

Rights of the Public to Government Data

January 2021

This document is required by Minnesota Statutes, section 13.025, subdivision 2

Right to Access Public Data

The 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 is a term that means all recorded information a government entity has created, collected, stored or maintained in order to do its work.

You have the right to look at (inspect), free of charge, all public data that the Department of Natural Resources (DNR) keeps. You also have the right to get copies of public data. You have the right to look at data, free of charge, before deciding to request copies. The Data Practices Act does allow DNR to charge for copies.

How to Make a Data Request

To look at or request copies of data, make your request to the Data Practices Compliance Official in writing. You may use the data request form provided but you are not required to use it. Send your written request by email, fax or letter and include the following information:

- that you, as a member of the public, are making a request for data under the Data Practices Act, Minnesota Statutes, chapter 13
- whether you would like to look at the data, get copies of the data, or both
- a description of the data you would like to inspect or have copied, including applicable dates

DNR 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 us to process your request e.g. to mail you copies of data, we may need some information about you. In addition, if we do not understand your request and have no way to contact you, we might not be able to process your request.

How We Respond to a Data Request

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

- If it is not clear what data you are requesting, we will ask you for clarification.
- If we do not have the data, we will notify you as soon as reasonably possible.
- If we have the data, but the data are not public, we will notify you as soon as reasonably possible and state which specific law says the data are not public.
- 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 to inspect data, for free
 - Provide you with copies of the data as soon as reasonably possible. This depends on several variables like how many copies are requested, how many staff members are available to respond, and how many other data requests are being processed.



The Data Practices Act does not require us to create or collect new data in response to a data request. DNR does not have to provide data in a specific form or arrangement if the data is not kept in that form or arrangement. 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.

Multiple Requests

The DNR does not conduct search and retrieval on multiple requests from the same requestor at the same time.

- If a requestor submits a subsequent request while DNR is conducting search and retrieval on an earlier request, the requestor may ask the DNR, in writing, to prioritize the subsequent request. If the requestor asks the DNR to prioritize the new request, the DNR will suspend search and retrieval on a requestor's earlier request pending completion of the prioritized request. A requestor is not required to withdraw their earlier request in order to prioritize a subsequent request. Absent a request to prioritize the new data request, the DNR will complete the earlier request before proceeding with the subsequent request.
- Once a prioritized request is completed, the requestor must inform the DNR in writing of the requestor's intent to continue or withdraw the suspended request or to prioritize another request.
- If the DNR has completed search and retrieval for a request, the requestor must complete the request before the DNR will proceed with another request from the same requestor.
- A completed request means documents have been provided or an inspection has taken place.
- These limits do not apply if the DNR determines that a request is *de minimis* (i.e., involves less than \$10 in search and retrieval and copy costs).

Requests for Summary Data

DNR will prepare summary data if the requestor agrees to pay the cost of preparing the data. Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals.

Copy Costs for Members of the Public

The Minnesota Department of Natural Resources charges members of the public for copies of government data under Minnesota Statutes, section 13.03, subdivision 3(c).

- 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 \$10.
- We do not charge to inspect data or to separate public from not public data.



Charges

Paper Copies (black and white, letter or legal size paper copies cost .25 cents for a one-sided copy, or .50 cents for a two-sided copy)

- For 100 or Fewer Paper Copies - .25 cents per page
- For 100 or More Paper Copies - Actual costs

For All Other Copies (data stored electronically, CDs, DVDs, maps, photographs, etc.)

Actual Costs

Actual costs include employee time to search for and retrieve, make, certify, and electronically transmit copies; material costs (CD, DVD, etc.); and mailing costs. The cost of employee time is calculated using the hourly salary of the lowest paid employee able to complete the task, plus 25% for fringe benefits.

Requestors may be required to pay one-half of the estimated copy cost prior to search and retrieval. Considerations include the amount of data requested, number of locations data are kept, and number of staff required to conduct searches.

While DNR is conducting search and retrieval for a request, that request must be completed before DNR will proceed with any additional requests from the same requestor. Completed means documents have been provided or an inspection has taken place.

DNR Responsible Authority:

Sarah Strommen, Commissioner
500 Lafayette Road
St. Paul, MN 55155

Submit requests to: datarequest.dnr@state.mn.us