

ARDC PUBLIC STATEMENT OF RIGHTS AND INFORMATION ACCESS TO GOVERNMENT DATA

Chapter 13 of the Minnesota Statutes, the *Minnesota Government Data Practices Act*, regulates the collection, creation, storage, maintenance, dissemination and access to government data in state agencies, statewide systems, and political subdivisions. Except for personnel data, it establishes a presumption that government data are public and are accessible by the public for both inspection and copying unless there is a federal law, a state statute, or a temporary classification of data that provides that certain data are not public. Personnel data is presumed to be private unless it is designated specifically as public (*Public Data on Current and Former Employees*).

Data is classified into one of several categories that determine whether the data is available to the public or whether disclosure of the data is limited (*Definitions and Classifications of Data*). Individuals may request to inspect or receive copies of public data. Individuals also may have access, under certain circumstances, to certain non-public data, such as private data about themselves. A valid release enables access to certain other non-public data.

The following data access rights and requesting procedures are provided pursuant to Section 13.03 of the Act.

Your Rights As a Member of the Public

- Records containing government data must be easily accessible for convenient use, and agencies must comply with requests for data in an appropriate and prompt manner.
- You have the right to inspect **public** government data at reasonable times and places at no cost.
- You have the right to get copies of **public** government data upon request. You may be charged for the actual costs of searching for and retrieving government data, including the cost of employee time, and for making, certifying, compiling and electronically transmitting or mailing copies of the data or the data itself. You will not be charged for separating public data from not public data.
- You have the right to be informed of the meaning of public data.
- If the data you ask to see are classified in a way that prevents you from seeing them, you have the right to be informed of that fact, and to be told the statute or law that classifies the data. You may request that this be done in writing.

How To Request Government Data from ARDC:

Please submit all request in writing using the *Data Request Form*. You may submit your request by fax, email or regular mail. Submitting a request in writing not only provides you with a record that you sent us a request, but also helps to keep track of the status of your request. It is our goal to process all requests for data in a timely and

accurate manner. To reach that goal it is important that your request is legible and includes your name, company or agency, if applicable, the complete mailing address, telephone number, fax number and/or email address. Clearly specify the data you are interested in receiving and any references that would be helpful in finding the data. You are generally not required to identify yourself or to provide a reason for your request. However, under certain circumstances, identifying information may be needed to fulfill your request (*Certification of Identity Form*). This will occur if you are requesting data that is not accessible to the public. For example, if you request private data on individuals, ARDC will need to know if it is appropriate to disclose the data requested to you. If you are unsure or need assistance in determining what data might fit your needs, contact ARDC's Data Practices Responsible Authority at 218-529-7546 or fax at 218-529-7592. Requests for computer data should also specify a format (i.e. hard copy, computer disk, etc.) and the order or index desired (alphabetical by name, zip code, etc.)

To view data in person:

You may review any file or other public ARDC data at no charge; however, we request that you make an appointment in advance for such a viewing. All appointments for viewing data must be made during normal ARDC business hours (8:00 a.m. – 4:30 p.m., Monday through Friday, excluding holidays). Appointments help us serve you better and:

- Give us the time necessary to gather the requested data. If data is old, it is possible that it is housed at another site.
- Give us time to review government data for data privacy and protection issues, and to separate non-public data from public data.
- Ensure that the appropriate staff personnel are available, if needed, to answer your questions or explain the meaning of the data.
- Ensure that we can reserve an appropriate room or make other private accommodations available for your review of the data.

Access to data that is not public:

You will be notified either by telephone or in writing of any data that you cannot legally access. In such cases, we will specify what was withheld and what statutory or legal authority prevents us from disclosing that data to you. You may have the right to seek access to data that is not public by:

- *Informed Consent*. You may access private data on another person if that person gives us their written permission to disclose the data to you. In the case where the subject of the data is a minor, the minor's legal guardian must give (sign) the informed consent. ARDC must obtain an individual's written informed consent in order to collect data about you from other entities, release private data about you or another individual that is kept at ARDC, or use private data that ARDC keeps about any individual for a new purpose or in a new way. Consent signatures may require certification by a notary or the submission of identification to adequately prove that the signature is actually that of the data subject. This requirement is to protect the privacy rights of the subject of the data.

- Court Order. You may access any data that is not public if a court of law orders us to allow you access to that data. A subpoena is not acceptable for this purpose. For more information regarding access to data that is not public, consult Minnesota Statutes, Chapter 13, Section 13.03, and subdivision 6.

Your Rights As the Subject of Government Data

Under the Minnesota Government Data Practices Act you are provided with rights that include, but are not limited to, the following provisions:

- Whenever a state or local government agency asks you to provide private or confidential data about yourself, you must be told (1) Why the information is being collected, (2) How the information will be used by the collecting agency, (3) Whether you can refuse or are legally required to provide the data that is being requested, (4) What the consequences are to you if you supply or refuse to supply the data, and (5) The identity of other persons or entities, which are authorized by law to have access to that data.
- You have the right to know what data are maintained about you and how the data is classified.
- You have the right to view, at no cost, all public and private data maintained about you.
- You have the right to have public and private data explained to you.
- You have the right to receive copies of public data and private data about yourself; however you may be charged a reasonable fee for this service.
- You have the right to challenge the accuracy and completeness of any public or private data about yourself.
- You have the right to challenge an adverse decision by appealing that decision to the Commissioner of Administration.
- You have the right to include an explanation about adverse information

Payment of Data Request Fees

Minnesota Statute, Chapter 13, Section 13.03, subdivision 3, authorizes ARDC to charge a fee to recover our costs to provide data including, but not limited to, costs associated with searching, compiling, copying, mailing or otherwise shipping the data.

Additionally, the same statute allows us to charge a reasonable fee for data with a commercial value. Fees may differ for requested data stored in our computer systems than for data stored in our paper records. Charges for one or the other, or both, may apply to your data request. A written estimate of the charges can be provided upon request, either by fax, regular mail or email. ARDC requires prepayment of all data request fees prior to shipping the material and will not bill for data request services, except in very special circumstances involving extensive data research. In such cases, an estimate for a down payment must be prepaid prior to ARDC starting the work on your data request.

Current ARDC Data Request Fee Schedule

Submitting your data request:

All requests for data or questions about the availability of data from ARDC should be directed to:

Arrowhead Regional Development Commission

Data Practices Responsible Authority

221 West First St.

Duluth, MN 55802

Phone: (218) 722-5545

(800) 232-0707

Fax: (218) 529-7592

Email: datarequest@ardc.org