

Data Practices Policy for Members of the Public

The Office of the Legislative Auditor (OLA) is subject to the Minnesota Government Data Practices Act (MGDPA), *Minnesota Statutes*, Chapter 13.¹ The MGDPA governs access to “government data”; this term applies to virtually all recorded information maintained by OLA.

This policy provides information about how members of the public can request access to data maintained by OLA.

What Data Does OLA Maintain?

Most of the information OLA maintains is related to the audits, evaluations, special reviews, inquiries, or investigations we conduct. To understand what kind of information OLA generally maintains, please consult our reports available on our website:

<https://www.auditor.leg.state.mn.us/>. These reports contain a significant amount of information, and they are immediately available without charge.

OLA also maintains information related to our personnel, budget, and other administrative activities.

OLA does not maintain data on behalf of the Minnesota Legislature, either legislative body, other legislative entities, or any individual legislator. Similarly, OLA does not maintain data on behalf of any other governmental agency or entity. OLA cannot accept requests on behalf of other agencies or obtain information from other agencies to respond to a data request to OLA. As a result, if you are interested in data related to the Legislature, legislators, or other agencies, you should contact the appropriate responsibility for that agency or entity.

Public and Not Public Data

Under the MGDPA, all government data are presumed to be public unless designated otherwise by a state or federal law. Public data are available to anyone.

However, a significant portion of the data OLA maintains are classified as “not public” by state or federal law. Under *Minnesota Statutes*, 3.979, subd. 1, OLA “shall protect from unlawful disclosure data classified as not public.” Not public data are not accessible by the general public, but may be accessible to data subjects; to other government entities, as permitted or required by law; as directed by the Legislative Audit Commission; or pursuant to a court order. Not public data include data that are classified as private, confidential, nonpublic, or protected nonpublic.

¹ See *Minnesota Statutes*, 3.979, subd. 1.

How to Request Public Data

You must make a written request via web form, email, or paper mail to the Responsible Authority, Designee, or Data Practices Compliance Official, as follows:

- **Web Form:** You may submit a request for data by completing the Request for Public Government Data Form accessible via OLA's website.
- **Email:** You may email your data request to datapactices.ola@state.mn.us.
- **Paper Mail:** You may mail your request to Legislative Auditor Judy Randall, c/o Nathan Shepherd, 658 Cedar Street, Room 140, Saint Paul, Minnesota 55155.

If you choose not to use the data request web form, your written request should include:

- That you, as a member of the public, are making a request for data under the MGDPA.
- Whether you would like to look at the data, get copies of the data, or both.
- A clear description of the data you would like to inspect or have copied (be as specific as possible, including subject matter, dates, etc.).

NOTE: Information about data requests is generally public, including the name of an individual making a public data request and the nature of the request.

When requesting public data, you are not required to identify yourself or explain the reason for your data request. However, providing contact information allows OLA to contact you for any needed clarifications of your request and will aid OLA in providing you with copies of public data. Similarly, providing further information about your request, such as the goal or purpose of the request, may help us better identify responsive data or identify ways to provide that data more quickly. If we do not understand your request and have no way to contact you, we cannot respond to your request.

How We Will Respond to Your Data Request

We will generally respond to data requests in the order in which they were received and will provide a response within a reasonable time.

After we review your request, we may ask you to provide clarifying information about the data you requested.

If the data you requested are not public, we will inform you in writing of the legal basis for the not public classification as soon as reasonably possible. If the data are private or nonpublic and you are the subject, we will ask you to verify your identity or authority in order to provide access.

If the data you requested are public, we will respond to your request by doing one of the following:

- For requests to inspect data, arrange for you to review the requested data during OLA's normal operating hours.
- For requests to receive copies of data maintained in an electronic format, provide you with the data by email or through a remote download portal. Whether the data will be emailed or made available to download will depend on the size, type, and classification of the responsive data, or other factors.
- For requests to receive physical copies of data, we will mail the data to you or arrange for you to retrieve the requested data during OLA's normal operating hours.

If there is a cost for obtaining the data, we will inform you of the cost and any prepayment requirement before preparing the responsive data.

If we cannot reach you about your request, we will consider your request to have been abandoned. Similarly, if you do not respond to a request for clarification, for prepayment, or to make arrangements to inspect or retrieve data within 10 business days, we will conclude that you no longer want the data and will consider your request closed.

Requests for data related to audits, evaluations, special reviews, inquiries, or investigations will be interpreted as requests for workpapers, unless your request indicates you want other types or formats of data.

OLA must keep records containing government data in such an arrangement and condition as to make them easily accessible for convenient use. However, response times may be impacted by the size and/or complexity of your request, and also by the number of requests you make in a given period of time.

The MGDPA generally does not require us to create or collect new data in response to a data request, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. We are also not required to respond to questions that are not about your data request, or that do not request government data. However, as required by law, OLA will prepare summary data from private or confidential data on individuals if you submit a request in writing.

If you need assistance understanding the data provided in response to your request, please email datapactices.ola@state.mn.us.

Costs

If you do not want copies of data, you have the right to inspect public data free of charge. You may also look at data without charge before requesting copies.

Minnesota Statutes, 13.03, subd. 3(c), authorizes OLA to charge for copies of public data. We may require payment for the copies before we give them to you and will provide you with an estimate of the cost of providing copies, if applicable.

OLA generally does not charge for responsive data contained on 100 or fewer pages of black and white, letter or legal-size paper. For requests for data estimated to be 100 pages or more, as well as for photographs, recordings, etc., we may charge the actual time-cost for an employee to search for and retrieve the data, make paper copies, or prepare electronic data to be provided to you. OLA may charge for the costs of mailing physical copies of data or for the costs of physical media needed to provide electronic data in a physical format. The actual cost of an employee to search and prepare data will be calculated using the lowest paid employee who can perform the work.

OLA requires payment, in advance of its preparation, for the estimated cost of preparing summary data.

Data Practices Contacts

Responsible Authority

Judy Randall, Legislative Auditor
datapactices.ola@state.mn.us
Office of the Legislative Auditor
658 Cedar Street, Room 140
Saint Paul, Minnesota 55155
[651-296-4708](tel:651-296-4708)

Designee & Data Practices Compliance Official

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