

# 131. RELEASE OF GOVERNMENT DATA



## RICHFIELD POLICE DEPARTMENT POLICY

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Authority: Chief Jay Henthorne

*NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.*

### I. PURPOSE

The Minnesota Data Practices Act regulates all government data created, collected, received, maintained, disseminated or stored by a state agency, political subdivision or statewide system regardless of the data's physical form, storage media or conditions of use.

These guidelines and procedures are intended to assist department personnel in the handling of government data which is maintained by their department.

### II. POLICY

It is the policy of this Department to ensure that requests for access to government data are to be complied with in an appropriate and prompt manner in accordance with the guidelines set forth in this Policy and consistent with provisions set forth in Minnesota State Statutes chapter 13.

### III. PROCEDURE

#### **DELEGATION OF RESPONSIBILITIES**

As responsible authority for the City of Richfield, the City Manager has assigned to the Police Chief the responsibility for the collection, use, and dissemination of all data acquired in the course of performing the law enforcement function on behalf of the City of Richfield. The Records Supervisor, under the direction of the Administrative Section Lieutenant, manages the day to day handling of data that is maintained by the Department. Data shall only be released by designated employees authorized by the Administrative Section Lieutenant to release specific types of data. These individuals will be referred to as the "Releasing Authority."

#### **REQUESTS FOR DATA**

Upon request to the Releasing Authority, an authorized individual, entity, or person must be permitted to inspect and copy government data at reasonable times and places and, if the party requests, s/he must be informed of the data's meaning.

With very limited exceptions, regardless of where the data originates, if it is in the City's possession it is government data and subject to the access provisions of the law.

#### **RELEASE OF PUBLIC DATA**

The Police Department releases public data by posting all public classified data regarding crimes on the City of Richfield sponsored website (<http://www.richfieldmn.gov>). Requests of information on public data should be directed to the city website.

If requests are made for further information, the following procedures should be followed:

**1) Requests For Data On Individuals By The Data Subject**

Upon receipt of a *City of Richfield Data Request* form, and when access/copies are authorized, the Releasing Authority must provide copies of the private or public data on individuals to the subject of the data or their authorized representative.

The Releasing Authority must comply immediately, if possible, or within 5 working days of the date of request if immediate compliance is not possible. If the Releasing Authority cannot comply with the request within that time they must inform the requester, and may have an additional 5 working days within which to comply with the request. If access is authorized, the Releasing Authority must supply the requested data within 10 working days.

If access to the data is denied due to a classification by state statute or federal law, any person denied access must be informed orally at the time of the request, or as soon after that time as possible, of the specific state statute, federal law, or temporary classification upon which the denial is based.

Upon request of any person denied access, the Records Supervisor must certify in writing the request for access has been denied and cite the specific state statute, federal law, or temporary classification upon which the denial was based. The *City of Richfield Data Request* form may be used for this purpose.

**2) Requests For Data When The Requester is Not The Subject of The Data**

Requests for immediate inspection of public data when the requester is not the subject of the data may be made at the front counter of the Police Department.

The requester must complete a *City of Richfield Data Request* form prior to being allowed access to public data.

When the request is for routine reports or routine summary reports, where public access should unquestionably be allowed, or when routine minor deletions can be made to readily allow public access, the requester will be allowed to inspect the data during the above stated time.

When the request is for reports, including summary reports, when the data contained therein may be classified as private or confidential, or if the data is not readily available, the requester will be advised that the Department will respond to their request for access to public data in a reasonable time, but that immediate access is not available.

If the requester has provided a name, address and phone number, they should be advised that the Records Supervisor will contact them as soon as the data can be made available.

If the requester does not wish to leave a name and address, they should be advised to return in five working days to determine if the data requested is available for inspection.

All requests for access to public data which are not immediately processed will be forwarded to the Records Supervisor, who will process those requests in an appropriate and prompt manner.

Upon processing the requested data, the Records Supervisor will contact the requester to advise them of the following information:

- a) Whether any data was located based upon their request for public data.
- b) Whether or not the requested data is classified as public.
- c) That the requested data, if available, will be made available for inspection on the next working day during the hours specified for public inspection.
- d) That the public information will be held for inspection for two such periods; however, after that point, the data will be returned to the files and a new *City of Richfield Data Request* form will have to be completed to gain access to the requested public data.
- e) That the public information can be mailed or otherwise transmitted to them; however, they must pay the costs of searching for and retrieving the data, the cost of making and compiling copies, including the cost of employee time, plus the postage or electronically transmitting costs in advance.

Upon the completion of the inspection of public data by a requester or if the public data has been held for inspection for two weeks, the public data will be re-filed.

### **3) Requests For Summary Data**

Unless classified by a state statute, federal law or temporary classification, summary data derived from private or confidential data on individuals is public and the Releasing Authority must prepare the summary data upon the written request of any individual or person.

Within 10 days of receipt of such request, the Releasing Authority must inform the requester of the estimated costs of preparing the summary data, if any. The Releasing Authority must:

- a) Provide the summary data requested as soon as reasonably possible; or
- b) Provide a written statement to the requester, giving a time schedule for preparing the requested data, including reasons for any delays; or
- c) Provide access to the requester to the private or confidential data so that the requester can compile the summary data. Such access will be provided only when the requester signs a non-disclosure agreement; or
- d) Provide a written statement to the requester stating reasons why the requester's access would compromise the private or confidential data.

### **4) Requests for Government Data by Other Government Agencies**

The Records Supervisor may allow another responsible authority access to data classified as other than public only when the access is authorized or required by state statute or federal law.

The Records Supervisor must allow another responsible authority within the welfare system access to data classified as not public when access is necessary for the administration and management of programs, or is authorized or required by statute or federal law. (See MS 13.46, Subd. 1(c) for the definition of "welfare system.")

Access by state agencies or other political subdivisions to data classified as not public is limited only to that which is necessary for the administration and management of authorized programs.

The Department may require the requesting agency to pay the actual cost of supplying the data when the requested data is not provided in the normal course of business and not required by state or federal law.

Data must have the same classification in the hands of the agency receiving it as it had in the agency providing it unless the classification is required to change to meet judicial or administrative requirements. When practical and necessary, the City **shall** indicate the classification of the information if the data is classified as "not public."

When necessary, the requesting agency, if not listed on the "Tennessee Warning", should obtain informed consent from the data subject(s) for information classified as private or confidential.

### **5) City of Richfield Data Request Forms Received By Mail Or Submitted At Times Other Than Those Specified Above For Public Inspection**

*City of Richfield Data Request* forms may be submitted at any time; however, if the requester is not the subject of the data; the data will only be available for public inspection at the times specified.

*City of Richfield Data Request* forms submitted at times other than the hours for immediate public inspection will be routed to the Records Supervisor who will reasonably attempt to make the requested data available for inspection at the next public inspection time.

When the data cannot be provided for public inspection at the next public inspection period, the Records Supervisor will contact the requester and advise them that their request will be responded to in a reasonable time, but the data will not be available at the next public inspection period.

If the requester did not provide a name, address or phone number, the requester will be advised to return during the next public inspection period. If the data cannot be provided for public inspection at that time, the requester will be advised that their request is being processed but is not yet available, and they should return in five work days to determine if the requested data is available at that time.

During the hours for public inspection, individual requests for access to Government data will be given priority over multiple or other time-consuming requests for access to Government data submitted by one person or organization.

Requests for Access to Government Data will not be deemed made until the appropriate completed form is submitted to one of the following persons:

- a) The City Manager, as responsible authority under the Minnesota Data Practices Act; or
- b) The Police Chief; or
- c) The Records Supervisor; or
- d) The on-duty clerical person assigned to the front counter of the Richfield Police Department during normal business hours of 8:00 a.m. to 4:30 p.m. weekdays.

Mail in requests will be deemed made when actually received by the Police Department.

### **RECORD KEEPING REQUIREMENTS**

A separate *City of Richfield Data Request* form must be completed by the requester for each report for which access is requested.

- 1) If access is requested to a summary report routinely maintained by the Richfield Police Department, only one *City of Richfield Data Request* form needs to be submitted for access to such report.
- 2) A *City of Richfield Data Request* form is **not** required to view the Media Report notebook or the Accident Report notebook. However, these books must be signed out.

The Records Supervisor will maintain the original copy of the *City of Richfield Data Request* form to document compliance with applicable laws and for cost analysis in determining the appropriate charges for providing copies of requested data.

A copy of the original *City of Richfield Data Request* form will be attached to the data with all relevant dates and times enclosed thereon.

### **FEES FOR COPIES OF GOVERNMENT DATA**

Pursuant to the Minnesota Government Data Practices Act, and unless otherwise provided for by federal law, state statute or rule, fees for government data **shall** be based on the costs of providing such service. Fees must be reasonable and consistent.

**NOTE:** Fees must not be charged to those individuals and persons who only wish to view data concerning themselves.

**NOTE:** Fees may not be charged for separating public from non-public data.

#### **1) Data Provided At No Charge.**

When access is authorized, copies may be provided at no charge:

- a) When another agency requires or requests the data, access is authorized (see M.S. 13.05, Subd. 9 and 13.46, Subd. 10), and the data is usually provided as part of the normal course of business.
- b) When records, documents, brochures, pamphlets, books, reports, publications, or other data are produced or provided for free distribution to the public. A charge may be assessed if an individual request exceeds normal distribution.

#### **2) Data Provided With Charge.**

When access is authorized, data must be provided at the applicable rate for all other requests, including:

- a) The media, including representatives of newspaper, radio, and television.
- b) Other authorized government agencies who require or request records, documents, publications, or other data which are not usually provided or reproduced as part of the normal course of business.
- c) Records, documents brochures, pamphlets, books, publications, or other data that are not normally provided or reproduce for distribution to the public.

- d) Public and private data on individuals and public data and non-public data not on individuals.

### **3) Collection of Fees**

Generally, fees are to be collected before releasing the data. Except under special circumstances fees may not be "charged" and billed to the requester.

When the estimated cost of providing the data is \$50.00 or more, the employee must collect at least 50% of the estimated costs prior to making, certifying, and compiling the data.

When the estimated costs of providing the data is less than \$50.00 the requested data may be prepared prior to collecting the fees and provided to the requester upon payment of the fees.

### **MISCELLANEOUS PROVISIONS**

#### **1) Release of Public Data Under M.S. 13.82, Subd 2, 3 & 4**

**Arrest Data** (M.S. 13.82, Subd 2) may be released at any reasonable time by the Patrol Section Lieutenant in response to a specific request for such data. As used in this provision, "reasonable time" means any time, 24 hours a day, any day of the week, that such release of data does not directly interfere with police department work of a high priority.

**2) Request for Service Data (M.S. 13.82, Subd. 3)** and Response or Incident Data (M.S. 13.82, Subd. 4) may be released, as deemed appropriate, at any time by the Patrol Section Lieutenant or any other Supervisor directly involved in the incident or who supervised the officers directly involved in the incident to which the Request for Service Data or the Response or Incident Data relates.

*City of Richfield Data Request* forms will be processed in an appropriate and prompt manner consistent with the work load and economic constraints placed upon the Police Services Division of the Richfield Police Department. Responding to *City of Richfield Data Request* forms will be processed by personnel during their regular duty shifts, unless overtime expense has been specifically authorized by the Administrative Section Lieutenant.

The daily functions of the Police Services Division in support of Police Operations on behalf of the City of Richfield will take priority over the processing of *City of Richfield Data Request* forms, except that a clerical employee will be available to process *City of Richfield Data Request* forms during the public inspection times.

### **REQUEST FOR ACCESS TO CITY OF RICHFIELD DATA REQUEST FORM**

#### **1) Purpose**

The *City of Richfield Data Request* form provides a record of the requestor identification information and the government data requested, as well as the action taken by the Records Supervisor or designee and any financial transaction which occurs.

The *City of Richfield Data Request* form should be completed for any one of the following:

- a) For all requests by the public for government data classified as other than public.

**NOTE:** An individual shall not be required to provide his or her name, address or other identifying information when requesting public data even though a fee is assessed---only the transaction is recorded.

**NOTE:** In cases where private data is routinely shared with the data subject, the designee may, with the approval of the Records Supervisor, elect not to complete the "*Request*" form for each request.

- b) For all requests by other government agencies for which the data is not routinely shared or provided in the normal course of business.
- c) For requests for all data (including public data) when a fee is assessed.
- d) For requests for government data when access is denied and the requestor asks for the "written certification of denial" required by M.S. 13.03, subd. 3.

#### **2) Guideline For Use**

The Records Supervisor will instruct all records processing employees on the correct use of the form.

The *City of Richfield Data Request* form is divided into three sections.

**SECTION "A"** records requestor identification information, date of request, and descriptions of data requested. The name, address, and other identifying information cannot be required of an individual requesting public government data. Personal identifying information may be required for requests of data classified as other than public.

For information that is classified as "not public," the employee shall insure that the requestor is the subject of the data (or his/her authorized representative). In order to insure this, the employee should require proof of identity, including but not limited to a valid photo I.D. (such as a driver's license) or a notarized signature when a requestor is not able to appear in person.

**SECTION "B"** records the manner in which the request was received, the classification of the data, and the disposition of the request. This section is **always** completed by the Records Supervisor or designee.


**SECTION "C"** records, when applicable, information pertaining to the charging and collection of fees related to providing government data. A copy or the form may be given to the requestor as a receipt for fees paid.

**GOVERNMENT DATA ACCESS AND NON-DISCLOSURE AGREEMENT FORM**

A "Government Data Access and Non-disclosure Agreement" form is used to protect the confidentiality of government data when the requestor of the summary data will prepare the summary by accessing private or confidential data on individuals. A non-disclosure agreement must contain at least the following:

- 1) A general description of the private or confidential data which is being used to prepare summary data.
- 2) The purpose for which the summary data is being prepared.
- 3) A statement that the preparer (requestor) understands s/he may be subject to the civil or criminal penalty provisions of the Act in the event that the private or confidential data is disclosed.
- 4) A section in which the preparer (requestor), in consideration for being given access to private or confidential data, agrees not to disclose data in any form that would identify or tend to identify an individual, and that s/he also agrees to defend and indemnify the City of Richfield and any of its employees in any legal actions brought as a result of their having access to private or confidential data.
- 5) A description of the civil and criminal penalty provision of the Act.
- 6) The signature of the requestor and the Records Supervisor, or designee.

By Order Of:

  
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Chief of Police