

Minnesota Government Data Practices Act
DATA ACCESS POLICIES



Office of the
Minnesota Attorney General

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Data Practices Policies

The Minnesota Government Data Practices Act

The Minnesota Government Data Practices Act (“MGDPA”), Minn. Stat. §§ 13.01-.90 (2022), governs access to “government data” maintained by a “government entity” in Minnesota. “Government data” means all recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc. The Office of the Minnesota Attorney General (“AGO”) maintains various types of government data, including data that are “public” and data that are “not public.”

Public Data

The MGDPA presumes that all government data are public unless a state law, federal law, or temporary classification 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. You have the right to:

1. Inspect all public data that we keep, free of charge;
2. Request and receive copies of public data; and
3. Inspect public data, free of charge, before deciding to request copies.

Not Public Data

“Not public data” are “any government data classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.” Minn. Stat. § 13.02, subd. 8a. Not public data are not accessible by the general public but *may* be accessible to the subject of the data, in the case of “private” or “nonpublic” data.

Private Data

The MGDPA classifies certain data as “private data on individuals,” which are accessible by the individual subject of the data (the individual that the data are about) but not the general public. We can share your private data with you, with someone who has your permission, with our staff whose job requires or permits them to see the data, and with others as permitted by law or court order. As an individual data subject, you have the right to:

1. Inspect all private (and public) data about you that we keep, free of charge;
2. Request and receive copies of private (and public) data about you;
3. Inspect private (and public) data about you before deciding to request copies.

Parents have the right to look at and get copies of public and private data about their minor children (under the age of 18). Legally appointed guardians have the right to look at and get copies of public and private data about an individual for whom they 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 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.

Nonpublic Data

The MGDPA classifies certain data as “nonpublic” data, which are data: (1) not about an individual; (2) not accessible by the general public; and (3) accessible by the subject of the data (*e.g.*, an entity), if any. If you represent a non-individual entity (*e.g.*, a partnership, corporation, association, business trust, etc.), you have the right to:

1. Inspect all nonpublic data about the entity that we keep, free of charge;
2. Request and receive copies of nonpublic data about the entity that we keep; and
3. Inspect nonpublic data about the entity before deciding to request copies.

Confidential and Protected Nonpublic Data

The MGDPA classifies other data as “confidential data on individuals” or “protected nonpublic data,” which are not accessible to the general public or the data subject. If you are an individual, you have the right to ask whether you are the subject of confidential data.

Summary Data

Summary data are statistical records or reports created by removing identifying information about individuals from entirely private or confidential data. You may ask us to provide or create summary data.

How to Request Access to Data

You can ask inspect data or receive copies of data. Requests to inspect or receive copies of data must be: (1) submitted in writing to the responsible authority or designee; (2) clearly identify or describe the data that are subject to the request; and (3) specify that the request is being submitted pursuant to the MGDPA. The **responsible authority** for the Minnesota Attorney General’s Office is **Keith Ellison**. The **designee** for all data maintained by the Minnesota Attorney General’s Office is **Anya Pavlov-Shapiro**.

Written requests to inspect or receive copies of data should be submitted via web form, email, or paper mail as follows:

- **Web Form:** You may submit a request for data by completing the Request for Government Data Form accessible via the AGO’s website or at <https://mnago.nextrequest.com>;
- **Email:** You may email your data request to datapactices@ag.state.mn.us; or
- **Paper Mail:** You may mail your request to Attorney General Keith Ellison, C/O Anya Pavlov-Shapiro, 445 Minnesota Street, #1400, St. Paul, MN 55101

Requests received via webform, email, or paper mailing, as outlined above, are deemed as requests made to the responsible authority and/or the designee upon receipt. A template paper request form is provided on page 7.

It is our policy to provide individuals with disabilities with reasonable accommodations in making a request under the MGDPA, unless the accommodation would impose an undue hardship or pose a direct threat. Individuals seeking a reasonable accommodation to submit an MGDPA request may contact Sarah Spence-Koivisto at (651) 757-1050 or (800) 627-3529 (Minnesota Relay).

Requests for Public Data

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 you copies, you need to provide us with an address or P.O Box. We may need to contact you to clarify your request if we do not understand it. And if we do not understand your request and have no way to contact you, we cannot respond to your request.

Requests for Private Data

We may require proof of your identity before we can respond to your request for private data. If you do not provide proof that you are the data subject, parent, or guardian, we cannot respond to your request. An adult individual or a minor individual must provide a valid photo ID or equivalent. The parent or guardian of a minor must provide a valid photo ID and either a copy of the minor's birth certificate or a copy of documents that establish the parent or guardian's relationship to the child. 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.

If you are requesting that we release private data to a third party, you must complete an informed consent form. A template informed consent form is provided on page 8.

How the AGO 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 maintain the data but are not allowed to give it to you, we will inform you in writing 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 or otherwise accessible by you, we will respond to your request by doing one of the following:

- For requests involving private data, we will ask to verify your identity and/or authority to access data;
- For requests to inspect data, we will arrange for read-only remote access to inspect data or, if remote access is not possible, we will provide digital copies free of charge;
- For requests to receive copies of data, we will mail them to you, email them to you, or provide you access to download copies via web portal or cloud service;
- For requests to receive copies of data in person, we will provide copies by appointment only at the second-level security desk of the Town Square Plaza, located at 445 Minnesota Street, St. Paul, Minnesota 55101. To request an appointment, email datapactices@ag.state.mn.us

Please note that response times 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.

The MGDPA generally 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. We are also not required to respond to questions that are not about your data request, or requests for government data in general.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please email: datapactices@ag.state.mn.us.

Costs

The MGDPA allows us to charge copy costs. We will not charge a person for costs associated with the inspection of data or separating public from not public data. We do not charge another governmental entity for copies that are usually provided as part of the normal course of business. The responsible authority or designee handling a data-practices request for copies of data retains the discretion to reduce or waive the Office's standard charges for copying in appropriate circumstances, such as when the copying costs are minimal. If we elect to charge for copies, we will require the collection of necessary fees before releasing copies. Checks for copies provided by us should be made to "Minnesota Attorney General's Office." Copy costs may be charged as follows:

Requests by Individual Data Subject

If the requester is the subject of the public or private data, the Office may charge for the actual cost of making, certifying, compiling, and transmitting copies of the data. The Office will not charge for the actual costs of searching for and retrieving the data. Minn. Stat. § 13.04, subd. 3; Minn. R. 1205.0400, subp. 5.

Other Requests

If the data are public and the requester is not the subject of the data, the Office may charge for the actual cost of searching for and retrieving the data, as well as the actual cost of making, certifying, compiling and transmitting copies of the data. Minn. Stat. § 13.03, subd. 3; Minn. R. 1205.0300, subp. 4.

Summary Data

A person submitting a written request for summary data shall pay any costs incurred in the preparation or supplying of the summary data, in advance, unless other arrangements for payment have been agreed upon. Minn. R. 1205.0700, subp. 7. The cost will be based on labor, materials, and any special costs needed to produce the report. *Id.* Only reasonable copying costs will be charged when no preparation of the summary data is required except for copying. *Id.*

Data with Commercial Value

If a request for data involves the receipt of data which have commercial value and are an entire formula, pattern, compilation, program, device, method, technique, process, database, or system which has been developed with a significant expenditure of public funds by the AGO, we may charge, in addition to the other costs allowed, a fee in keeping with the actual development costs of the information. We must be able to provide documentation to explain and justify the fee. Minn. Stat. § 13.03, subd. 3(d).

Remote Access Enhancements

If a requester seeks remote access to data stored in electronic format, the requester may be charged a fee if the data or the access are enhanced at the request of the requester. Minn. Stat. § 13.03, subd. 3(b).

Calculations

Copying and other costs must be reasonable and based on the actual cost of the materials, equipment, and labor used to prepare and transmit the copies. We may charge costs according to the Office's schedule of standard copying charges. The standard charges for searching for and retrieving data are as follows: attorney time at a rate of \$163.00 an hour; legal assistant time at \$103.00 an hour; clerical time at \$23.00 an hour.

Members of the Public		Individual Data Subjects
100 or fewer paper copies	Other Copies	
25 cents per page	Actual costs (media, transmission, reproduction) and employee time spent searching for, retrieving, copying, and preparing data.	Actual costs (media, transmission, reproduction)

Data Practices Contacts

Responsible Authority

Keith Ellison, Attorney General

445 Minnesota Street, #1400

St. Paul, MN 55101

Email: datapactices@ag.state.mn.us

Designee & Data Practices Compliance Official

Anya Pavlov-Shapiro, Assistant Attorney General

445 Minnesota Street, #1400

St. Paul, MN 55101

Email: datapactices@ag.state.mn.us

Minnesota Attorney General's Office: Data Request Form

REQUESTER INFORMATION	
Note: Providing information about yourself is optional. If you wish to remain anonymous, please provide an anonymized email with which to receive data or follow-up communications.	
NAME:	
PHONE:	
EMAIL:	
ADDRESS:	
DATA REQUEST INFORMATION	
I AM SEEKING:	<input type="checkbox"/> Public Data <input type="checkbox"/> Data About Me <input type="checkbox"/> Summary Data <input type="checkbox"/> Other
I WANT:	<input type="checkbox"/> To Inspect Data <input type="checkbox"/> Copies via Email <input type="checkbox"/> Copies via Mail <input type="checkbox"/> Copies via Pick-Up
DATA REQUESTED: [Describe the data you are requesting. Consider narrowing your request by date, keyword, or AGO division.]	
Mail Request To: Attorney General Keith Ellison C/O Anya Pavlov-Shapiro 445 Minnesota Street, #1400 St. Paul, Minnesota 55101	Acknowledgment By submitting a request, you acknowledge and agree that: (1) the record of your request will become public data unless otherwise classified as not public; (2) to the extent public data are provided in response to your request, the AGO may publish and render accessible the request and public data; and (3) to the extent you provide not public data as part of your request, you do so voluntarily and not at the request of the AGO.

Minnesota Attorney General's Office: Informed Consent Form

Data Subject Information	
As an individual data subject, you have the right to consent to the disclosure of data about you classified as "private" under the Minnesota Government Data Practices Act. To provide your informed consent, provide information about yourself and identify to whom you are asking the Minnesota Attorney General's Office to disclose data.	
NAME:	
PHONE:	
EMAIL:	
ADDRESS:	
Informed Consent	
By completing this form, I give my permission to the Minnesota Attorney General's Office to release private data about me as provided below:	
I am asking the AGO to release this data:	
To this individual/entity:	[Identify]: [Address/Email]:
I understand that private data about me are not generally accessible to the public or those without other authorization in law. I understand that I am asking the AGO to release this data to a third party. I understand that the AGO does not responsible for, and does not control, the receiving party's use or further dissemination of data. I possess and exercise sufficient mental capacity to provide this informed consent and the AGO has no coerced this consent. I understand that I am not required to consent to this disclosure and that, at this time, there are no known consequences of providing or refusing to provide my informed consent. I represent that I am the data subject and/or have the right to consent to the release of the private data described above. I will verify my identity by providing the AGO a copy of my government issued ID upon request.	
SIGNED:	
DATED:	