

## **Minnesota Office of Higher Education Data Request Policy for Members of the Public**

Minnesota Statutes §13.025 and §13.03 require this document.

### **Right to Access Public Data**

The Minnesota Government Data Practices Act (Minn. Stat. §13) presumes that all government data are public data unless a state or federal law or temporary classification provides that the data are not public. Government data is a term that means all recorded information a government entity has created, collected, stored, or maintained in order to do their work.

The Minnesota Government Data Practices Act requires that state agencies keep government data in a way that makes it easy to access. You have the right to look at (inspect), free of charge, all public data that the Office of Higher Education (OHE) keeps. You also have the right to get copies of public data. You have the right to look at data, free of charge, before deciding to request copies. The Data Practices Act does allow OHE to charge for copies.

### **How to Make a Data Request**

The responsible authority is the official designated by law as the individual responsible for the collection, use, and dissemination of a government entity's data. At state agencies, the responsible authority is the commissioner. Data requests are generally handled by staff members. To look at data or request copies of data that OHE keeps, make your request for data to the Data Practices Designee for the topic area where you believe data about you is stored. A list of OHE Divisions and the designee from that division is located at the end of this policy. If you do not know which Designee is the right one, you can ask OHE by calling 651-642-0567 or 800-657-3866. **Media requests** are handled by the Designee for the Communications department.

### **You must make your request for data in writing**

An email qualifies as a request in writing. You may use the data request form attached to this document, but you are not required to use the form. If you choose not to use the data request form, your request should include:

- That you, as a member of the public, are making a request under the Data Practices Act (Minn. Stat. §13).
- A clear description of the data you would like.
- Whether you would like to inspect the data, have copies of the data, or both.

OHE 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, (e.g., to mail you copies of data), OHE may need some contact information for you. In addition, please keep in mind that if OHE does not understand your request and has no way to contact you, it might not be able to process your request.

## How OHE Responds to a Data Request

When you make your request, a Designee will respond within two business days stating that it has been received and is under review. The response will be in the same form of communication that you sent your request in, unless other means of communication are provided for in your request. If OHE cannot reach you in the same method that you made your request, and you provide no other contact information, OHE will consider the data request abandoned. If you do not receive a response within two business days, contact the Data Practices Compliance Official at 651-642-0567, press 9 then 0.

If it is not clear what data you are requesting, OHE will ask you for clarification. If your request is specific and concise, OHE will be more able to efficiently locate, review, and disclose the data, if responsive data exists. Requests that seek a broad range of data, or unclear types of data, often yield high volumes of data, which take longer to process.

- If OHE does not have the data, OHE will notify you within 10 business days.
- If OHE has the data, but the data are not public, OHE will notify you as soon as reasonably possible and state which specific laws say the data are not public.
- If OHE has the data, and the data are public, OHE will respond to your request appropriately and promptly, within a reasonable amount of time. Pursuant to the copy costs section, below, OHE may send you a request for a deposit on the total estimated costs for search and retrieval, as well as copy costs. If you do not respond to the request for a deposit within 10 business days, OHE will consider the data request abandoned. If the volume of responsive data is high, OHE may disclose data on a periodic basis until the response is complete. OHE will respond to your request by doing one of the following:
  - Arrange a date, time, and place to look at the data, for free, or
  - Provide you with copies of the data as soon as reasonably possible. You may choose to pick up your copies or OHE will mail them to you. OHE will provide electronic copies upon request if OHE keeps the data in electronic format. The length of time it takes to process your request depends on several variables: the volume of data to be reviewed, how many copies are requested, how many staff members are available to respond, and how many other data requests are being processed. Fees are described below.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please tell the Designee. While we are not required by law to respond to questions that are not about your data requests or interpret/explain any of the responsive public data, OHE will do its best to do so.

The Data Practices Act does not require us to create or collect new data in response to a data request. OHE does not have to provide data in a specific format or arrangement if the data is not kept in that format or arrangement. If OHE agrees to create data in response to your request, it will work with you on the details of your request, including cost and response time.

You may make standing requests for data. Standing requests are requests for data that may require responses over an extended period of time. Standing requests expire after three months, and any required fees must be paid in full at the end of the three month period and prior to renewal of the

standing request.

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. OHE will prepare summary data if the requestor makes a request in writing and pre-pays the estimated cost of preparing the data, with final payment being made prior to OHE releasing the summary data to you. You may use the data request form attached to this document, but you are not required to use the form. We will respond to your request within 10 business days with the details of when the data will be ready and the estimated costs. If you choose not to use the data request form, your request should include:

- That you, as a member of the public, are making a request for summary data under the Data Practices Act (Minn. Stat. §13).
- A clear description of the summary data you would like prepared and the format you would like (e.g. paper, electronic, etc).

### **Copy Costs for Members of the Public**

OHE charges members of the public 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 will give them to you. We do not charge for copies if the cost is less than \$10.00. We do not charge to inspect data or to separate public data from not public data.

- 100 or fewer pages of black and white, letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a double-sided copy.
- 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.
  - In determining the actual cost, OHE includes the employee-time to create and send the copies, the cost of the materials onto which we are copying the data (paper if greater than 100 pages, CD, DVD, etc.), and mailing costs such as postage (if any).
  - If your request is for copies of data that we cannot copy 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 is calculated using the hourly salary of the lowest paid employee able to complete the task, plus 20% fringe benefits.
  - If, based on your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate search and retrieval charges at the higher salary/wage.

## **Data Practices Contact Information**

### **Send any data request by:**

Mail:

[Enter title of data request designee, below]

1450 Energy Park Drive, Suite 350

St. Paul, MN 55108-5227

Fax: 651-642-0675, attention to the appropriate Designee, below, with “Data Request – public” on the cover page

Email with “Data Request – public” in the subject line to [datarequest.ohe@state.mn.us](mailto:datarequest.ohe@state.mn.us)

### **Responsible Authority**

Commissioner

### **Data Practices Compliance Official**

General Counsel

### **Data Practices Designees**

- Manager of Communications
- Manager of Financial Aid – Grants
- Manager of Financial Aid – Loans
- Manager of Research and Policy
- Manager of Private Institution Registration and Licensing
- Manager of Auditing
- Manager of Human Resources
- Manager of Competitive Grants, Legislatively Named Grants, and Government Relations
- Manager of Get Ready!
- Manager of Accounting

**Minnesota Office of Higher Education  
Public Data Request Form**

<b>Name:</b>	<b>Date:</b>	
<b>Address:</b>		
<b>City:</b>	<b>State:</b>	<b>Zip:</b>
<b>Phone Number:</b>	<b>Email:</b>	
<b>Designee:</b>		

Note: You do not have to provide any of the above information. However, OHE may not be able to provide you with any responsive public data without contact information.

Please describe the data you are requesting in the box below that you would like OHE to provide:

\_\_\_\_\_ Inspection      \_\_\_\_\_ Copies      \_\_\_\_\_ Both Inspection and copies

MS § 13.03, subd. 3, authorizes OHE to charge fees to recover costs to provide copies of data. Prepayment is required prior to receiving copies of data.