



## **Data Access Procedure for Members of the Public** (Minnesota Statutes, Chapter 13)

### **INTRODUCTION**

The purpose of Minneapolis Public Housing Authority's (MPHA) Data Access Procedure for Members of the Public is to comply with Minnesota Chapter 13 regarding Government Data. This procedure **applies to members of the public** and not to subjects of data. This procedure does not create a standard of care or enlarge MPHA's duties under any law, regulation, code or ordinance. If any provision of this procedure conflicts with applicable law, the applicable law will apply.

#### **A. DEFINITIONS (See Minn. Stat. § 13.02)**

1. **Confidential Data on Individuals** is data on Individuals that by law is inaccessible to the public and the Subject of the Data.
2. **Data** is all data collected, created, received, maintained or disseminated by MPHA regardless of its physical form, storage media or conditions of use.
3. **Data on Individuals** is all data in which an individual is identified as the subject of that Data. Individual data does not include the appearance of the name or other identifying data that is clearly demonstrated to be only incidental to the data and the data is not accessed by the name or other identifying data of any individual.
4. **Data Requests should be sent to:** [datapracitices@mplspha.org](mailto:datapracitices@mplspha.org).
5. **Designees** means any person designated by the Responsible Authority to be in charge of individual files or systems of files containing government data and to receive and comply with all requests for government data. The designees include: Kristen Ferriss, Senior Attorney; and Nancy Horan, Paralegal. The address for all designees is Legal Department, MPHA, 1001 Washington Avenue North, Minneapolis, MN 55401.
6. **Individual** means a natural person. In the case of a minor or an incapacitated person as defined in Minn. Stat. § 524.5-102, subd. 6, individual includes a parent or guardian or individual acting as a parent or guardian, unless withholding the data would be in the best interest of the minor.
7. **Not Public Data** is any data classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.

8. **Nonpublic Data** is data not on individuals as defined by statute or federal law that is not accessible to the public; and is accessible to the subject of the data.
9. **Person** is an individual, partnership, corporation, association, business trust, or a legal representative of an organization.
10. **Private Data on Individuals** is data defined by law that is not public and is accessible to the individual subject of the data.
11. **Protected Nonpublic Data** is data not on individuals as defined by law that is not public and is not accessible to the subject of the data.
12. **Public Data Not on Individuals** is data not on individuals as defined by law and that is accessible to the public pursuant to Minn. Stat. § 13.03.
13. **Public Data on Individuals** is data accessible to the public pursuant to Minn. Stat. § 13.03.
14. **Responsible Authority** is the individual who is responsible for the collection, use, and dissemination of MPHA data. MPHA's Responsible Authority is MPHA's General Counsel, Lisa R. Griebel, Legal Department, MPHA, 1001 Washington Avenue North, Minneapolis, MN 55401, or [lgriebel@mplspha.org](mailto:lgriebel@mplspha.org). MPHA's General Counsel is also the designated Data Practices Compliance Officer Data to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems. The General Counsel may designate one or more designees to fulfill MPHA's data practices responsibilities.
15. **Summary Data** means statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that would uniquely identify an individual is ascertainable.

## **B. Classifications of Data**

MPHA data may be public, private or confidential. Public data is available to the public. Private data is not available to the public but is available to the subject. Confidential data is not available to the public or to the subject. MPHA data is presumed to be public unless a law states that the data is not public.

## **C. Rights of a Member of the Public under the Data Practices Act**

Upon request, a member of the public may:

1. Have access to public data which MPHA collects and maintains;
2. Inspect, at a reasonable time and place and free of charge, public data; and

3. Request a copy of public data. Copy costs pay apply, as discussed below.

#### **D. How to Make a Request for Public Data**

1. A person must make a written request to look at or request copies of public data. The person must submit the written request to Lisa R. Griebel at the addresses indicated above, or email [datapracitices@mplspha.org](mailto:datapracitices@mplspha.org). A person may use MPHA's Data Request Form. If the Data Request Form is not used, the written request shall include:
  - a. A statement that a member of the public is making a request under the Data Practices Act (Minnesota Statutes, Chapter 13) to inspect public data;
  - b. Whether the request is to inspect the public data, have a copy of the public data, or both; and
  - c. A clear description of the public data to be inspected or copied.
2. A person does not have to identify themselves or explain the reason for the request. However, MPHA may need contact information to arrange for an inspection of the public data, to provide a copy of the public data, or to clarify the request.
3. If a person elects not to provide MPHA with contact information, MPHA will provide contact information so that the Person may check on the status of the request.
4. The person shall make payment for the costs of copying the public data, prior to receipt of the data.

#### **E. MPHA's Response to a Written Request for Public Data**

1. MPHA will respond to a request in an appropriate and prompt manner. MPHA will inform the requestor in writing:
  - a. that the request or questions are not requests for data;
  - b. that MPHA needs additional information to clarify the request;
  - c. that MPHA does not have the data;
  - d. whether the data is public, private or confidential;

- e. the legal citation for denying access to the data; or
  - f. if the data is public, that MPHA will arrange a date, time and place for a free inspection of the public data during business hours; or will arrange to provide a copy of the public data to the requestor at the requestor's expense, including the cost of mailing.
2. MPHA is not required to provide verbal information over the phone.
  3. MPHA will receive and process requests during normal business hours.
  4. A person who has requested a copy of public data may pick up the copy of the data or, at MPHA's discretion and depending upon the format of the public data, MPHA may provide a copy by mail, email or fax.
  5. After MPHA has provided access to the requested data, MPHA does not have to show the data, except for newly created data or with regards to a pending data practices dispute or legal action, to the person for six months from the date that the data was copied or reviewed.
  6. MPHA will not create or collect new data in response to a public data request or provide data in a specific form or arrangement if the public data is not stored in that form. For instance, if the public data is only on paper MPHA is not required to create an electronic form.
  7. MPHA will not create or collect new public data in response to a public data request if it does not already have the data or answer questions, which are not requests for public data.

## **F. Requests for Summary Public 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. MPHA will prepare summary data if a person makes a written request and pre-pays the cost of creating the summary data.

## **G. Copy Costs**

You may inspect public data free of charge or get copies for a fee. State law allows MPHA to charge the public for copies of government data. See Minn. Stat. § 13.03, subd. 3(c), Minn. R. 1205.0300. You must pay for costs associated with your request before the data will be released to you. Payment can be made by check, cash or

money order. Checks should be addressed to the “Minneapolis Public Housing Authority.”

- For 100 or fewer pages of black and white, letter or legal sized paper copies, the charge is 25 cents for each page copied (or 50 cents for two-sided copies).
- For most other types or amounts of copies, the charge is the actual cost for searching for, retrieving, and copying public data, which may include employee time, the cost of materials onto which we are copying the data (paper, flash drive, CD, DVD, etc.), and mailing costs (if any).

If MPHA cannot timely respond or reproduce the data ourselves, such as photographs, the person requesting copies shall pay the actual cost of an outside vendor for the copies. MPHA will comply with Minn. Stat. § 13.03 as regards other costs.

MPHA may charge an additional fee if the copies have commercial value and are a substantial and discrete portion of a formula, compilation, program, process, or system developed with significant expenditure of public funds. This additional fee must relate to the actual development costs of the information.