

Adopted: 5.11.2015

Revised: 10.17.22

**NORTH METRO FLEX ACADEMY POLICY No. 3.2**  
**ADMINISTRATION OF THE MINNESOTA GOVERNMENT DATA**  
**PRACTICES ACT**

**I. PURPOSE**

The purpose of this policy of the Board of North Metro Flex Academy (NMFA) is to fully comply with the Minnesota Government Data Practices Act (MGDPA).

**II. POLICY STATEMENT**

This policy will address the roles and responsibilities of MGDPA compliance officials, the processes for requesting public data and how NMFA will respond to such requests.

**III. APPOINTMENT AND DUTIES OF THE RESPONSIBLE AUTHORITY**

A. The Principal is hereby appointed by the Board to be North Metro Flex Academy's Responsible Authority. The Responsible Authority ("RA") is ultimately responsible for the collection, use, and dissemination of all North Metro Flex Academy's data, and for all of the school's data practices decisions. The RA must also ensure that the school complies with all of the requirements of the MGDPA and the accompanying rules.

B. The specific duties of the RA are as follows:

1. To prepare access procedures for members of the public and data subjects;
2. To establish procedures to ensure that data on individuals are accurate, complete and current;
3. To establish security safeguards for data on individuals;
4. To establish procedures to ensure that North Metro Flex Academy responds to requests for government data appropriately and promptly;
5. To prepare summary data;
6. To apply to the Commissioner of Administration for temporary classification of data;

7. To ensure that North Metro Flex Academy complies with the MGDPA and the accompanying rules;
8. To appoint designees;
9. To appoint a Data Practices Compliance Official;
10. To respond to requests for data;
11. To be responsible for files and systems containing government data; and
12. To answer inquiries from the public concerning the MGDPA and the accompanying rules.

C. Data Practices Contacts

1. Responsible Authority

Name  
Address  
Phone number/fax number/email address

2. Data Practices Compliance Official (same as Responsible Authority)

**II. APPOINTMENT AND DUTIES OF THE DESIGNEE**

- A. The RA may appoint a Designee if appropriate.
- B. The Designee shall help administer and implement the requirements of the MGDPA and the accompanying rules. These duties include:
  1. Receiving and complying with requests for government data;
  2. Answering inquiries from the public concerning the MGDPA and the accompanying rules;
  3. Being in charge of and responsible for individual files or systems containing government data.

**III. APPOINTMENT OF THE DATA PRACTICES COMPLIANCE OFFICIAL**

- A. The RA may appoint a Data Practices Compliance Official (“DPCO”) if appropriate.
- B. If appointed, the DPCO will receive and respond to questions or concerns about data practices problems, including problems in obtaining access to data that North Metro Flex Academy maintains.

#### **IV. THE PUBLIC'S RIGHT TO SEE PUBLIC DATA**

- A. Under the MGDPA, all government data are public unless a state or federal law says the data are not public. Government data means all recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc.
- B. The law also says that NMFA must keep all government data in a way that makes it easy for members of the public to access public data. This means that the public has the right to look at (inspect), free of charge, all public data that NMFA keeps. The public also has the right to get copies of public data.
- C. The Data Practices Act allows NMFA to charge for copies. Members of the public have the right to look at data, free of charge, before deciding to request copies.

#### **V. HOW TO REQUEST PUBLIC DATA; HOW NMFA WILL RESPOND TO DATA REQUESTS**

- A. If a member of the public wishes to make a data request, that individual should use the Data Request Form attached to this policy.
- B. Upon receiving a request, NMFA will:
  - 1. Review the request.
  - 2. NMFA may ask the person making the request to clarify the data being requested.
  - 3. If NMFA does not have the data, the person making the request will be notified in writing within a reasonable period of time.
  - 4. If NMFA has the data, but the law prohibits disclosure, NMFA will tell the person making the request as soon as reasonably possible and identify the law that prevents disclosure.
  - 5. If NMFA has the data, and the data are public, NMFA will respond to the request appropriately and promptly, within a reasonable amount of time by doing one of the following:
    - a. Arrange a date, time, and place to inspect the data at the school's offices; or
    - b. Arrange for a time to pick up the copies,\* or
    - c. Mail or email the copies.
    - d. NMFA will provide electronic copies (such as email or CD-ROM) upon request, if NMFA keeps the data in that format and can reasonably make a copy.

- e. Response time may be impacted by the size and/or complexity of the request, and also by the number of requests made in a given period of time.

\* NMFA requires that payment be made before copies are released.

C. Following NMFA's response, if arrangements are not made within 10 business days to inspect the data or pay for copies, NMFA will conclude that the data is no longer being requested and will consider the request closed.

D. If the person making the data request does not understand some of the data (technical terminology, abbreviations, or acronyms), that should be explained to the Principal in writing, who will provide an explanation if requested.

## **VI. POLICIES RELATING TO COPY COSTS.**

A. Minnesota Statutes, section 13.03, subdivision 3(c) allows NMFA to charge for copies. NMFA must receive payment for copies before the data is released.

B. The typical cost for copying data is as follows:

1. For 100 or fewer papers -25 cents per page.
2. NMFA does not charge for copies if the cost is less than \$xx.xx.
3. Multiple requests made within the same xx business-day period will be treated as a single request for the purposes of calculating total copy costs. If possible, and upon request, NMFA will provide an estimate of the total cost of supplying copies.

C. Most Other Types Of Copies – Actual Cost.

1. 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 sending the data.
2. In determining the actual cost of making copies, NMFA will include employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any).
3. If the request is for copies of data that NMFA cannot itself copy, such as photographs, NMFA will charge you the actual cost we must pay an outside vendor for the copies. Employee time to make copies is \$25.00 per hour.
4. . If, based on the request, it is necessary for a higher-paid employee to search for and retrieve the data, NMFA will calculate search and retrieval charges at the higher salary/wage.

## **VII. REQUEST FOR SUMMARY DATA**

A. Summary data are statistical records or reports created by removing identifying information about individuals from entirely private or confidential data. NMFA will prepare summary data if a request is made in writing and if the cost of creating the data is pre-paid.

B. A request for summary data should be made using the request form attached to this policy. NMFA will respond to your request within ten business days with the data or details of when the data will be ready and how much NMFA will charge.

## **VIII. LIMITS ON RESPONDING TO DATA REQUESTS**

A. The Data Practices Act does not require NMFA to create or collect new data in response to a data request, or to provide data in a specific form or arrangement NMFA does not keep the data in that form or arrangement. For example, if the data being requested exists only in paper form, NMFA is not required to create electronic documents to respond to the request. If NMFA agrees to create data in response to a data request, the school will work with the person making the request on the details of that request, including cost and response time.

B. NMFA is also not required to respond to questions that are not about the data being requested, or requests for government data.

### **DATA REQUEST FORM – REQUESTING PUBLIC DATA**

Request date:

The data I am requesting:

(Describe the data you are requesting as specifically as possible).

I am requesting access to data in the following way:

- Inspection
- Copies
- Both inspection and copies

Note: Inspection is free but NMFA charges for copies when the cost is over \$xx.xx

Contact information (optional)\*

Name:

phone number:

email address:

address:

\* You do not have to provide any contact information. However, if you want us to

mail/email you copies of data, we will need some type of contact information. We also need contact information if we do not understand your request. We will not work on your request until we can clarify it with you.  
NMFA will respond to your request as soon as reasonably possible.

***Legal References:*** Minn. Stat. §124D.10 (Charter School law)  
Minn. Stat. §13.02 (Compliance with MGDPA)  
Minn. Stat. §13.03 (Access Procedures Under MGDPA)  
Minn. Stat. §13.05 (Procedures to Ensure Accuracy Under MGDPA)