

Data Practices: What Every Admin Employee Should Know

The **Data Practices Act** (Minnesota Statutes, Chapter 13) regulates how government handles information (*data*) it collects, creates, keeps, or discloses to operate programs and provide services.

Government data is a term that means all recorded information a government entity has, including paper, email, CDs, photos, etc. All government data must be kept in a way that makes it easy to provide appropriate access to the data.

The Data Practices Act helps maintain a proper balance of the government's need to have and use data to do its work, the public's right to know about the activities of their government, and the privacy rights of certain individuals about whom the government has data.

OFFICIAL RECORDS AND RECORDS MANAGEMENT

The **Official Records Act** (Minnesota Statutes, section 15.17) requires government employees to create and keep records to document their official activities. **Official records** allow the public to understand what their government is doing and why and help you understand why actions were taken in the past. Like government data, official records can be stored in any format. However, not all government data are official records. It is up to the entity to decide which data are official records.

The **Records Management Statute** (Minnesota Statutes, section 138.17) talks about establishing and adopting records **retention schedule** to properly dispose of government data that are official records. A records retention schedule is a plan that lists a government entity's official records and explains how long they must be kept.

PUBLIC DATA VS. NOT PUBLIC DATA

One of the most important things to remember about data practices is that all government data are presumed to be **public** unless there is a specific Minnesota statute or federal law that says that the data are **not public**.

For example, **personnel data** are data about all government employees. Personnel data are both **public** (a government employee's name and salary) and **not public** (an employee's home address and personal phone number).

Anyone can look at and get copies of **public** data for any reason. People are not required to tell you who they are or why they want the data. Only certain people authorized by law are allowed to see and share **not public** data.

PROTECTING NOT PUBLIC DATA

If you have access to not public data as part of your job, consider the following:

- Do not discuss not public data with co-workers who don't need to know about the data
- Do not leave papers with not public data on a shared copier, printer, or fax machine
- Keep copies of not public data out of plain view
- Use locked file cabinets for not public data
- Password protect your computer and lock screens when away from your desk

REQUESTS FOR GOVERNMENT DATA

When **members of the public** ask to see or have copies of data, government must provide access as soon as reasonably possible.

When an **individual** asks to see or have copies of data about him or her, government must provide access within 10 business days.

Government is not allowed to charge someone to only look at data. Government is permitted to charge for copies to recoup costs. The law sets requirements for the cost of copies.

KNOW YOUR RESOURCES

Your most important responsibility is to **ask your manager or supervisor** if you have questions about anything related to data practices.

Admin's Data Practices Policies:

<http://mn.gov/admin/employees/policies/index.jsp>.