Requesting data using the Minnesota Data Practices Act

In Minnesota, all cities and counties are governed by the "Minnesota Government Data Practices Act" (chapter 13 of the state statutes). Townships, courts and the state legislature are EXEMPT from this law. So this means that court records are not covered by the DPA. But the court system has its own set of “rules” that outline what’s public and what’s not.   
  
**\*\*\*KEY POINT:** The DPA’s basic premise is that **all data is public unless specifically exempted**. So if someone denies your request for data, they must cite the specific portion of the statute that makes that data private. They can't just say "you can't have that." There isn’t a place in the law that specifically says “this data is public.” (In MN, there are a couple of strange exceptions to this, however)

**DO YOUR HOMEWORK!** Before you start writing your request letter, you need to do some homework. This requires some basic reporting. But basically you need to figure out:

--Name of the data you are seeking (usually a database has a specific name or terminology they use to refer to it)

--A basic understanding of what the data contains. You need to make sure this data is going to be what you want. Get someone at the agency to explain to you what the database is used for there? what kinds of information is stored in it? What records are included or not included? (for example, the state patrol has a database of accidents, but it’s only fatality, injury or significant damage accidents. Even then, it’s possible accidents won’t end up in this database if the state patrol is not notified)

--What time frame/universe of data you want. Do you want the last year of data? Last five years of data? Do you want it to include just records for certain types of people? Or certain geographic areas? Or certain types of records?

--Agencies are not required to “create new data” so you need to ask for data that already exists, as close to the structure and format that already exists

**REQUEST LETTER:**

Things to include:

--Very specific listing of what you want. The name of the database. The universe of data in terms of time and scope. Avoid terms like “list” or “report”

--Ask for record layout(s) and codesheet(s), or anything else that might be needed to understand the data.

--Tell them what format you want the data in (delimited text file or other “machine-readable” format; you could also ask for something that is compatible with spreadsheet or database software).

--Tell them how to transfer it to you (is it small enough to email? Put it on a CD and you will pick up? FTP server? Dropbox account?)

--Include this phrase: “If any or all of this request will be denied or redacted, please notify me in advance in writing including the specific DPA citation that categorizes this information as non-public”

--request a fee waiver since you are a journalist working on behalf of the public

--Include this: “If there will be any cost, please provide a written estimate in advance of filling my request.”

--(optional) if you have a particular deadline, ask NICELY for them to get you the data by a particular date

--provide your contact information and ask them to contact you with any questions

**COST:**

The law states they may charge for “actual costs of searching for and retrieving government data, including the cost of the employee time, and for making, certifying, compiling, and electronically transmitting the copies.” (but they don’t have to charge you)

They MAY NOT charge for separating public from private data. They MAY NOT charge for maintenance or the normal operating expenses of a computer. They MAY NOT charge for “validating” the data or confirming the accuracy of the data.

So basically this cost boils down to the number of hours that the employee will spend writing any code necessary to export the data from their system to the file that will be sent to you, multiplied by that person’s salary. My rule of thumb is that this shouldn’t take more than one hour and most IT people are paid around $50 per hour. So anything more than $50 is where I start asking questions.

At that point you would ask them to provide an “itemized breakdown of the work that will be done and the amount of time spent on each task.”

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