Data Practices Scenarios

**Scenario #1**

An individual anonymously submits a data request to the City Clerk that states:

I want to inspect all data the City maintains that contain the keywords “snow,” “school,” and “closing.” Please email me at anonymous@gmail.com when the records are ready for inspection. After I have an opportunity to inspect the data, I will select the specific data that I want emailed to me.

The City conducted an initial search of its server using the three keywords, revealing several thousand emails that are responsive to this request. The City has not yet searched paper files.

**Questions**

1. Can the City ask the data requester for additional information or clarification? If not, why not? If so, what clarification or information would you request?
2. Are the emails government data? If so, are they public?
3. Many of the emails are older than the 1-year retention period. May the City destroy those older emails so it doesn’t have to provide them?
4. Can the City charge the requester for the time spent retrieving the data? Can the City charge for the time spent reviewing the data to redact any not public data?
5. If the individual ends up requesting copies of three emails out of the several thousand that are responsive to their request, can the City charge for the time spent searching and retrieving all of the responsive data?
6. How much time does the City have to respond to this request?

**Scenario #2**

Ms. Lee submitted a data request to the Responsible Authority (RA) of the Department of Administration for private data contained in her personnel file. She also requested a list of how many ID badges were lost and/or replaced per division.

The RA began copying Ms. Lee’s personnel file, which contained only paper records, but became distracted when the fire alarms went off – leaving the personnel file at the copier. The RA retrieved the personnel file later that day but did not know whether anyone had reviewed the records.

The Department maintains a running total of ID badges issued but does not track badges per division.

It took the RA 30 minutes to search and retrieve the personnel file materials, 15 minutes to make and transmit the copies, and the materials cost $0.10 per page. Ms. Lee ended up receiving 99 pages of records. The RA makes $30.00 per hour (including fringe). The RA has a part-time assistant who occasionally makes copies. The assistant makes $25.00 per hour (including fringe).

The next day, Mr. Edwards submitted a data request to the RA requesting copies of all data requests the Department received within the last year.

**Questions**

1. How much time does the RA have to respond to Ms. Lee’s request?
2. How much time does the RA have to respond to Mr. Edwards’ request?

1. Did a data breach requiring a section 13.055 notice occur? Does the RA need to take any action?

1. Does the RA need to provide a list of how many ID badges were lost and/or replaced per Division?
2. Should Mr. Edwards receive a copy of Ms. Lee’s data request?
3. How much may the RA charge Ms. Lee for copies of her personnel file?