



CITY OF VIRGINIA

Data Practices Policy for Members of the Public

RIGHT TO ACCESS PUBLIC DATA

The Government 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, including paper, email, DVDs, photographs, etc.

The Government Data Practices Act also provides that this government entity must keep all government data in a way that makes it easy for you, as a member of the public, to access public data. You have the right to look at (inspect), free of charge, all public data that we keep. You also have the right to get copies of public data. The Government Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

HOW TO MAKE A DATA REQUEST

To look at data or request copies of data that this government entity keeps, make a written request. Make your request for data to the appropriate individual listed in the Data Practices Contacts on page 4. You may make your request for data by mail, fax, or email, using the data request form on page 7.

If you choose not to use the data request form, your request should include:

- that you, as a member of the public, are making a request for data under the Government Data Practices Act, Minnesota Statutes, Chapter 13;
- whether you would like to look at the data, get copies of the data, or both; and
- a clear description of the data you would like to inspect or have copied.

This government entity 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 (if, for example, you want us to mail you copies of data), we may need some information about you. If you choose not to give us any identifying information, we will provide you with contact information so you may check on the status of your request. In addition, please keep in mind that if we do not understand your request and have no way to contact you, we will not be able to begin processing your request.

HOW WE RESPOND TO A DATA REQUEST

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

- If we do not have the data, we will notify you in writing 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, if your request is to look at the data, or
- provide you with copies of the data as soon as reasonably possible. You may choose to pick up your copies, or we will mail or fax them to you. If you want us to send you the copies, you will need to provide us with an address or fax number. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format.

Information about copy charges is on page 5. We also will arrange for you to pre-pay for the copies.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.

The Government Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. (For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request.) 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.

In addition, the Government Data Practices Act does not require us to answer questions that are not requests for data.

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. We will prepare summary data if you make your request in writing and pre-pay for the cost of creating the data.

Upon receiving your written request -you may use the data request form on page 7 - we will respond within ten business days with the data or details of when the data will be ready and how much we will charge.

QUESTIONS ABOUT THE DATA PRACTICES POLICIES IN VIRGINIA

Any questions regarding the City of Virginia's Data Practices Policies and compliance can be directed to the Britt See-Benes, Responsible Authority or the Thomas Butorac, City Attorney at (218) 748-7500.

Data Practices Contacts

RESPONSIBLE AUTHORITY

Name Britt See-Benes
Address 327 1st Street South, Virginia MN 55792
Phone number (218) 748-7500
Fax number (218) 749-3580
Email address britts@virginiamn.us

DATA PRACTICES COMPLIANCE OFFICIAL

Name Tom Butorac
Address 327 1st Street South, Virginia MN 55792
Phone number (218) 748-7500
Fax number (218) 749-3580
Email address butoract@virginiamn.us

DATA PRACTICES DESIGNEE(S)

General Requests

Name Kris Johnson
Address 327 1st Street South, Virginia MN 55792
Phone number (218) 748-7500
Fax number (218) 749-3580
Email address kris@virginiamn.us

Police Department

Name Suzanne Lien
Address 327 1st Street South, Virginia MN 55792
Phone number (218) 748-7510
Fax number (218) 749-3586
Email address liens@virginiapd.com

Human Resources/Finance Department

Name Sherry Erickson
Address 327 1st Street South, Virginia MN 55792
Phone number (218) 748-7500
Fax number (218) 749-3580
Email address ericksons@virginiamn.us

Copy Costs - Members of the Public

This government entity charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c). *You must pay for the copies before we will give them to you.*

For 100 or Fewer Paper Copies - 25 cents per page

100 or fewer pages of black and white, letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy.

Most Other Types of Copies - Actual cost

In all other circumstances, including requests to provide data via facsimile, the entity may require the requester to pay the actual costs of searching for and retrieving the data, including the cost of employee time, and for making, certifying, compiling and electronically transmitting copies of the data or the data themselves. Additional criteria for determining copy costs using are set forth at Minnesota Rules, part 1205.0300, subpart 4. The entity may not charge a minimum fee.

Certain advisory opinions, issued pursuant to Minnesota Statutes, section 13.072, have established the following criteria for determining copy costs using Method II. (See the opinion index on IPAD's website www.ipad.state.mn.us; specifically, the topical index category, Copy costs.)

Costs that may be included as long as they are reasonable:

A. Staff time required to:

- Retrieve documents
- Sort and label documents, only if necessary to identify the data to be copied
- Remove staples or paper clips
- Take documents to copier for copying
- Copy documents

Notes: The entity may not assess a fee for labor costs (wages/salary plus benefits) that exceed those of the lowest-paid employee who could complete the task(s) performed. The requirement that data be kept in a manner that makes them easily accessible for convenient use may limit the entity in charging for staff time.

- B. Materials (paper, copier ink, staples, magnetic tapes, video or audio cassettes, etc.)
- C. Special costs associated with making copies from computerized data, such as writing or modifying a computer program to format data. Note: Computerized data must be kept in a manner that makes the data easily accessible for convenient use.
- D. Mailing costs
- E. Vehicle costs directly involved in transporting data to the appropriate facility when necessary to provide copies (for example, when the entity is unable to provide copying services for photographs, oversized documents, videos, etc.)
- F. Electricity costs when the requester uses own scanner to make an unusually large number of copies

Costs that may not be included:

- A. Purchase or rental of copier
- B. Maintenance of copier
- C. Normal operating expenses of computer/copier, including electricity used, and machine wear/tear
- D. Depreciation of copier
- E. Staff time required to:
 - Separate public from not public data
 - Open a data request that was mailed
 - Sort, label or review data, if not necessary to identify the data to be copied
 - Return documents to storage
 - Provide information about the data to the requester (i.e., explain content and meaning of data)
 - Prepare data for mailing
 - Prepare cover letter, fax sheet or invoice for copies
 - Credit payment and perform other associated accounting functions

Note: The entity may not assess a fee for labor costs (wages/salary plus benefits) that exceed those of the lowest-paid employee who could complete the task(s) performed
- F. Administrative costs that are not related to copying
- G. Records storage
- H. Sales tax
- I. The entire cost of operating a multi-tasked computer for a measured unit of time, when
- J. fulfilling a request for copies was only one of the tasks performed during that unit of time
- K. Costs incurred because data are not maintained in a manner that makes them easily accessible for convenient use
- L. Search and retrieval costs when data are inspected but no copies are requested

We will respond to your request as soon as reasonably possible.



DATA REQUEST FORM – MEMBERS OF THE PUBLIC

DATE OF REQUEST: _____ **DATE RECEIVED BY CITY:** _____

I AM REQUESTING ACCESS TO DATA IN THE FOLLOWING WAY:

Note: inspection is free but we charge for copies when the cost is over \$10.00

Inspection

Copies

Both inspection and copies

THESE ARE THE DATA I AM REQUESTING:

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

CONTACT INFORMATION

NAME: _____

ADDRESS: _____

PHONE _____ EMAIL _____

You do not have to provide any of the above contact information. However, if you want us to mail/email you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from