



Data Practices 201: Data Access Policies and Procedures

Data Practices Office

December 2025
9:00 a.m. – 12:00 p.m.

1

WebEx Walkthrough

- Mute/Unmute
- Cameras
- Chat, Participant, and Polling panels
- Breakout sessions

2

Introductions

Please introduce yourself:

- Your name
- Your entity
- Your data practices role
- Any burning questions you would like to discuss today

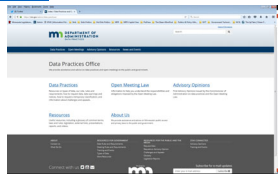


3

Who we are and what we do

Data Practices Office

- Informal advice/technical assistance
- Commissioner of Administration advisory opinions
- Website and informational materials:
<https://mn.gov/admin/data-practices/>
- Listserv and newsletters
- Legislative assistance
- Training



4

Agenda

Time	Topic
9:00	Welcome and introductions
9:05	Creating and updating access policies
9:45	Policies break-out session
10:15	Break
10:25	You have your policies, now what?
11:15	Data request break-out session
11:45	Training employees on data practices
11:55	Final questions and evaluations
12:00	Adjourn

5

Today's objectives

- Identify the required policies all government entities must create to comply with the Data Practices Act
- Understand how to use data access procedures to respond appropriately and effectively to data requests
- Develop strategies to ensure entity staff are trained in data practices responsibilities

6

Creating and Updating Policies

7

Public policy behind data practices

Maintain proper balance

- Public's right to access public government data
- Privacy rights of individuals
- Government's need to conduct business properly and efficiently



8

Policies and procedures

Sections 13.025; 13.03, subd. 2(a); 13.05; Minn. Rule 1205.0300

- Government entities must have established policies
 - Responding to public data requests
 - Data subject rights and responding to data subject requests
 - Procedures and policy to ensure that only those who have a work assignment can access not public data
 - Inventory listing private and confidential data

Note: Several additional policies & procedures for law enforcement agencies:
<https://mn.gov/admin/data-practices/data/types/lawenforcement/policies/>

9

Data access policies for the public and data subjects

Section 13.025, subds. 2 & 3

- Purposes of the access policies
 - Starting point for all data requesters
 - Sets expectations for your entity's response
 - Identifies important staff members for requesters and staff
 - Gives consistent messaging for data request processes

10

Requirements for data access policies

- Must adopt a *written* policy
 - Cannot simply rely on compliance with Data Practices Act (see AO 05-003; 13-007; 22-001)
- Must be updated regularly
 - By August 1 of each year *or* "at any other time necessary to reflect changes in personnel, procedures, or other circumstances that impact the public's ability to access data"

11

Requirements for data access policies (cont.)

- Must be *easily available* to the public
 - Distribute free copies to the public
 - Place in conspicuous spot within the entity
 - Post on entity's website
- Additional requirements for data subject policy
 - Describe rights under 13.04
 - Government entity's specific procedures to provide data subject with access to public or private data

12

Policy decision points (Handout 4)

- Key decisions to make when drafting policies:
 - Who are the RA, DPCO, and designees?
 - How must requests be submitted to your entity?
 - Will your entity charge copy costs?
 - Will you set a threshold cost?
 - Will you require pre-payment?
 - Are there other statutes allowing you to charge different copy costs?
 - How will you confirm data subject's identity?
 - Will you require data subjects to use your informed consent documents?

13

What to include in the policies

- The law doesn't specifically spell out specific information to include, but we suggest:
 - Explanation of access rights
 - Process to request data
 - How your entity will respond
 - Abandoned requests
 - Requests for summary data
 - Data practices contacts
 - Explanation of copy costs
 - Sample data request form
 - Examples used to confirm data subject identity

14



What questions do you have for us?

15

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Breakout Session #1
Policy Discussion

16

Breakout Rooms

- You will need your entity's data access policies.
 - If you don't have your policies, use the model policies.
- Click button to join group.
- Take 15-20 minutes to review and discuss the different policies of your different entities.
 - Handout 5 has discussion questions to follow
- Use "Ask for Help" button in the Participant Panel, if you need assistance.
- To exit break out session - click the red circle at the bottom of screen and choose leave break out.

17

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10-minute break

18

You Have Your Policies, Now What?

19

Data policies v. procedures

- Data Access Policies ≠ Procedures
- Policies + Procedures = compliance
- Data access policies
 - Must be written
 - Provide information to individuals *outside* the entity about *submitting* a data request
- Data procedures
 - Strongly recommend written
 - Directs employees *within* the entity on how to *respond* to a data request

20

Required data procedures

Sections 13.03, subd. 2(a); 13.05; Minn. Rule 1205.0300

- Procedures that ensure data requests are received and complied with in an appropriate and prompt manner
- Procedures to ensure accuracy of data on individuals
- Establish appropriate security safeguards
 - Procedure for ensuring not public data on individuals are only accessed by employees with a work assignment and for purposes stated

21

Required data procedures – minors

Sections 13.02, subd. 8; 13.05; Minn. Rule 1205.0500

- Entities must have a procedure to allow parent access and provide notice to minors of the right to withhold
- Parents may exercise the access rights of their children
- Minors may restrict parental access to data about themselves if it is in the best interest of the child.
- Access by parents is assumed

22

Receiving data requests

- Data requesters' rights under DPA are triggered when:
 - Request is submitted to responsible authority
 - Request is submitted to data practices designee
 - Request is submitted under the identified process in your data access policies
- Rights are *not* triggered when:
 - Request is to any other employee of entity
 - Request is not submitted according to written policies

23

Responding to requests

- Clarify if not clear
- Determine whether it is a data subject request
- Compile data (if any)
- Determine classifications based on statute
- Respond:
 - Data do not exist
 - Provide access if data exist and are public or are private data about the requester
 - Verify the identity of the data subject if private data
 - Deny access if data are not public or not accessible to the subject
 - Must give statutory basis for denying access

24

Other aspects to keep in mind

- Managing the request process
 - Each entity must “establish procedures” to respond to requests
 - Requester does not dictate how entity responds
- Who can provide a response?
 - A RA or designee is not required to respond to the request directly
 - The entity can determine who responds to the request according to its procedures

25

Other aspects to keep in mind (cont.)

- Redaction
 - The Data Practices Act classifies *data elements* not documents
 - Documents can contain both public and not public data
 - Redaction is an art, not a science, and can be more than names or addresses
- Tips:
 - Discuss redactions with colleagues
 - Think about who may be able to access private data
 - Electronic redaction – make sure you are protecting data

26

Requests vs. questions

Section 13.03, subd. 3 and 13

- Entities must respond to requests for data, not questions about data, except:
 - Must inform requester of data’s meaning
 - DPCO must respond to questions and concerns about obtaining access to data or other data practices problems
- Example:
- Question: “How much did the city council spend on the new rec center, and when did they approve the budget for it?”
 - Request: “Can I get all the city’s financial documents related to building the new rec center and the meeting minutes when the council voted to approve the funding?”

27

Burdensome requests

- The Data Practices Act does not have a “burdensome request” exception
- Practical considerations:
 - Be prepared for large requests
 - Contact the requester to clarify the scope of the request
 - Give context to the length of time it may take to compile data and amount of responsive data
 - Ask whether certain responsive data should be prioritized
 - Consider providing data on a rolling basis

28

Common concerns about requests

- No response
 - “I submitted a request but have heard nothing!”
 - Acknowledging requests and providing updates can help
- Timeliness
 - “It’s been [insert days] and haven’t received data.”
 - Update requesters with context about amount of data
- Contact information
 - “I keep receiving responses from an unsigned email.”
 - Provide key contact points for requesters

29

Considerations for data procedures

- Will your procedures be written?
 - If not, can your entity demonstrate that requests are processed in appropriate and prompt manner and data are secure?
- How will you delegate responsibilities for response?
- How do you track request was received, data was compiled, and access provided?
- What steps are taken when receiving data accuracy challenge?
- How do you ensure internal access to not public data is limited?

30

Determining security requirements/ developing security procedures

- Are the data “data on individuals”?
 - If no, entity determination about how to protect
- If yes, what is the classification?
 - If public, no security requirements
- If the data are private or confidential:
 - Required procedures on data security (13.05, subd. 5)
 - Listed on the data inventory (13.025, subd. 1)
 - Optional – policy on who may access data outside the entity

31

Discussion Point: Procedures

- Do you have specific types of internal documents that you use to process data requests?
 - Data request tracking documents?
 - Copy costs documents?
 - Standard response documents?
- What types of internal resources would be useful as you conduct data practices work?



32



What questions do you have for us?

33



Breakout Session #2
Responding to Requests

34

Breakout Rooms

- You will need Handout 6
- Click button to join group.
- Take 15-20 minutes to review and discuss the different data requests.
 - Use the questions on the handout to lead discussion
- Use “Ask for Help” button in the Participant Panel, if you need assistance.
- To exit break out session - click the red circle at the bottom of screen and choose leave break out.

35



Training Employees on Data Practices

36

Necessity of employee training

- Several reasons why you need to incorporate data practices training for employees:
 - Data protection and security is responsibility of *government entity*
 - Create awareness that data employees create may be public
 - Helps to avoid or mitigate data breaches under section 13.055
 - Entities cannot discipline employees for data practices violations if they are not trained

37

What all employees should know

- Key topics to highlight for employees
 - Classifications of data they work with and can access
 - Availability of access policies and procedures
 - Key staff for data practices questions & requests
 - Consequences for not adhering to data practices requirements or causing a breach

38

Data practices training strategies

- Try a short series of ongoing trainings
 - 15 or 30-minute lunch sessions
 - Focus on one topic at a time
- Rely on handout resources
 - DPO one-pagers
 - DPO training slides
- Use DPO YouTube videos
 - [Data Practices Act: What All Employees Need to Know](#)
 - [Data Practices Potpourri series](#)

39

Questions?

Data Practices Office

651-296-6733

info.dpo@state.mn.us

<https://mn.gov/admin/data-practices/>
