

City of Moorhead Data Practices Act Policy

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 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 Moorhead (City) 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 look at (inspect), free of charge, all public data that the City keeps. You also have the right to receive copies of public data. The Data Practices Act allows the City to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

How to Make a Data Request

To look at data or request copies of data that the City of Moorhead keeps, please make a written request. Please make your written request for data to the appropriate individual listed in the Data Practices Contacts document on page 3. You may make your written request for data by U.S. mail, or emailing your request, utilizing the data request form on page 4.

If you choose not to use the data request form, your written request should include the following:

- That you, as a member of the public, are making a request for data under the Data Practices Act, Minnesota Statutes, Chapter 13;
- Whether you would like to look at the data, get copies of the data, or both; and
- A clear description of the data you would like to inspect or have copied.

The City of Moorhead 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 the City to process your request (e.g. if you want the City to mail you copies of data), the City may need some information about you. If you choose not to provide any identifying information, the City 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 the City of Moorhead Responds to a Data Practices Act Request

Upon receiving your written request, the City will work to process it. If the City does not have the data, we will notify you in writing as soon as reasonably possible. If the City has the data, but the data are not public, we will notify you in writing as soon as reasonably possible and state which specific law states the data are not public. If the City has 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 them to you. If you want the City to send you the copies, you will need to provide the City with an address. The City will provide electronic copies (such as email

or CD-ROM) upon request if the data is kept in electronic format. Information about copy charges is below.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please advise the City. The City will give you an explanation if requested. The Data Practices Act does not require the City 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 the City agrees 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 does not require us to answer 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 Moorhead will prepare summary data if you make your request in writing and pay for the cost of creating the data. Upon receiving your written request (you may use the data request form on page 4), the City will respond within ten (10) business days with the data or details of when the data will be ready and how much we will charge. *Minnesota Statutes, section 13.03, subdivision 2(b), requires us to have this document.*

Data Practices Contacts

City of Moorhead, Minnesota

Responsible Authority:

City of Moorhead City Manager

Physical Address: 500 Center Ave, Moorhead, MN 56560

Mailing Address: PO Box 779, Moorhead, MN 56561-0779

Fax: (218) 299-5306

Telephone: (218) 299-5166

Email: citymanager@cityofmoorhead.com

Members of the Public

Cost of Copies

The City of Moorhead charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c). The cost of copies is 25 cents per copy (50 cents for a two-sided copy).

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 dependent upon the hourly cost of the employee. 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, the City will calculate the search and retrieval portion of the copy charge at the higher salary/wage.