

CITY OF BRAINERD DATA PRACTICES POLICY

What is the Minnesota Government Data Practices Act?

The Minnesota Government Data Practices Act (referenced as the Act for the rest of this document) is a state law that establishes a classification system for documents gathered by governmental entities. Under the Act, all records collected and maintained by the city are considered public unless otherwise classified by a state or federal law.

This document has been prepared to help the public understand the procedures that govern a request for data from the city. The city recognizes its obligation to provide information or a response regarding the information to anyone who requests it. The city also acknowledges the need to remain open and accountable to the public in the maintenance of its records while protecting the privacy rights of individuals and continuing the efficient operation of city government.

Who is the Responsible Authority for the City of Brainerd?

The City of Brainerd has appointed the City Administrator as the person who is the Responsible Authority for compliance with the Act. Questions regarding access to documents should be directed to the appropriate individual listed in the Data Practices Contacts Exhibit A.

What is the Data Practices Policy for the Public

What is Your Right to See 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 law also says that the City of Brainerd must keep all government data in a way that makes it easy for you 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 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. Make your written request for data to the appropriate individual listed in the Data Practices Contacts Exhibit A. You may make your written request in person, by mail, fax or email using the Data Request Form Exhibit B.

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 We Will Respond to Your Data Request

Upon receiving your request, we will review 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 within 10 business days.
- If we have the data, but we are not allowed to give it to you, we will tell you as soon as reasonably possible and identify the law that prevents us from providing 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 the data at our offices. We will provide notice to you about our requirement to prepay for copies; or
 - 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.
 - 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.
 - Following our response, if you do not make arrangements within 10 business days to inspect the data or pay for the copies, 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.

How to Request Summary Data

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

You may use the Data Request Form Exhibit B 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.

Copy Costs – When You Request Public Data

Minnesota Statutes, section 13.03, subdivision 3(c) allows us to charge for copies.

- You must pay for the copies before we will give them to you.
- We do not charge for copies if the cost is less than \$5.00.
- Multiple requests made within the same 3 business-day period will be treated as a single request for the purposes of calculating the total copy costs.
- 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 sending the data. If the amount of copies exceeds 100 paper copies, the City of Brainerd will charge the actual costs for collection excluding the time to redact private information. If the request is for fewer pages, but still over 100 pages, the City of Brainerd will prorate the amount.

In determining the actual cost of making copies, we include 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 ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

If, based on your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate search and retrieval charges at the higher salary/wage.

Data Practices Policy – Data About You and Your Rights as a Data Subject

What is a Data Subject?

When government has information recorded in any form (paper, hard drive, 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 of Brainerd Has Data About You

The City of Brainerd has data on many people. We can collect and keep data about you only when we have a legal purpose to have the data. The City of Brainerd 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.

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.

Private Data

We cannot give private data to the general public. 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.

Confidential Data

Confidential data have the most protection. Neither the public nor you can access confidential data 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.

What Are 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 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.

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 (Exhibit E) 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 Tennessean 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 consent form we provide (Exhibit F).

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 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 that we have about you, your minor child, or an individual for whom you have been appointed legal guardian.

Make your written request for data to the appropriate individual listed in the Data Practices Contacts Exhibit A. You may make your written request in person, by mail, fax or email.

We recommend using the sample **Data Request Form – Data Subjects Exhibit C**. If you do not choose to use the data request form, 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 Exhibit D. 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 request, we will review 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.
- If we have the data, but the data are confidential or not public data about someone else, we will notify you within 10 business days and identify the law that prevents us from providing the data.
- If we have the data, and the data are public or private about you, we will respond to your request by doing one of the following:
 - Arrange a date, time, and place to inspect data in our office, ensuring you have a meaningful opportunity to inspect data within 10 business days of your request at no charge.
 - Tell you how much the copies cost, and then provide you with copies of the data within 10 business days and upon payment of charges for the copies. You may choose to pick up your copies or have us 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 electronic format and we can reasonably make a copy.
 - We will provide notice to you about our requirements to prepay for copies.
 - Following our response, if you do not make arrangements within 10 business days to inspect the data or pay for the copies, we will conclude that you no longer want the data and will consider your request closed.
- 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.

Copy Costs – Data Subjects

Minnesota Statutes, section 13.04, subdivision 3 allows us to charge for copies.

- You must pay for the copies before we will give them to you.
- We do not charge for copies if the cost is less than \$5.00.

Actual Cost of Making the Copies

We will charge the actual cost of making copies for data about you. In determining the actual cost, 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 the amount of copies exceeds 100 paper copies, the City of Brainerd will charge the actual costs for collection excluding the time to redact private information. If the request is for fewer pages, the City of Brainerd will prorate the amount.

If your request is for copies of data that we cannot copy ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

Exhibit A

City of Brainerd Data Practices Contacts

Responsible Authority

Name: Patrick Wussow, City Administrator
Address: 501 Laurel Street, Brainerd, MN 56401
Phone number: (218) 828-2307
Fax number: (218) 828-2316
Email address: pwussow@ci.brainerd.mn.us

Data Practices Compliance Official

Name: Connie Hillman, Finance Director
Address: 501 Laurel Street, Brainerd, MN 56401
Phone number: (218) 828-2307
Fax number: (218) 828-2316
Email address: chillman@ci.brainerd.mn.us

Data Practices Designee – Law Enforcement

Name: John Davis, Police Chief
Address: 225 East River Road, Brainerd, MN 56401
Phone number: (218) 829-2805
Fax number: (218) 825-3489
Email address : john.davis@ci.brainerd.mn.us

Data Practices Designee – Non-Law Enforcement

Name: Kris Schubert, HR Director
Address: 501 Laurel Street, Brainerd, MN 56401
Phone number: (218) 828-2307
Fax number: (218) 828-2316
Email address: kschubert@ci.brainerd.mn.us

Exhibit B

City of Brainerd Data Request Form – Requesting Public Data

Request Date: _____

The data I am requesting:

Describe the data you are requesting as specifically as possible.

I am requesting access to data in the following way:

- Inspection
- Copies
- Both Inspection and Copies

Note: Inspection is free but the City of Brainerd charges for copies when the cost is over \$5.00.

Contact information (optional)*

Name: _____

Address: _____

Phone number: _____

Email address: _____

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

* You do not have to provide any contact information. However, if you want us to mail/email you copies of data, we will need some type of contact information. We also need contact information if we do not understand your request. We will not work on your request until we can clarify it with you.

Police Records: Drop the form off at 225 East River Road, Brainerd, MN, 56401, fax to (218) 825-3489 or email to police@ci.brainerd.mn.us.

All other requests: Drop the form off at 501 Laurel Street, Brainerd, MN, 56401, fax to (218) 828-2316 or email to inforequest@ci.brainerd.mn.us.

Exhibit C

City of Brainerd Data Request Form – Data Subject

Request Date: _____

Contact Information:

Data Subject Name: _____

Parent/Guardian Name *(if applicable)*: _____

Address: _____

Phone Number: _____ Email: _____

The data I am requesting:

Describe the data you are requesting as specifically as possible.

I am requesting access to data in the following way:

- Inspection
- Copies
- Both Inspection and Copies

Note: Inspection is free but the City of Brainerd charges for copies when the cost is over \$5.00. **We will respond to your request within 10 Business Days.**

Police Records: Drop the form off at 225 East River Road, Brainerd, MN, 56401, fax to (218) 825-3489 or email to police@ci.brainerd.mn.us.

All other requests: Drop the form off at 501 Laurel Street, Brainerd, MN, 56401, fax to (218) 828-2316 or mail to inforequest@ci.brainerd.mn.us.

To Be Completed by Staff Member Responding to Data Request:

How Identity was Confirmed: _____

Date: _____

Staff Name: _____

Exhibit D

City of Brainerd 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
- A person **authorized by court** order must provide a valid photo ID and
 - The court order that identifies:
 - Persons authorized to access the individual's private data, and
 - The scope of the access
- A person authorized to access private data of a **deceased person** must provide a valid photo ID and
 - Documents establishing the relationship to the deceased, which may include:
 - Court-issued document appointing personal representative of the estate
 - Birth certificate to prove parental relationship
 - Marriage certificate to prove spousal relationship
 - Death certificate/notice of death
- Authorized representatives (such as **attorneys** and **insurers**) must provide
 - The name of the data subject
 - A description of the data they are authorizing access
 - The name of the person or entity being authorized to receive the private data
 - Data subject's notarized signature

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.

Exhibit E

City of Brainerd Notice to Persons Under 18

Some of the information you are asked to provide is classified as private under State law. You have the right to request that some or all of the information not be given to one or both of your parents/legal guardians. Please complete the form below if you wish to have information withheld.

Your request does not automatically mean that the information will be withheld. State law requires the City of Brainerd to determine if honoring the request would be in your best interest. The City of Brainerd is required to consider:

- Whether you are of sufficient age and maturity to explain the reasons and understand the consequences;
- Whether denying access may protect you from physical or emotional harm;
- Whether there are reasonable grounds to support your reasons; and
- Whether the data concerns medical, dental, or other health service provided under Minnesota Statutes Sections § 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize your health.

Notice given to: _____

Date: _____

By: _____

Title: _____

REQUEST TO WITHHOLD INFORMATION

I request that the following information:

Be withheld from: _____

For these reasons:

Printed Name: _____

Signature: _____

Date: _____

Exhibit F

City of Brainerd Consent to Release Private Data

Request Date: _____

If you want the City of Brainerd to release private data about you, your minor child, or individual under guardianship to an outside entity or person, the city needs written permission (informed consent) from to you authorize that release. This form can be used to provide informed consent for the City of Brainerd to release private data to another entity or person.

If you have a question about anything about this consent, or would like more explanation before you sign it, please contact the appropriate individual listed in the Data Practices Contacts Exhibit A.

Explanation of your rights and permission to release private data:

I, _____, give my permission for the City of Brainerd to release data about
(Name of Individual Data Subject)

myself

my minor child or individual under guardianship: _____
(Name of Minor Child or Individual under Guardianship)

to _____ as described in this consent form.
(Name of Entity or Person Receiving the Data)

The specific data I want the City of Brainerd to release include:

Describe the data you are requesting to be released as specifically as possible.

I want the City of Brainerd to release the data in the following way:

Explain how you want the data to be provided to the person or organization and provide necessary contact information for doing so (for example, mailing address or, email address).

I understand that:

- I do not have to allow the City of Brainerd to share my information; I have asked them to do so.
- Although the data are classified as private at the City of Brainerd, the classification/treatment of the data at the entity/person the data is being released to may not be the same.
- The City of Brainerd will not be able to control what happens to my information once it has been released to the person or entity named above.
- Signing this consent is completely voluntary.

Printed Name of data subject, parent, or legal guardian: _____

Signature: _____ Date: _____

Verification of Identity:

The City of Brainerd needs to verify that you are a person who has the right to authorize the release of this data. One way to do this is to provide a notarized signature using the section below. Please refer to the City of Brainerd Standards for Verifying Identity Exhibit D for additional information and documents required to support verification of identity.

STATE OF _____)

COUNTY OF _____)

Signed or attested before me on _____, by _____.

(Signature of Notary Public)

SEAL:

My Commission Expires: _____

For City of Brainerd internal use only:

If this form does not include a notarized signature, complete the following:

How Identity was Verified: _____

By (staff name): _____ Date: _____