

## ***CITY OF ANDOVER DATA ACCESS POLICY AND PROCEDURES***

As authorized by Minn. Stat §§13.03, Subd. 2. and 13.05, Subd. 8. the following procedures for handling data requests for government data made pursuant to Minn. Stat. Chap. 13 are established by the Responsible Authorities for data in the City of Andover in order to insure that requests for data are received and complied with in an appropriate and prompt manner:

### **1. CITY OF ANDOVER DATA REQUEST FORM**

Data requests shall be made in writing on a City of Andover Data Request Form. Forms are available in the office of the City Clerk, 1685 Crosstown Blvd. NW, Andover, MN 55304.

### **2. IN PERSON REQUEST**

Data requests may be submitted in person to the appropriate designee responsible for the data from 8:00a.m. to 4:30p.m. on city business days. Other personnel in a designee's department may be authorized to receive data requests on designee's behalf or in designee's absence.

### **3. MAIL REQUEST**

Data requests may be submitted by mail addressed to the Office of the City Clerk, City of Andover, 1685 Crosstown Blvd. NW, Andover, MN 55304. Mailed requests will be treated as made on the date the request is received by the designee. A mailed request must be signed and notarized if the requested data is not public and the requestor wishes to have copies mailed without appearing in person to verify identity.

### **4. IDENTIFICATION**

Verification of the identify of a person making a request is required prior to disclosure of any not public data. Minnesota Driver's License or similar official picture identification may be used to verify identity. A person requesting public data may be asked, but is not required, to provide identification.

### **5. REASONABLE TIME**

If data is public and is not immediately available, the requestor will be informed when the data will be available for inspection within a reasonable time. When a request will involve searching for and retrieving stored data or if the classification of the data requested must be determined, the requestor will be informed that time will be needed to determine when the data will be available and the requestor will be given the option of calling to check on availability or of leaving a telephone number to be called with information on availability.

### **6. DATA SUBJECT REQUEST**

When a request is made by the data subject, the requestor will be informed when the data will be available within five city business days for inspection. If circumstances preclude complying with the request within these five days, the requestor will be informed in writing that it will take up to five additional days (not including Saturdays, Sundays and legal holidays). The identity of the individual as the data subject will be verified. Any confidential data will not be disclosed but the data subject will be informed that there is confidential data which cannot be disclosed.

## **7. INFORMED CONSENT REQUEST**

When a request for private data on an individual is made by a person with an informed consent for release signed by the data subject, the requestor will be informed when the data will be available for inspection. The identity of the requestor will be verified, the release will be reviewed to determine that the form complies with the requirements of Minn. Stat §13.05, Subd. 4(d), and the data subject may be contacted to verify that informed consent was given by the data subject.

## **8. ACCESS DENIAL TO NOT PUBLIC DATA**

If access to data is denied due to the data's classification, the requestor will be informed orally at the time of the request or will be given this information by phone, e-mail or written correspondence as soon as possible after the determination of classification has been made. A requestor denied access may ask that the denial be certified in writing citing the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

## **9. NONEXISTENT DATA**

Data is not created upon request. When requested data does not exist, the requestor will be so informed.

## **10. CHARGE FOR COPIES**

There is no charge to inspect government data. When copies of data are requested, the charge for copies requested is to be paid before the requestor is given the copies.

## **11. COST CALCULATION**

Cost for copies is determined by calculating the cost for searching and retrieving the government data for copies of public data, including the cost of employee time for making, certifying, and compiling the copies of the data. The cost does not include a charge for the cost of labor to separate public from not public data. A data subject requesting copies is charged a cost calculated for making, certifying and compiling the copies. A requestor may agree to pay a flat rate of 25 cents a page and waive the right to this cost calculation unless data has commercial value. Data with commercial value may have a reasonable fee added to the costs charged for copies.

## **12. MAILED COPIES**

If a requestor wishes to have copies of data mailed, payment for the cost mailing and cost of copies is to be made by the requestor prior to mailing of the copies. When another governmental entity is the requestor, copies may be provided at no cost or arrangements for payment may be made.

## **13. OFFICIAL REQUEST**

Obligations and responsibilities of a responsible authority under Minn. Stat. Chap. 13 apply when a data request is made in accordance with these data access procedures. A request which is not made on a City of Andover Data Request Form is not considered to be a request for data made in accordance with the provisions of the Minnesota government data practices act.

#### **14. INFORMAL REQUEST**

Nothing in these procedures requires disclosure of data upon receipt of an informal request for data or prohibits disclosure of data upon receipt of an informal request for data if disclosure of the data is permitted under applicable law.

#### **15. EMPLOYEE ACCESS**

Access to not public data by employees of the City of Andover is limited to individuals whose work assignments reasonably require access to the data.

#### **16. ACCESS BY OTHER AGENCIES**

Access to not public data by other entities and agencies without the data subject's written consent for release of data is limited to access as authorized by applicable law and, when confidential or private data was provided by data subject, in accordance with the notice provided pursuant to Minn. Stat. §13.04.

#### **17. DATA NOTICE**

When private or confidential data is collected from a data subject, Minn. Stat. §13.04 requires the data subject to be informed of how the data will be used, whether the person can refuse or is legally obliged to furnish data requested, what the consequences are of providing or refusing to provide the data, and who can access the data. [Notice requirement does not apply to law enforcement investigation.]

#### **18. CONTESTING ACCURACY**

Minn. Stat. §13.04 provides procedures for a data subject to contest the accuracy or completeness of public or private data concerning the data subject.

#### **19. SUMMARY DATA ACCESS**

Requests for summary data shall be made on a City of Andover Summary Data Request Form. Forms are available in the office of the City Clerk, 1685 Crosstown Blvd. NW, Andover, MN 55304. Within ten days of receipt of a summary data request, the requestor will be informed of estimated cost and time schedule for providing the summary data. Costs must be paid prior to preparation of the summary data. Pursuant to Minn. Stat. §13.05, Subd. 7, a researcher may be provided access to data pursuant to a nondisclosure agreement for the purpose of preparation of summary data. If requested summary data cannot be provided without compromising not public data, the requestor will be informed in writing of reason for denial of the request.



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## CITY OF ANDOVER SUMMARY DATA REQUEST FORM

### Section 1. (TO BE COMPLETED BY REQUESTOR)

Name of designee for requested data (if known): \_\_\_\_\_

Department/unit from which data requested: \_\_\_\_\_

Specific data requested: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Requestor's Name: \_\_\_\_\_

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

\_\_\_\_\_

Phone (optional): \_\_\_\_\_ Purpose of request: \_\_\_\_\_

### INFORMATION ABOUT CITY OF ANDOVER RESPONSE OPTIONS

1. **CHARGE:** You will be notified of estimated costs for the preparation of the requested summary data which you as requestor will be responsible for paying. Estimated costs are collected prior to summary data preparation.
2. **NONDISCLOSURE AGREEMENT:** A requestor, under appropriate circumstances pursuant to Minn. Stat. 13.05, subd. 7, may be given access to data and permitted to prepare the summary data. You will be notified if you will be provided such access upon execution of a nondisclosure agreement.
3. **DENIAL OF SUMMARY DATA REQUEST:** When a determination is made that access to summary data would comprise private or confidential data, a request for summary data may be denied. **If** request is denied, you will be provided a written statement of reasons why responsible authority determined requestor's access would comprise the private or confidential data.

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Section 2. (TO BE COMPLETED BY OR ON BEHALF OF DESIGNEE)

Copy of completed form to be sent to requestor within 10 days

Date received: \_\_\_\_\_ Date response mailed: \_\_\_\_\_

CHARGE: Estimated cost: \$ \_\_\_\_\_

Time Schedule: \_\_\_\_\_ [preparation will not commence until payment received]

NONDISCLOSURE AGREEMENT: if summary data can be prepared by requestor pursuant to a nondisclosure agreement, check here \_\_\_\_\_ and attach a Nondisclosure Agreement for execution.

DENIAL: If request for summary data is denied, check here \_\_\_\_\_ and state reasons access would comprise the private or confidential data:



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## CITY OF ANDOVER SUMMARY DATA NONDISCLOSURE AGREEMENT

THIS AGREEMENT is made between the responsible authority for City of Andover data and

Researcher: \_\_\_\_\_

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

Phone: \_\_\_\_\_

in accordance with the provisions of Minn. Stat. §13.05, Subd.7.

WHEREAS, the responsible authority may delegate authority to prepare summary data to a person outside the city department if the person's purpose is set forth in writing and the person agrees in writing not to disclose the private and confidential data; and

WHEREAS, the researcher who is engaged in a study agrees that data accessed by the researcher in order to prepare summary data shall not be disclosed to the public or other unauthorized individuals:

NOW THEREFORE, responsible authority and researcher agree to the following terms:

1. The responsible authority agrees to delegate to researcher pursuant to Minn. Stat. §13.05, Subd. 7, the power to prepare summary data from private or confidential data under the jurisdiction of the responsible authority. Data to which researcher will be allowed access for the purpose of the study is described as:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Researcher agrees not to disclose private or confidential data accessed by the researcher pursuant to this agreement and acknowledges that researcher is subject to civil and criminal penalties set forth in Minn. Stat §§13.08 and 13.09 if private or confidential data are disclosed by researcher. The purpose of the researcher's study is described as:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Researcher agrees to submit to the responsible authority a work plan detailing method and time schedule to be used in the preparation of the summary data. Responsible authority may revise the work plan as necessary to address security concerns or scheduling conflicts.



**CITY OF ANDOVER  
COPY COST CALCULATION FORM**

Cost calculation for copies may include one or more of the following: the cost of labor (staff time X staff salary and benefits) required to prepare copies (cost of labor can include costs of searching for and retrieving data for public data requests); the cost of materials, including paper, used to make copies; any special costs necessary to produce copies from machine based record keeping systems (e.g. Computer run costs or microfiche reproduction costs); mailing costs; and standard copying charges.

[Minn. Stat. §13.03, subd. 3 and §13.04, subd. 3; Minn. R. Pt. 1205.0300, subd.4]

When requested data has commercial value, a reasonable fee may be calculated as provided in Minn. Stat. 13.03. subd. 3, and added to the cost of the copies. This fee must relate to the actual development costs of the information.

Cost calculation cannot include time spent by staff separating public from not public data.

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Number of copies: \_\_\_\_\_

LABOR COSTS: \_\_\_\_\_

COST OF MATERIALS: \_\_\_\_\_

ANY SYSTEM COSTS: \_\_\_\_\_

ANY COMMERCIAL FEE: \_\_\_\_\_

STANDARD COPYING CHARGE: \_\_\_\_\_

MAILING COSTS: \_\_\_\_\_

ADD ABOVE AMOUNTS TO  
DETERMINE COST FOR COPIES: \_\_\_\_\_

Total