

**I.      PURPOSE**

The purpose of this policy is to explain the process for reviewing or obtaining public data and to comply with the Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes Chapter 13.

**II.     DEFINITIONS AND CONSTRUCTION**

This policy must be construed as consistent with the MGDPA and Minnesota Rules Chapter 1205. All terms used herein that are defined by the MGDPA must be given the same definition as listed in the MGDPA and Rules Chapter 1205. Nothing in this policy shall be interpreted to contradict any other school district policy.

**III.    RIGHT TO ACCESS PUBLIC DATA**

All data collected, created, received, maintained or disseminated by the school district, which is classified by state statute or federal law as public, shall be accessible to the public pursuant to the procedures established by the school district in this policy.

**IV.    MAKING A PUBLIC DATA REQUEST**

To review or request copies of public data in the school district's possession, a member of the public should make a written request using the form found in Attachment B and submit this request to the appropriate data practices contact described in Attachment C. The school district reserves the right to accept verbal requests for data or reduce verbal requests to writing, at its sole discretion.

**V.     PROCESSING A DATA REQUEST**

Upon receipt of a written request, the school district will process such request within a reasonable time depending on the nature and volume of the request. If the response to a request will take longer than fifteen (15) business days and the requester has provided contact information, then the school district may notify the person of the approximate amount of time it will take to process the request. If it is unclear what data is being requested, then the school district will seek clarification if the requester has provided contact information. If the school district does not have the data requested, then it will notify the requester in writing as soon as reasonably possible.

If the school district has the data requested, and the data may lawfully be disclosed to the requester, then the school district will respond to the request by doing one of the following:

- a. Arrange a date, time, and place for the requester to review the data without cost to the requester; or
- b. Provide the requester with copies of the data. The requester may choose to pick up the copies, or the school district will mail or fax copies of the data to the requester. The school district will provide electronic copies (such as email or CD-ROM) only if the school district keeps the data in electronic format. Prepayment of copies is required unless other arrangements are approved by the responsible authority or designee. Additional information about copy charges is included on Attachment B.

Upon request, the school district will inform the requester as to the meaning of any data disclosed pursuant to this policy.

If the school district determines that the requested data is classified so as to deny the requester access, then the school district shall inform the requester of that determination either verbally at the time of the data request, or in writing as soon as reasonably possible. The responsible authority or designee will certify in writing the denial of the request and cite the specific statutory section, temporary classification, or specific provision of law upon which the denial was based.

## **VI. CREATING NEW DATA OR RESPONDING TO QUESTIONS**

Nothing in this policy or the MGDPA requires the school district to create data in response to a data request, collect new data in response to a data request, or to provide data in a specific form or arrangement if the school district does not keep the data in that form or arrangement. If the school district agrees to create data in response to a request, then the school district will work with the requester regarding the details of the request including cost and response time.

Nothing in this policy or the MGDPA requires the school district to respond to questions that are not requests for data.

## **VII. REQUESTS FOR SUMMARY DATA**

Summary data are statistical records or reports that are prepared by removing all 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. The school district will prepare summary data if such request is made in writing and the cost of creating the summary data is prepaid by the requester.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.02 (Definitions)  
Minn. Stat. § 13.025 (Public Data Access Policy; Data Subject Rights and Access Policy; Availability of Public Data Access Policies)  
Minn. Stat. § 13.03 (Access to Government Data; Costs for Providing Copies of Data)  
Minn. Stat. § 13.37 (General Nonpublic Data)  
Minn. Rules Part 1205.1200, subpart 2 (Duty of Responsible Authority to Inform Public Where to Direct Inquiries)  
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)  
Minnesota Department of Administration Advisory Opinion 13-007  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)

**Cross References:** MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
Waconia Public Schools Records Retention Schedule

Policy Adopted: April 2015  
Waconia Public Schools  
Waconia, MN

## **Attachment A**

### **Copy Costs – Requests for Public Data**

The school district charges members of the public for copies of government data as authorized under Minnesota Statutes Section 13.03, subdivision 3(c). A member of the public must pay for the copies before the school district will provide the copies requested.

#### **For 100 or Fewer Paper Black and White Copies -- \$0.25 per Page**

The charge for 100 or fewer pages of black and white, letter or legal size paper copies is \$0.25 for a one-sided copy and \$0.50 for a two-sided copy.

#### **Most Other Types of Copies – Actual Cost**

The charge for more than 100 pages of black and white copies, or other types of copies, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data.

The school district charges the actual cost of preparing summary data. Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. In determining the actual cost, the school district includes the cost of the employee time, the cost of the materials, and any mailing costs.

If the request is for copies of data that the school district cannot reproduce itself, such as photographs, then it will charge the requester the actual cost it must pay an outside vendor for the copies.

The cost of employee time to search for the requested data, retrieve the requested data, and make copies of the requested data is based upon the lowest hourly rate of the appropriate school district employee. If, because of the subject matter of your request, the school district finds it necessary for a higher-paid employee to search for and retrieve the data, then the search and retrieval portion of the copy charge will be charged at the higher salary/wage. There is no charge for time spent separating public from not public data.

If the data request involves copies of public data that includes commercial value and is a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, database, or system developed with a significant expenditure of public funds by the school district, the responsible authority may charge a reasonable fee for the information in addition to the costs of making and certifying the copies. Any fee charges must relate to the actual development costs of the information. Upon request, the responsible authority will provide sufficient documentation to explain and justify the fee being charged.

#### **Discretionary Copy Charge Waivers**

In some cases, whether the school district charges a requester of public data a copy charge will depend on the costs to the department for providing the copies compared to the costs for

collecting and recording a copy charge payment from a requester. If the cost of providing the copies is outweighed by the costs to the school district for collecting and recording payment, then the school district may waive a copy charge.

If the school district determines that it is in the best interests of the public and the school district to release data without copy charges, then the school district may waive such copy charges. For example, the school district may decide to waive copy charges for a media request when it appears the community and the school district will benefit from release of the data.

**Attachment B**  
**Data Request Form – Requests for Public Data**

**Date of Request:** \_\_\_\_\_

**Method of Access to Data:**

In-Person Review  Copies  Both (in-person review and copies)

*(Note: In-person review is free, but there is a charge for copies)*

**Description of Requested Public Data:**

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*(Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form or additional pages.)*

**Contact Information for Requester of Public Data:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

A requester of public data does not have to provide any of the above contact information. If a requester wants the school district to mail or email him/her copies of data, then a mailing and/or email address will be necessary. In addition, a lack of contact information could delay the processing of a request. If a requester declines to provide his/her contact information, and the school district does not understand the request and needs clarification, then processing of the request will be delayed until the requester contacts the school district.

**Return Completed Form To:**

Sonya Sailer, Data Practices Compliance Official  
Waconia Public Schools  
512 Industrial Boulevard  
Waconia, Minnesota 55387  
[ssailer@isd110.org](mailto:ssailer@isd110.org)

You may also direct your data request to one of the school district's other data practices contacts as listed on Attachment C.

**Attachment C**  
**Data Practices Contacts**

The employees listed below are available to assist you with data practices requests and concerns:

**Responsible Authority**

Patrick Devine, Superintendent  
512 Industrial Boulevard  
Waconia, Minnesota 55387  
Telephone: (952) 442-0600  
[pdevine@isd110.org](mailto:pdevine@isd110.org)

**Data Practices Compliance Official**

Sonya Sailer, Data Practices Compliance Official  
512 Industrial Boulevard  
Waconia, Minnesota 55387  
Telephone: (952) 442-0600  
[ssailer@isd110.org](mailto:ssailer@isd110.org)

**Data Practices Designees**

<b>Type of Data Requested</b>	<b>Name</b>	<b>Position</b>	<b>Email Address</b>	<b>Telephone Number</b>
Public Personnel Data	Sonya Sailer	Director of Human Resources	<a href="mailto:ssailer@isd110.org">ssailer@isd110.org</a>	952-442-0600
Public Financial Data	Todd Swanson	Director of Finance and Operations	<a href="mailto:tswanson@isd110.org">tswanson@isd110.org</a>	952-442-0600
Public Data Southview Elementary	Khuzana DeVaan	Building Principal	<a href="mailto:kdevaan@isd110.org">kdevaan@isd110.org</a>	952-442-0620
Public Data Bayview Elementary	Ann Swanson	Building Principal	<a href="mailto:aswanson@isd110.org">aswanson@isd110.org</a>	952-442-0630
Public Data Laketown Elementary	Eduardo Navidad	Building Principal	<a href="mailto:nwittman@isd110.org">nwittman@isd110.org</a>	952-442-0690
Public Data Waconia Middle School	Shane Clausen	Building Principal	<a href="mailto:sclausen@isd110.org">sclausen@isd110.org</a>	952-442-0650
Public Data Waconia High School and WALC	Mark Fredericksen	Building Principal	<a href="mailto:mfredericksen@isd110.org">mfredericksen@isd110.org</a>	952-442-0670

