

ORDINANCE NO. 239

AN ORDINANCE REGULATING THE DISSEMINATION OF INFORMATION AND COMPLIANCE WITH THE MINNESOTA GOVERNMENT DATA PRACTICES ACT

WHEREAS, to promote the public safety, health and welfare of the City of Arlington;

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA, DOES ORDAIN AS FOLLOWS:

Section 1. *Purpose.* The purpose of this policy is to establish and maintain uniform procedures for the provision and/or prohibition of access to Public Data, Private or Nonpublic Data, and Confidential or Protected Nonpublic Data, as defined under the Minnesota Government Data Practices Act, hereafter referred to as “Act”.

Section 2. *Policy.* It is the Policy of the City of Arlington, hereinafter called City; that it will provide and/or prohibit access to government data in accordance with the Minnesota Government Data Practices Act, such Act to be considered a part of this policy as if reproduced in its entirety herein. In adopting this policy, the City recognizes both its responsibility to its constituents and the interested public and to the subject of the data it collects.

Section 3. *Procedures for Access to Government Data.*

A. General.

All requests to examine or for copies of private or nonpublic data, must be in writing and signed by the requesting party. Requests for government data shall be made to the responsible authority or designee. 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.

Employees and the requesting public should be aware that government records are maintained by certain functional classifications depending upon the purpose and use of the data. Therefore, a request for a certain type of information may not correspond with the City’s alphabetic, numeric or functional method of keeping such records. When this is the case, staff will make an effort to facilitate the identification of the appropriate records, but their collection for review may go beyond their normal scope of work.

If a request for public information is of such a nature or volume as to go beyond the reasonable scope of work, the Responsible Authority may determine the earliest possible date for production and direct same.

B. Examination of the Data.

All Government data falls into one of three categories: Public Data, Private or nonpublic

Data, and Confidential or Protected Nonpublic Data. Before responding to any request, the Responsible Authority must determine the classification in which the requested data falls by consulting the Act or the appropriate statute. Requests for data determined not to be public, must be approved by the Responsible Authority.

1. **Public Data:** Any person upon request to the responsible authority may examine public government data without charge. Any person requesting an opportunity to inspect public information shall be allowed to do so in a conference room or work station under the direct supervision of the Responsible Authority or the Responsible Authority's designee.
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) persons within the City whose work assignment reasonably requires access; c) agencies authorized by state for 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 themselves 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 themselves by appropriate identification acceptable to the Responsible Authority. The Responsible Authority cannot disclose the actual confidential data is maintained on him/her. The subject of the data may gain access to this knowledge only upon: a) appearance at the City Office with a Minnesota driver's license or other picture identification acceptable to the City; or b) appearance by the subject's personal representative identified by a Minnesota driver's license or other picture identification acceptable to the City and with a written and notarized authorization by the subject of the data.

C. Explanation of the Data.

Employees are not able to interpret policy decisions of legislative bodies. Therefore, the Responsible Authority and other city employees are not expected or authorized to provide such interpretations or explanations of data. They may only provide minutes, resolutions and other factual documentation of such decisions.

D. Copies of Data

Any person, upon written request to the Responsible Authority, may receive copies of any data which he/she is entitled to inspect. The Responsible Authority will provide copies, within a reasonable time, after receipt of the written request. Reasonable response time, for the purpose of this section, shall be considered to be no more than 5 business days after receipt of the written request for copies of the data, unless the volume

of the request and/or the time demands of the Responsible Authority's other regular duties, require a longer response time.

Copies of requested information shall be provided at a rate established by the City Council from time to time in their annual Fee and Rate Schedule Resolution. Under any other circumstances, the Responsible Authority may require the person requesting the copies of data to pay the actual costs of searching for and retrieving the data, including the cost of employee time, and for making, certifying, compiling and electronically transmitting the copies of the data.

A City employee shall prepare all copies.

When a request involves data that has commercial value and is entire formula, pattern, compilation, program, devise, method, technique, process, data base, or system developed with a significant expenditure of public funds, the Responsible Authority may charge a reasonable fee for the data in addition to charges of producing the copies.

E. No original documents may be loaned or checked out.

Section 4. *Responsible Authority.* The Responsible Authority for purposes of this ordinance shall be the City Administrator or their designee, or such other city official or staff person as designated by the City Council by resolution from time to time.

Section 5. *Responsibility.* The Responsible Authority shall have primary responsibility for the implementation and coordination of this policy and the Minnesota Government Data Practices Act.

This ordinance shall become effective immediately upon publication.

For City of Arlington:

By James R. Kreft
Its Mayor

By Matthew Jaunich
Its City Administrator

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Second Reading: March 2, 2009
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