



STAFF REPORT

TO: Mayor Fischer and Members of City Council

FROM: Heidi Heller, City Clerk/HR Manager

DATE: January 11, 2023

RE: Designation of Data Practices Responsible Authority and Compliance Official and Ratifying City Procedures for Access to Public and Private Data

ACTION TO BE CONSIDERED:

Designate the City Clerk/HR Manager, Heidi Heller, as the Data Practices Responsible Authority and Compliance Official, and ratify the city procedures for access to public and private data.

BACKGROUND:

MN State Statute states that the written policy must be updated no later than August 1 of each year to reflect any changes in personnel or procedures. There are no changes to personnel or procedures proposed for 2020.

MN State Statute 13.025 Subd. 3

The responsible authority shall prepare a written policy of the rights of data subjects under section [13.04](#) and the specific procedures used by the government entity for access by the data subject to public or private data on individuals. The written policy must be updated no later than August 1 of each year, and at any other time as necessary to reflect changes in personnel, procedures, or other circumstances that impact the public's ability to access data.

RECOMMENDATION:

Staff recommends designating the City Clerk/HR Manager, Heidi Heller, as the Data Practices Responsible Authority and Compliance Official, and ratifying the city procedures for access to public and private data.

**CITY OF LITTLE CANADA
PROCEDURES FOR ACCESS TO PUBLIC AND PRIVATE DATA**

GENERAL

All requests to inspect data, or for copies, or for summary data, must be in writing. Requests should be directed to the Responsible Authority. All requests to inspect data will be limited to normal business hours of the city. Every attempt will be made to comply with requests in an appropriate and prompt manner as specified by these procedures and by the Minnesota Government Data Practices Act.

EXAMINATION OF THE DATA

1. **Public Data.** Any person upon request to the Responsible Authority may examine public government data without charge.
2. **Private or Nonpublic Data.** Examination of private or nonpublic government data is available without charge only to: a) the subject of the data; b) people within the City whose work assignment reasonably requires access; c) agencies authorized by State or Federal law; and d) agencies or individuals who have the express written consent of the subject of the data. Any such person or agency seeking examination must identify him or herself by presenting a Minnesota Driver's License or other picture identification card acceptable to the Responsible Authority.
3. **Confidential or Protected Nonpublic Data.** Examination of confidential or protected nonpublic data is limited to: a) persons within the City whose work assignments reasonably require access, and b) agencies or individuals authorized by State or Federal law to gain access. Any such person or agency seeking examination must identify him or herself by appropriate identification acceptable to the Responsible Authority. The Responsible Authority cannot disclose the actual confidential data to the subject of the data but, upon request, shall inform the subject whether confidential data is maintained on him or her. The subject of the data may gain access to this knowledge only upon: a) appearance at the City office with Minnesota Driver's License or other picture identification acceptable to the Responsible Authority or, b) appearance by the subject's personal representative identified by a Minnesota Driver's License or other picture identification acceptable to the Responsible Authority and with a written and notarized authorization by the subject of the data.
4. **Explanation of Data.** Upon request to the Responsible Authority, any person may receive an explanation of the content and the meaning of the data that has been received or inspected.
5. **Copies of the Data.** Any person, upon request to the Responsible Authority, may receive copies of any data that he or she is entitled to inspect. The Responsible Authority will provide copies within a reasonable time after receipt of the request and charge the requesting party the actual costs of the material and any special costs to produce the copies. The fee is \$.25 per page for copies that includes the labor involved in preparation of the data requested.

6. Access to Summary Data. Any person upon request to the Responsible Authority, will receive prepared summary data from public, private, or confidential data. Within 20 days of the receipt of the request, the Responsible Authority will inform the requesting party of the estimated costs to provide the summary data, or will provide a written statement describing a time schedule for the preparation including reasons for time delays, or will provide a written statement to the requesting party stating why the Responsible Authority has determined that access would compromise the private or confidential data. The Responsible Authority will charge the requesting party costs associated with the preparation of summary data. The Responsible Authority will provide an estimate of the fee to the requesting party before preparing the summary and may require payment in advance of the preparation.

RIGHTS OF DATA SUBJECTS

The rights of individuals on whom the data is stored or to be stored by the City are as set forth here:

1. An individual asked to supply private or confidential data concerning the individual will be informed of: a) the purpose and intended use of the requested data within this City; b) whether he or she may refuse or is legally required to supply the requested data; c) any known consequence arising from his or her supplying or refusing to supply private or confidential data; and d) the identity of other people or entities authorized by State or Federal law to receive the data. (The requirement does not apply when an individual is asked to supply investigative data to a law enforcement officer.)
2. Upon request to the Responsible Authority, an individual will be informed: a) whether he or she is the subject of stored data on individuals; b) whether it is classified as public, private, or confidential.
3. Upon his or her further request, an individual who is the subject of stored private data on individuals will be shown the data without any charge, and if he or she desires, will be informed of the content and meaning of the data. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to him or her for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created.
4. The Responsible Authority will provide copies of data upon request by the individual subject of the data. The actual cost of providing copies will be borne by the individual.
5. The Responsible Authority will comply immediately, if possible, with any request made pursuant to this section or within five days of the date of the request, excluding Saturdays, Sundays, and legal holidays, if immediate compliance is not possible. If he or she cannot comply with the request within that time, he or she will so inform the individual, and may have an additional five days within which to comply with the request, excluding Saturdays, Sundays, and legal holidays.

6. An individual may contest the accuracy or completeness of public or private data concerning him or her. To exercise this right, an individual must notify the Responsible Authority in writing describing the nature of the disagreement. The Responsible Authority will within 30 days either; a) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or b) notify the individual that he or she believes the data to be correct. Data in dispute will be disclosed only if the individual's statement of disagreement is included with the disclosed data.

Responsible Authority/Compliance Official

Heidi Heller

City Clerk/HR Manager

City of Little Canada

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Adopted by Little Canada City Council on January 12, 2022