



# Data Practices Policy and Procedures for Members of the Public

Last Updated April 2021

## 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, flash drives, CDs, 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 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 inspect data, free of charge, before deciding to request copies.

## How to Make a Data Request

You can arrange to inspect data or you can request copies of data that we keep. To do so, you must make a written request to the Data Practices Compliance Official listed on page 4. You may send your request by mail, fax or e-mail. Page 6 contains a form you may use to make your request.

If you choose not to use the data request form on Page 6, your request must still be in writing and should state:

- You are making a request for data under the Government Data Practices Act (Minnesota Statutes, Chapter 13).
- Whether you would like to inspect the data or have copies of the data.
- A clear description of the data you would like to inspect or have copied.

We 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.

## 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. Your request for summary data must be in writing and you may use the form on page 6. We will prepare summary data if you make your request in writing and prepay the estimated cost of preparing the data.

## How We Respond to a Data Request

Upon receiving your request, we will work to process it as follows:

- If it is not clear what data you are requesting, we will ask you for clarification.
- If we do not have the data, we will notify you in writing within a reasonable time.
- 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. Upon request, we will provide you with release forms to have signed to allow us to release private or “not public” data.
- 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:
  - Arranging a date, time, and place for you to inspect data for free; or
  - Providing you with copies of the data as soon as reasonably possible if you are requesting copies. You may choose to pick up your copies, or we will mail or fax them to you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format. For requests involving more than 40 pages of paper copies or other types of media, you will be required to pay the applicable costs prior to receiving the data. In that case we will provide you with a written breakdown of the costs.
- If you are requesting summary data, we will respond in writing within a reasonable time to let you know approximately when the data can be ready and provide you with a breakdown of the estimated cost to produce the data. You must prepay the estimated cost before we produce the summary data. If the actual cost of producing the data is less than the estimated cost you prepaid, we will refund you the difference upon sending you the data. If it is more, you will need to pay the difference before we send the data.

**Complete information about costs is on page 5.**

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

**Please be advised that 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). In addition, we are not required under the Government Data Practices Act to respond to questions that are not specific requests for data.**

## Data Practices Contacts

### Responsible Authority

Name: Joseph Newton  
Address: 15201 Zurich Street, Suite 212, Columbus, MN 55025  
Phone: (651) 925-3956  
Fax: (651) 925-3953  
E-mail: [joseph.newton@state.mn.us](mailto:joseph.newton@state.mn.us)

### Data Practices Compliance Official

Name: E. Joseph Newton  
Address: 15201 Zurich Street, Suite 212, Columbus, MN 55025  
Phone: (651) 925-3956  
Fax: (651) 925-3953  
E-mail: [joseph.newton@state.mn.us](mailto:joseph.newton@state.mn.us)

## Copy Costs – Members of the Public

We charge 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 give them to you. We do not charge for copies if the cost is less than \$10.00.

### [For 100 or fewer pages of paper copies](#)

For 100 or fewer pages of black and white, letter or legal size paper copies, we charge 25¢ for a one-sided copy, or 50¢ for a two-sided copy. However, we do not charge for copies if the cost is less than \$10.00.

### [More than 100 pages of paper copies and other types of copies](#)

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email). We never charge for the cost of separating public from not-public data.

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

We always use the lowest cost employee that is available and capable of searching, retrieving and copying the data for you. Our charges for employee time currently range from \$19.35 to \$57.25 per hour.

Before you pick up the data or before we send it to you, we will notify you of the total cost of searching for, retrieving, copying and mailing the data if applicable. You must pay the cost before you pick up or before we mail you the data.

### [Inspecting Data](#)

There is no charge to come in and inspect data. If you request to inspect data, we will arrange a mutually acceptable time for you to come and inspect the data. If you come to inspect data and then decide you would like copies of certain data, we will provide copies. In that case, the above charges will apply.

# Minnesota Racing Commission Data Request Form -- Members of the Public

Date of Request: \_\_\_\_\_

I am requesting access to data in the following way:

- Inspection
- Copies

*Note: Inspection is free but we charge for copies when the cost is over \$10.00. For complete cost details, see page 5.*

These are the data I am requesting:

(Describe the data you are requesting as specifically as possible below. If you need more space, please use the back of this form or attach additional sheets.)

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### Contact Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email address: \_\_\_\_\_

**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 you, without contact information we will not be able to begin processing your request until you contact us.

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