



**DATA PRACTICES POLICY FOR MEMBERS OF THE PUBLIC**

## **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 recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

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. Data requests must be in writing on the City's Data Request Form and must be mailed or emailed to the City's Data Practices Compliance Official ("DPCO") or another appropriate designee listed in the Data Practices Contacts on page 4. If you have any questions about making a data request, contact our DPCO.

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.

Information about copy charges is on page 6-7.

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.

### **Requests for Summary Data**

Summary data are statistical records or reports created by removing identifying information about individuals from entirely private or confidential data. We will create summary data if you request it in writing and pre-pay for the cost of creating the data.

You may use the City's Data Request Form to request summary data. We will respond to your request within ten business days with the data or details of when the data will be ready and how much we will charge you.

## Data Practices Contacts

### Responsible Authority

Betsy Steuber, City Clerk  
Fairmont City Hall  
100 Downtown Plaza  
Fairmont, MN 56031-1709  
Tel: 507-238-9461  
Fax: 507-238-9469  
Email: [bsteuber@fairmont.org](mailto:bsteuber@fairmont.org)

### Data Practices Compliance Official

Betsy Steuber, City Clerk  
Fairmont City Hall  
100 Downtown Plaza  
Fairmont, MN 56031-1709  
Tel: 507-238-9461  
Fax: 507-238-9469  
Email: [bsteuber@fairmont.org](mailto:bsteuber@fairmont.org)

### Data Practices Designee(s)

For questions or data requests relating to data maintained by a specific Department within the City.

- **General City and Public Utilities Data Requests**

Betsy Steuber, City Clerk  
Fairmont City Hall  
100 Downtown Plaza  
Fairmont, MN 56031-1709  
Tel: 507-238-9461  
Fax: 507-238-9469  
Email: [bsteuber@fairmont.org](mailto:bsteuber@fairmont.org)

- **Police Department - Law Enforcement Data Requests**

Eric Tonder, Captain  
Fairmont Police Department  
201 Lake Avenue, Suite 199  
Fairmont, MN 56031  
Tel: (507) 238-3174  
Fax: (507) 238-1093  
Email: [etonder@fairmont.org](mailto:etonder@fairmont.org)

## 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.

If possible, and upon request, we will provide you with an estimation of the total cost of supplying copies.

- **For 100 or Fewer Paper Copies – 25 cents per page**

100 or fewer pages of black and white, letter or legal-size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy.

- **Most Other Types of Copies – Actual cost**

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email).

In determining the actual cost of making copies, we will include in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot copy or reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time (hourly rate) to search for data, retrieve data, and make copies will be calculated based on the wages/salary (may include benefits) of the lowest-paid entity employee who could complete the task.

Notwithstanding the foregoing, if, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.





**DATA PRACTICES POLICY FOR DATA SUBJECTS**

## What is a “Data Subject”?

When government has information recorded in any form (paper, harddrive, voicemail, video, email, etc.), that information is called “government data” under the Government Data Practices Act (Minnesota Statutes, Chapter 13). When we can identify you in government data, you are the “data subject” of that data. The Data Practices Act gives you, as a data subject, certain rights. This policy explains your rights as a data subject, and tells you how to request data about you, your minor child, or someone for whom you are the legal guardian.

### When the City Has Data about You – Classification of Data

The City has data on many people, such as employees, job applicants, vendors, among many others. We can collect and keep data about you only when we have a legal purpose to have the data. The City must also keep all government data in a way that makes it easy for you to access data about you.

Government data about an individual have one of three “classifications.” These classifications determine who is legally allowed to see the data. Data about you are classified by state law as public, private, or confidential. Here are some examples:

1. **Public data:** The Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. We must give public data to anyone who asks. It does not matter who is asking for the data or why the person wants the data.

The following are examples of public data about you that we might have:

*The names of City government employees.  
Your name on an application for a license from the City.*

2. **Private data:** We cannot give private data to the general public, but you have access when the data are about you. We can share your private data with you, with someone who has your permission, with our government entity staff whose job requires or permits them to see the data, and with others as permitted by law or court order.

The following is an example of private data about you that we might have:

*Social Security numbers.*

3. **Confidential data:** Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. We can share confidential data about you with our government entity staff who have a work assignment to see the data, and to others as permitted by law or court order.

The following is an example of confidential data about you:

*The identity of the subject of an active criminal investigation.*



## Your Rights Under the Government Data Practices Act

As a data subject, you have the following rights.

- **Access to Your Data**

You have the right to look at (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. 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.

Also, if you ask, we will tell you whether we keep data about you and whether the data are public, private, or confidential.

- **Access to Data on Minor Children**

As a parent, you have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask us not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have this right. We will ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on your best interests.

- **When We Collect Data from You**

When we ask you to provide data about yourself that are not public, we must give you a notice called a Tennesen warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent. If you want us to release data to another person, you must use the informed consent form we provide.

- **Protecting your Data**

The Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe.

In the unfortunate event that we determine a security breach has occurred and an unauthorized person has gained access to your data, we will notify you as required by law.

- **When your Data are Inaccurate and/or Incomplete**

You have the right to challenge the accuracy and/or completeness of public and private data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

## How to Make a Request for Your Data

You can ask to look at (inspect) data at our offices, or ask for copies of data the City keeps about you, your minor children, or an individual for whom you have been appointed legal guardian.

Data requests must be in writing on the City's Data Request Form and must be mailed or emailed to the City's Data Practices Compliance Official ("DPCO") or another appropriate designee listed in the Data Practices Contacts on page 6. If you have any questions about making a data request, contact our DPCO.

Your request should:

- Say that you are making a request as a data subject, for data about you (or your child, or person for whom you are the legal guardian), 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.
- Provide proof that you are the data subject or data subject's parent/legal guardian.

We require proof of your identity before we can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a legal guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity on page 9. If you do not provide proof that you are the data subject, we cannot respond to your request.

## How We Respond to a 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.
- We will ask you to confirm your identity as the data subject.
- If we do not have the data, we will notify you in writing within 10 business days of your request.
- If we have the data, but the data are confidential or not public data that are not about you, we will notify you within 10 business days and identify the law that prevents us from providing you with the data.
- If we have the data, and the data are public or private data about you, we will respond to your request within 10 business days, 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
  - Provide you with copies of the data within 10 business days. You may choose to pick up your copies, or we will mail or fax them to you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format.

Information about copy charges is on page 7.

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

- After we have provided you with your requested data, we do not have to show you the same data again for 6 months unless there is a dispute about the data or we collect or create new data about you.

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.

In addition, we are not required to respond to questions that are not about your data requests, or that are not requests for government data.

## Data Practices Contacts

### Responsible Authority

Betsy Steuber, City Clerk  
Fairmont City Hall  
100 Downtown Plaza  
Fairmont, MN 56031-1709  
Tel: 507-238-9461  
Fax: 507-238-9469  
Email: [bsteuber@fairmont.org](mailto:bsteuber@fairmont.org)

### Data Practices Compliance Official

Betsy Steuber, City Clerk  
Fairmont City Hall  
100 Downtown Plaza  
Fairmont, MN 56031-1709  
Tel: 507-238-9461  
Fax: 507-238-9469  
Email: [bsteuber@fairmont.org](mailto:bsteuber@fairmont.org)

### Data Practices Designee(s)

For questions or data requests relating to data maintained by a specific Department within the City.

- **General City and Public Utility Data Requests**

Betsy Steuber, City Clerk  
Fairmont City Hall  
100 Downtown Plaza  
Fairmont, MN 56031-1709  
Tel: 507-238-9461  
Fax: 507-238-9469  
Email: [bsteuber@fairmont.org](mailto:bsteuber@fairmont.org)

- **Police Department - Law Enforcement Data Requests**

Eric Tonder, Captain  
Fairmont Police Department  
201 Lake Avenue, Suite 199  
Fairmont, MN 56031  
Tel: (507) 238-3174  
Fax: (507) 238-1093  
Email: [etonder@fairmont.org](mailto:etonder@fairmont.org)

## Copy Costs – Data Subjects

This government entity charges data subjects for copies of government data. These charges are authorized under Minnesota Statutes, section 13.04, subdivision 3.

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

If possible, and upon request, we will provide you with an estimation of the total cost of supplying copies.

### **Actual Cost of Making the Copies**

We will charge the actual cost of making copies for data about you. In determining the actual cost of making copies, we include the employee time to create and send the copies, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs such as postage (if any). If your request is for copies of data that we cannot copy or reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time (hourly rate) to search for data, retrieve data, and make copies will be calculated based on the wages/salary (may include benefits) of the lowest-paid entity employee who could complete the task.

Notwithstanding the foregoing, if, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.



## Data Request Form

### A. To be Completed by Requester (optional for the sole purpose of facilitating access to data)

Requester Name (Last, First, M.):	Phone Number:
Street Address:	Fax Number:
City, State, Zip Code:	Email Address:
Signature:	Date of Request:
<p><i>Note: According to Minn. Stat. § 13.05, subd. 12, persons are not required to identify themselves, or state a reason for, or justify a request for public data.</i></p>	
<p><b>I am requesting access to data in the following way:</b></p> <p> <input type="checkbox"/> <b>Inspection</b>                                          <input type="checkbox"/> <b>Copies</b>                                          <input type="checkbox"/> <b>Both inspection and copies</b> </p> <p><i>Note: Minn. Stat. § 13.03 and 13.04 authorize the City to charge fees to recover costs to provide copies of data. Prepayment is required. There is no charge for inspection or for separating not public data from public data. The City may charge the actual cost for searching and retrieving data, except for requests made by data subjects.</i></p> <p><i>Note: The City will respond within a reasonable time for all requests, except for requests by data subjects, which shall be responded to within 10 days of the date of the request.</i></p>	
Description of the Data Requested (attach additional pages if needed):	

### B. To be Completed by City Department

Department Name:	Handled by:
Information Classified as: <input type="checkbox"/> Public <input type="checkbox"/> Non-Public <input type="checkbox"/> Private <input type="checkbox"/> Protected Non-Public <input type="checkbox"/> Confidential	Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved in Part (Explain below) <input type="checkbox"/> Denied (Explain below)
Remarks or basis for denial including statute section:	
Copying Charges (Minn. Stat. §§ 13.03 and 13.04): <input type="checkbox"/> None <input type="checkbox"/> Members of the Public (100 or fewer copies): _____ Pages x \$.25 per Black/White Page       = _____ <input type="checkbox"/> Members of the Public (more than 100 copies) and Data subjects: Employee time: \$ ____/hr x ____ Hours = _____ _____ Pages x \$ ____ per Black/White Page       = _____ <input type="checkbox"/> Other Charges (e.g. CDs, postage): _____ = _____ <div style="text-align: right;">Total Charges                      = _____</div>	Proof of Identity Verified of Requester of Private Data as the Data Subject: <input type="checkbox"/> Valid Identification: Driver's License, State ID, Military ID, Passport, Etc. <input type="checkbox"/> Comparison with Signature on File <input type="checkbox"/> Personal Knowledge <input type="checkbox"/> Informed Consent form signed by data subject <input type="checkbox"/> Other: _____
Authorized Signature: _____ Date: _____	

## Standards for Verifying Identity

The following constitute proof of identity:

- An adult individual must provide a valid photo ID, such as
  - a driver's license
  - a state-issued ID
  - a tribal ID
  - a military ID
  - a passport
  - the foreign equivalent of any of the above
  
- A minor individual must provide a valid photo ID, such as
  - a driver's license
  - a state-issued ID (including a school/student ID)
  - a tribal ID
  - a military ID
  - a passport
  - the foreign equivalent of any of the above
  
- The parent or guardian of a minor must provide a valid photo ID and either
  - a certified copy of the minor's birth certificate or
  - a certified copy of documents that establish the parent or guardian's relationship to the child, such as
    - a court order relating to divorce, separation, custody, foster care
    - a foster care contract
    - an affidavit of parentage
  
- The legal guardian for an individual must provide a valid photo ID and a certified copy of appropriate documentation of formal or informal appointment as guardian, such as
  - court order(s)
  - valid power of attorney

Note: Individuals who do not inspect data or pick up copies of data in person may be required to provide either notarized or certified copies of the documents that are required or an affidavit of ID.