

## **GUIDE FOR MEMBERS OF THE PUBLIC REQUESTING INFORMATION**

This document explains the process for reviewing or obtaining copies of data held by the Minnesota Department of Education (MDE). It is required by Minnesota Statutes, section 13.03, subd. 2(b).

### **Right to Access Public Data**

The Minnesota Government Data Practices Act (Data Practices Act), Chapter 13 of the Minnesota Statutes, gives all members of the public the right to see and have copies of public government data that MDE held by MDE. The Data Practices Act also controls how staff members respond to your data requests, and requires that MDE keep all government data in a way that makes it reasonably easy for you, as a member of the public, to access public data.

Government data means all information collected, created, received, maintained or disseminated by a government agency like MDE, in any form, including paper documents, emails, electronic databases, CDs and photographs or videos.

The Data Practices Act presumes that all government data is public unless a state or federal law says the data is not public. As an education agency, MDE holds a lot of public data that it makes available to public data requests, but it also holds a great deal of not public data, such as private data about individual students, which is not available to the public.

Members of the public may access public data held by MDE. Data classified by state or federal law as private, confidential, or otherwise not public generally cannot be accessed by members of the public.

### **How to Make a Data Request**

You have the right to look at (inspect), free of charge, all public data that MDE holds. You also have the right to get copies of public data. The Data Practices Act allows MDE to charge for copies, though you may choose to inspect data, free of charge, before deciding to request copies.

To look at data or request copies of data that MDE holds, make a written data request by sending a letter or email to the appropriate Data Practices Contact, or by faxing a data practices request to the attention of the Data Practices Compliance Official. MDE has several Data Practices Contacts who can respond to data requests. They are listed on the Data Practices Contacts page, which is included in this document and is also available on the department's data practices webpage.

Your written request should:

- state that you, as a member of the public, are making a request for data under the Data Practices Act, Minnesota Statutes, Chapter 13;
- state whether you would like to look at the data, get copies of the data, or both; and
- include a clear description of the data you would like to inspect or have copied.

Alternatively, you may use the Data Request Form that is included at the end of this document.

If you are not sure how to describe the data you would like to inspect or copy, feel free to contact the Data Practices Compliance Official or other MDE Data Practices Contact before making your request.

MDE cannot require you, as a member of the public, to identify yourself or explain the reason for your data request. However, depending on how you want MDE to process your request (if, for example, you want us to mail you copies of data), MDE may need some information about you. If you choose not to give us any identifying information, MDE will provide you with contact information so you may check on the status of your request. In addition, please keep in mind that if MDE does not understand your request and has no way to contact you, it will not be able to begin processing your request.

## **How MDE Responds to a Data Request**

Upon receiving your written request, MDE will work to process it in a reasonably timely manner. If it will take some time to respond to your request, you will receive an acknowledgement letter, email, or phone call stating that MDE has received your request and is processing it.

- If MDE does not have the data, it will notify you in writing as soon as reasonably possible.
- If MDE has the data, but the data is not public, it will notify you in writing as soon as reasonably possible and state which specific law says the data is not public.
- If MDE has the data, and the data is public, it will respond to your request appropriately and within a reasonable amount of time by doing one of the following:
  - arranging a date and time to inspect data at MDE offices, for free, if your request is to look at the data, or
  - providing you with copies of the data. You may pick up your copies or MDE will mail them to you. If you want MDE to send you the copies, you will need to provide MDE with an address. MDE will provide electronic copies by email or other safe method of file transfer upon request if MDE keeps the data in electronic format. MDE also will arrange for you to pre-pay for the copies if your request results in a copy charge. Information about copy charges is found on the Copy Costs page included in this document and on the department's data practices webpage.

- If your request requires clarification in order to process, or if your request could incur significant copy charges, you will receive a follow-up contact by letter, email, or phone call to discuss your request and mutually arrange how MDE will proceed with the request.

If you come in to review records, an MDE staff member may be with you during your review, particularly if you are reviewing original records or large amounts of documentation.

If you do not understand some of the data, such as technical terminology, abbreviations, or acronyms, please contact your MDE Data Practices Contact. MDE will give you an explanation if you ask for one.

## **Creating New Data or Providing Data in Different Formats**

The Data Practices Act does not require MDE to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. If MDE agrees to create data in response to your request, the department will work with you on the details of your request, including cost and response time.

The Data Practices Act also does not require MDE to answer questions that are not requests for data.

## **Requests to Create Summary Data**

Summary data refers to statistical databases or reports that are prepared by removing all identifiers, including indirect 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, but rather to provide access to useful information, such as student performance for particular groups of children, derived from private data that otherwise could not be accessed by the public. A lot of summary data is already available on the MDE website.

If the summary data you seek is not already available on our website, MDE may prepare summary data if you make a request in writing and pre-pay for the cost of creating the data. Department staff will work with you on the details of your summary data request, including scope; methods that MDE uses to protect private data; data that may remain unavailable due to the risk of revealing private data; cost; and response time.

## DATA PRACTICES CONTACTS

The staff members listed below are available to assist you with data requests and concerns.

### **Data Practices Compliance Official**

Kathryn Olson  
1500 Highway 36 West  
Roseville, MN 55113  
(651) 582-8669  
TTY (651) 582-8201  
FAX (651) 582-8248  
kathryn.a.olson@state.mn.us

The agency's Data Practices Compliance Official answers questions and concerns about data practices issues, including addressing problems obtaining access to data held by the Minnesota Department of Education (MDE). The Data Practices Compliance Official also answers questions concerning the provisions of the Minnesota Government Data Practices Act, Chapter 13 of the Minnesota Statutes, and other state and federal laws that govern data held by MDE.

### **Data Practices Designees**

The MDE Responsible Authority, Commissioner Brenda Cassellius, has designated several data practices designees, as authorized by law at Minnesota Statutes, section 13.02, subd. 6. The designees are responsible for receiving and complying with requests for government data.

#### ***Requests for Public Summary Data on Students, Teachers, Schools, or Districts***

MDE Analytics  
1500 Highway 36 West  
Roseville, MN 55113  
mde.analytics@state.mn.us

#### ***General Data Requests***

Kathryn Olson, Data Practices Compliance Official  
1500 Highway 36 West  
Roseville, MN 55113  
(651) 582-8669  
kathryn.a.olson@state.mn.us

#### ***Media Data Requests***

Josh Collins, Communications Director  
1500 Highway 36 West  
Roseville, MN 55113  
(651) 582-8205  
josh.collins@state.mn.us

**Government Data Requests**

Adosh Unni, Government Relations Director  
1500 Highway 36 West  
Roseville, MN 55113  
(651) 582-8292  
adosh.unni@state.mn.us

**Responsible Authority**

Commissioner Brenda Cassellius, Ed.D.  
1500 Highway 36 West  
Roseville, MN 55113  
(651) 582-8200  
TTY (651) 582-8201  
mde.commissioner@state.mn.us

The Responsible Authority is the state official designated by law as the individual responsible for the collection, use and dissemination of all agency data. You are always welcome to direct your data request or concern to the Responsible Authority, however, please note that requests and concerns generally are handled by specific MDE staff members. If you direct your request to the Responsible Authority, there may be a delay in responding to your request while MDE works to get it to the right staff person.

## **COPY COSTS FOR MEMBERS OF THE PUBLIC**

The Minnesota Department of Education (MDE) sometimes charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subd. 3(c).

If charges are involved, you must pay for the copies before MDE will give them to you.

### **MDE Public Data Availability Policy**

MDE strives to make its public data available to the community to the greatest extent possible. Therefore, especially for requests that will result in a large amount of copies or high charges due to the staff time needed to prepare the data, MDE will provide an estimate of copy charges before preparing your copies. MDE will work with you to find ways to reduce copy charges, such as directing you to similar information already available on the MDE website; narrowing your data request; or making the data available for review before you incur copy charges.

MDE does not charge for copies if the cost is less than \$10.

### **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 is the actual cost of searching for and retrieving the data, and making the copies. In determining the actual cost of making copies, MDE factors in employee time, the cost of the materials onto which it copies the data (paper, CD, DVD, etc.), and mailing costs (if any):

- The actual material cost of a paper copy is 10¢ per copied page, which is one side of a piece of paper.
- The cost of employee time to search for data, retrieve data, and make copies is \$24.71 per hour. If, because of the subject matter of your request, MDE finds it necessary for a higher-paid employee to search for and retrieve the data, it will calculate the search and retrieval portion of the copy charge at the higher salary.
- If your request is for copies of data that MDE cannot reproduce internally, such as photographs or transcripts, MDE will charge you the actual cost it must pay an outside vendor for the copies.

### **What MDE Does Not Include in Copy Charges**

As a courtesy to our community, MDE never charges for the time of the Data Practices Compliance Official or other data practices staff, even when these individuals are substantially involved in searching for, retrieving and making copies of data. In addition, MDE does not

charge for the first two (2) hours of program staff time spent searching for, retrieving and making copies of data.

MDE cannot and does not charge a fee for separating public data from private data.

### **Discretionary Copy Charge Waivers**

In some cases, whether MDE charges you a copy charge will depend on the costs to the department for providing the copies compared to its costs for collecting and recording a copy charge payment from you. If the cost of providing the copies is outweighed by the costs to MDE for collecting and recording your payment, MDE may waive your copy charge.

If MDE determines that it is in the best interests of the public and MDE to release data without copy charges, MDE may waive your copy charge. MDE may decide to waive copy charges for a media request, for example, if it believes that the community at large and the department will benefit from release of the data.



## PUBLIC DATA REQUEST FORM

Date of request: \_\_\_\_\_

I am requesting access to data in the following way:

Inspection       Copies       Both inspection and copies

Note: Inspection is free but we charge for copies when the cost is over \$10.00.

This is the data I am requesting:

Note: 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 contact information. However, if you want us to mail 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.

Return this form to:  
Data Practices Compliance Official  
1500 Highway 36 West  
Roseville, MN 55113

or

[kathryn.a.olson@state.mn.us](mailto:kathryn.a.olson@state.mn.us)

FAX (651) 582-8248.

Alternatively, direct your request to one of the agency's other Data Practices Contacts, listed on the Data Practices Contacts page.

The Minnesota Department of Education will respond to your request as soon as reasonably possible.