

# **CITY OF TONKA BAY DATA ACCESS POLICY FOR MEMBERS OF THE PUBLIC**

## **Right to Access Public Data**

The Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public unless a state or federal law says that the data are not public. Government data is a term that means all recorded information a government entity has, including paper, email, CD-ROMs, photographs, etc.

The Data Practices Act also provides that the City of Tonka Bay must keep all government data in a way that makes it easy for you, as a member of the public, to access data about you. You have the right to look at (inspect), free of charge, public and private data that we keep. You also have the right to get copies of public data. The 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 Request for Your Data**

To look at data or request copies of data that the City of Tonka Bay keeps, make a written request. Make your request for data to the appropriate individual listed in the Data Practices Contacts document on page 3. You may make your written request by mail, fax, or email, using the data request form on page 5. If you choose not to use the data request form, your written request should include:

- that you are making a request, under the Data Practices Act (Minnesota Statutes, Chapter 13), as a data subject, for data about you;
- whether you would like to inspect the data, have copies of the data, or both;
- a clear description of the data you would like to inspect or have copies; and

The City of Tonka Bay 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 written request, we will work to process it.

- If we do not have the data, we will notify you as soon as reasonably possible.
- If we have the data, but the data are not public, we will notify you in writing 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 4. We also will arrange for you to prepay 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 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 Data Practices Act to respond to 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. The City of Tonka Bay 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 using the data request form on page 5, 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.

Minnesota Statutes, section 13.05, subdivision 8, requires us to have this document.

**City of Tonka Bay  
Data Practices Contacts**

**Responsible Authority**

Name CJ Holl  
Address City of Tonka Bay  
4901 Manitou Road  
Tonka Bay, MN 55331  
Phone 952-474-7994  
Email [choll@cityoftonkabay.net](mailto:choll@cityoftonkabay.net)

**Data Practices Designee**

Name CJ Holl  
Address City of Tonka Bay  
4901 Manitou Road  
Tonka Bay, MN 55331  
Phone 952-474-7994  
Email [choll@cityoftonkabay.net](mailto:choll@cityoftonkabay.net)

**Data Practices Compliance Official**

Name CJ Holl  
Address City of Tonka Bay  
4901 Manitou Road  
Tonka Bay, MN 55331  
Phone 952-474-7994  
Email [choll@cityoftonkabay.net](mailto:choll@cityoftonkabay.net)

**Copy Costs – Members of the Public**

The City of Tonka Bay charges data subjects for copies of government data. These charges are authorized under section 13.04, subdivision 3. You must pay for the copies before we will give them to you. We do charge for copies at the rate of 25 cents per page plus sales tax for 100 or fewer paper copies.

**Most Other Types of Copies – Actual Cost**

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).

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.

The cost of employee time to search for data, retrieve data, and make copies is \$30 per hour. If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.

Copy charges are set by Statute or Rule.

**City of Tonka Bay  
Data Request Form – Members of the Public**

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

**I request access to data in the following way:**

Please note: Inspections are provided at no cost; however, there is a fee for any copies requested.

Inspection                       Copies                       Both inspection and copies

**This is the data I am requesting:**

Note: 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 address \_\_\_\_\_

The City of Tonka Bay will respond to your request within ten (10) business days.