personal information for practical reasons (for example: if you want us to mail copies to you, you need to provide us with an address or P.O. Box). If we do not understand your request and have no way to contact you, we cannot respond to your request.

How Will We Respond to Your Data Request

Upon receiving your data request, we will review it and work to process it.

- We may ask you to clarify what data you are requesting.
- If we do not have the data, we will notify you in writing as soon as reasonably possible.
- If we have the data, but we are not allowed under the governing law to give it to you, we will notify you in writing as soon as reasonably possible and identify the specific law that prevents us from providing you with the data.
- If we have the data, and the data are public, we will respond to your request appropriately and promptly, within a reasonable amount of time by doing one of the following:
 - Arrange a date, time, and place for you to inspect data at our offices, without charge, if your request is to look at/inspect the data, or
 - Tell you the amount you owe for copy costs, and then provide you with copies of the data as soon as reasonably possible after you pay for them. You may choose to pick up your copies, or we will mail or

email them to you. We will provide electronic copies (such as email or CD-ROM) upon request, if we keep the data in that format and we can reasonably make a copy.

We also will arrange for you to prepay for the copies.

- Response time may be impacted by the size and/or complexity of your request, and also by the number of requests you make in a given period of time.
- If you do not arrange to inspect the data or pay for the copies within 15 business days after we tell you the data are ready, we will conclude that you no longer want the data and will consider your request closed.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please tell the person who provided the data to you. We will give you an explanation if you ask.

The Data Practices Act does not require us to create or collect new data in response to a data request, 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.

We are also not required to respond to questions that are not about your data requests, or requests for government data.

Copy Costs – When You Request Public Data

This government entity charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c).

You must pay for the copies before we will give them to you.

- a. **Data separation must be completed free of charge.** The City cannot charge a fee for the time it takes to separate Public Data from Private, Nonpublic or Confidential Data (i.e. redaction).
- b. **Inspection is available free of charge.** The City cannot charge a fee for the inspection of Government Data. Inspection includes individuals' ability, through their own devices, to photograph or "copy" a document without removing it from City offices or damaging or defacing it in any manner.
- c. **Fees for copies and transmission.** If, either before or after inspection, a requesting party wishes to have Government Data reproduced and/or transmitted to any location outside of City offices, the City charges fees for that service as permitted by the MGDPA. The city has determined that the following charges for copies apply:

- i. **Single-Sided, Black and White, Letter or Legal Size Documents**

1 -100 pages	.25 cents (.50 cents for two sided copies)
101 or more pages	Actual Cost (as defined below)

The *actual cost* of copies includes the cost of searching for and retrieving the data, including the cost of employee time, and for making, certifying and electronically transmitting copies of the data and/or mailing copies of the data and other production expenses (e.g. microfilm, recording systems or use of computers) as requested.

- ii. **Data with Commercial Value.** If a request involves copies of Government Data that have commercial value and is a substantial or discreet portion of an entire pattern, program, device, method, technique, process, data base or was otherwise developed by the City with significant expenditure of public funds, the Responsible Authority shall determine a reasonable fee to be charged in addition to other fees for copies and transmission. Upon

written request, the Responsible Authority will provide documentation sufficient to explain the additional fee.

- iii. **Data Subject to Third-Party Copyright.** Data that is or may be subject to a copyright claim (e.g. building plans) cannot be copied by the City and provided to any third party. If such data is otherwise public, it can be provided for inspection upon request, but cannot be copied.
- iv. **All other copies.** For other than single-sided, black and white, letter or legal size documents, the charge will be the actual cost of copying as defined herein. The Responsible Authority has determined that the approximate actual cost of copying a photograph is \$.50 per image.

If you have any questions regarding this process, please contact Patricia J. Monsen, City Clerk at pmonsen@fairmont.org or 507-238-3935.

Please submit your completed data request by one of the following means:

Drop off or mail to: City Hall - Data Request, 100 Downtown Plaza, Fairmont, MN 56031

Drop in the City of Fairmont Drop Box, located in the one-way on the east side of City Hall

Email request to: pmonsen@fairmont.org

Fax request to: 507-238-9469



Data Request Form – Members of the Public

Date of request: _____

I am requesting access to data in the following way:

Inspection Copies Both inspection and copies

Note: Inspection is free. Photocopies will be charged .25 cents per page. These charges are authorized under Minnesota Statute, section 13.03, subdivision 3(c).

These are the data I am requesting:

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

Contact Information

Name: _____

Address: _____

Phone Number: _____ Email address: _____

You do not have to provide any of the above information. However, if you want us to mail/email you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information we will not be able to begin processing your request until you contact us.

We will respond to your request as soon as reasonably possible.