

## 13.5 ACCESS TO PUBLIC GOVERNMENT DATA

On a request made to the responsible authority<sup>1</sup> or his or her designee, a person shall be permitted to inspect and copy public government data at reasonable times and places.<sup>2</sup> The responsible authority may not charge a fee for the inspection of the data; however, if copies are requested, it may require the requesting person to pay the actual costs of searching for and retrieving the data and for making, certifying, or electronically transmitting copies of the data.<sup>3</sup> The agency may not charge for separating public from not public data. However, if 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and instead, the responsible authority may charge no more than 25 cents for each page copied.<sup>4</sup> If copies cannot be provided at the time of the request, they must be provided as soon thereafter as possible.<sup>5</sup>

If the responsible authority or designee determines that the requested data is classified in a manner that precludes access, he or she must inform the person requesting access, either orally at the time of the request or in writing as soon thereafter as possible.<sup>6</sup> Access may not be denied because a document has both public and not public data unless the public and not public data are so inextricably intertwined that segregation of the material would impose a significant financial burden and leave the document with little informational value.<sup>7</sup> In informing the person requesting access that access is denied, the responsible authority or designee must cite the specific state statute, temporary classification, or federal law that establishes the classification prohibiting public access.<sup>8</sup> On request, the responsible authority or designee must certify in writing that access is being denied and the specific state statute, temporary classification, or federal law that prohibits access.<sup>9</sup>

<sup>1</sup> MINN. STAT. § 13.02, subd. 16 (2014) (defining *responsible authority* in state agency or statewide system as “the state official designated by law or by commissioner as individual responsible for collection, use and dissemination of any set of data on individuals, government data, or summary data”; *responsible authority* in any political subdivision as “the individual designated by governing body of that political subdivision as the individual responsible for collection, use, and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law. Until an individual is designated by the political subdivision's governing body, the responsible authority is: (1) for counties, the county coordinator or administrator. If the county does not employ a coordinator or administrator, the responsible authority is the county auditor; (2) for statutory or home rule charter cities, the elected or appointed city clerk. If the home rule charter does not provide for an office of city clerk, the responsible authority is the chief clerical officer for filing and record keeping purposes; (3) for school districts, the superintendent; and (4) for all other political subdivisions, the chief clerical officer for filing and record keeping purposes.”).

<sup>2</sup> *Id.* § 13.03, subd. 3.

<sup>3</sup> *Id.*(b).

<sup>4</sup> *Id.*(c); Demers v. City of Minneapolis, 468 N.W.2d 71, 75 (Minn. 1991).

<sup>5</sup> MINN. STAT. § 13.03, subd. 3(c) (2014).

<sup>6</sup> *Id.*(f).

<sup>7</sup> Nw. Publ'ns Inc. v. City of Bloomington, 499 N.W.2d 509, 511 (Minn. Ct. App. 1993)

<sup>8</sup> MINN. STAT. §13.03, subd. 3(f) (2014).

<sup>9</sup> *Id.*