

Data Practices Policy for Members of the Public

The Office of the Minnesota Secretary of State (OSS) serves as a depository for certain public data, especially related to businesses, secured financing and elections, as well as official documents of the state. In accordance with Minnesota Statutes, OSS routinely produces several types of lists, which are available on the office's Web site or sold in accordance with Minnesota Statutes, chapters 5, 13 and 201.

It is important to note that Minnesota Statutes, chapter 13, states that OSS is not required to provide materials that do not already exist. However, OSS may at its discretion make arrangements with a requestor to provide customized materials for a fee.

Right to Access Public Data

The Government Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public unless a state or federal law says the data are not public. Government data is a term that means all recorded information a government entity has, including paper, email, DVDs, photographs, etc.

The Government Data Practices Act also provides that this government entity must keep all government data in a way that makes it easy for you, as a member of the public, to access public data. You have the right to look at (inspect), free of charge, all public data that we keep. You also have the right to get copies of public data. The Government Data Practices Act allows us to charge for compiling data in certain circumstances and for copies. You have the right to look at data, free of charge, before deciding to request copies. Requestors may use their own scanners or copiers to copy inspected material, except when such an act may damage the inspected material. Computer data may be inspected on a computer screen except where this is not physically possible, in which case a hard copy of computer data will be provided at no charge for inspection only.

How to Make a Data Request

To look at data or request copies of data that this government entity keeps, you must make a written request. Submit your request for data to the appropriate individual listed in the Data Practices Contacts on page 3. You may make your request for data by mail, fax or email, using the data request form on page 5.

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

- that you, as a member of the public, are making a request for data under the Government Data Practices Act, Minnesota Statutes, Chapter 13;
- whether you would like to look at the data, get copies of the data, or both; and
- a clear description of the data you would like to inspect or have copied.

This government entity cannot require you, as a member of the public, to identify yourself or explain the reason for your data request. However, depending on how you want us to process your request (if, for example, you want us to mail you copies of data), we may need information about you to fulfill the request. If you choose not to give us any identifying information, we will provide you with contact information so you may check on the status of your request. In addition, please keep in mind that **if** we do not understand your request and have no way to contact you, we will not be able to begin processing your request.

How We Respond to a Data Request

Upon receiving your request, we will work to process it.

- If we do not have the data, we will notify you in writing as soon as reasonably possible.
- If we have the data, but the data are not public, we will notify you as soon as reasonably possible and state which specific law says the data are not public.
 - If we have the data, and the data are public, we will respond to your request appropriately and promptly, within a reasonable amount of time by providing an estimate of the cost of your request.
 - If you agree to pay the estimated cost, we will then proceed by doing one of the following:
 - arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
 - provide you with copies of the data as soon as reasonably possible. You may choose to pick up your copies, or we will mail or fax them to you. If you want us to send you the copies, you will need to provide us with an address or fax number.

Information about copy charges is on page 4. We also will arrange for you to pre-pay for the copies.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will provide an explanation if you ask.

The Government Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. (For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request.) If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

In addition, the Government Data Practices Act does not require us to answer questions that are not requests for data.

Requests for Summary Data

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. The preparation of summary data is not a means to gain access to private or confidential data. We will prepare summary data if you make your request in writing and pre-pay the cost of creating the data. Upon receiving your written request -you may use the data request form on page 5 -we will respond within a reasonable period with the data or details of whether we will be able to create the summary data, when the data will be ready and how much we will charge.

Data Practices Contacts

Responsible Authority

Steve Simon, Secretary of State
180 State Office Building
100 Rev. Dr. Martin Luther King, Jr. Boulevard,
Saint Paul MN 55155
Phone, 651-201-1324; Fax, 651-296-9073; Secretary.State@state.mn.us

Data Practices Compliance Official

Bibi Black
180 State Office Building,
100 Rev. Dr. Martin Luther King, Jr. Boulevard,
Saint Paul MN 55155
Phone, 651-201-1326; Fax, 651-296-9073; Bibi.Black@state.mn.us

Method of Payment

Requesters must present payment prior to delivery of data. Requesters may pay by check, cash or money order. Checks should be addressed to the "Office of the Minnesota Secretary of State." Depending upon the nature of the request, credit card payments may be accepted. Please inquire in advance should you wish to pay using a credit card.

Standard products and customized business data practices requests can be picked up at the Business Services Center counter at First National Bank Building, 332 Minnesota St, Suite N201, St. Paul, Minnesota. Parking is available in the parking lot in front of that building.

Customized elections data practices requests can be picked up at the Elections Center counter at 180 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd, St. Paul, Minnesota. Parking is available at meters on the surrounding streets or in the parking lot at the northwest corner of Rice Street and Aurora Avenue, to the west of the State Office Building.

For more information, contact Bibi Black at bibi.black@state.mn.us or 651-201-1326.

Copy Costs - Members of the Public

NOTE: There is no charge for journalists, researchers, members of the media, or persons with non-commercial uses, who are requesting the Business Services Bulk Database.

This government entity charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c). There are also other statutes and rules under Minnesota law that govern the sale of data by OSS.

You must pay for the copies before we will give them to you.

For 100 or fewer copies – 25 cents per page.

Most Other Types of Copies -Actual cost

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email).

In determining the actual cost of compilation and making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The basic cost of employee time to search for data, retrieve data, and make copies is in excess of \$29.88 per hour.

If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.

Copy Charges Set by Statute or Rule

There are other statutes and rules that govern the provision of data to the public, for example, Minnesota Statutes, section 5.12, and those fees will prevail where applicable.

Data Request Form - Members of the Public

Date of request:

I am requesting access to data in the following way:

Inspection (free)

Copies (charge)

Both inspection and copies (charge for copies)

These are the data I am requesting:

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

NOTE: There is no charge for journalists, researchers, members of the media, or persons with non-commercial uses, who are requesting the Business Services Bulk Database.

Contact Information

Name:

Address:

Phone Number:

Email Address:

You do not have to provide any of the above contact information. However, if you want us to email you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information we will not be able to begin processing your request until you contact us.

We will respond to your request as soon as reasonably possible.



STATE OF MINNESOTA
Office of Minnesota Secretary of State
Steve Simon

August 1, 2022

I, Steve Simon, Secretary of State of Minnesota, do hereby approve and adopt the attached policy entitled Data Practices Policy for Members of the Public as of this date, August 1, 2022, by my signature affixed below.

A handwritten signature in black ink that reads "Steve Simon". The signature is written in a cursive style and is positioned above a horizontal line.

Steve Simon
Secretary of State