

OFFICIAL CITY POLICY

CITY OF GOLDEN VALLEY

General Information	
Policy Title: Data Practices Policy for Data Subjects	Department: Legal
Policy Owner (job title): City Clerk	Policy ID: LEG 301
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Policy Overview

Policy Description:

This policy explains the rights of data subjects to access and request copies of government data under the [Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13](#) (the “Data Practices Act”).

Purpose & Scope:

The Data Practices Act requires the City to prepare a written policy of the rights of data subjects under the Act and the specific procedures used by the City for access by a data subject to public or private data on individuals. This policy explains the rights of data subjects and tells individuals how to request data about themselves, their minor child, or someone for whom they are the legal guardian. This policy includes information on the following topics:

- General Obligations
- Classification of Data about You
- Your Rights Under the Data Practices Act
- How to Make a Request for Your Data
- How the City Responds to a Data Request
- Fees for Data Subjects
- Standards for Verifying Identity

Definitions:

For purposes of this policy, the terms below shall have the following meanings:

- **Data on Individuals** – Data in which any individual is or can be identified as the subject of that data. Individuals are natural persons, and include parents and guardians for minors or incapacitated persons.
- **Employee time** – Full labor costs of wages and benefits of the lowest-paid employee(s) that would have access to the data.
- **Government Data** – Means all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use.
- **Redaction** – Separating public data from not public data. Government entities cannot charge for redaction.
- **Search and retrieval time** – The amount of time an employee spends searching for and retrieving government data, and for making, certifying, and electronically transmitting copies of the data or the data.
- **Subject of Data** – An individual is the subject of data when the individual can be identified from the data.
- **You** – A member of the public requesting government data.

Related Documents, Materials & Resources:

- [City of Golden Valley's Online Data Request Portal](#)
- [Data Practices Policy for Members of the Public](#)
- [Minnesota Data Practices Act, Minnesota Statutes, Chapter 13](#)
- [Minnesota Data Practices Office](#)

General Obligations

The Data Practices Act says data subjects have certain rights related to a government entity collecting, creating, and keeping government data about them. Under the Data Practices Act, the City must keep all government data on individuals in a way that makes it easy for data subjects to access data about themselves. The City can collect and keep only those data about individuals needed for administering and managing programs that are permitted by law.

Classification of Data about You

The Data Practices Act presumes all government data are public unless a state or federal law says the data are not public. Data about you are classified by state law as follows:

- **Your Public Data:** Some data about you is classified under the Government Data Practices Act as public data. For example, your name on an application for a license from the City is public data. The Government Data Practices Act presumes all government data are public unless a state or federal law says the data are not public. The City must give public data to anyone who asks. It does not matter who is asking for the data or why the person wants the data.
- **Your Private Data:** Some data about you is classified as private data. For example, an employee's Social Security number is private data. The City cannot give private data to the public. The City can share your private data with you, with someone who has your permission, with government entity staff whose job requires or permits them to see the data, and with others as permitted by law or court order.
- **Your Confidential Data:** Some data about you is classified as confidential data. For example, your identity as mandated reporter of child abuse or neglect is confidential data. Confidential data have the most protection. Neither the public nor you can access confidential data, even when the confidential data are about you. The City can share confidential data about you with government entity staff who have a work assignment to see the data, and with others as permitted by law or court order.

Your Rights Under the Data Practices Act

Access to Your Data

You have the right to look at (inspect), free of charge, public and private data the City keeps about you. You also have the right to get copies of public and private data about you. The Data Practices Act sets the amount the City may charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

If you ask, City staff will tell you whether the City keeps data about you and whether the data are public, private, or confidential.

As a parent, you have the right to look at and get copies of public and private data about your minor children (under age 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask the City not to give data about them to their parent or guardian. If you are a minor, the City will tell you that you have this right. The City may ask you to put your request in writing and to include the reasons the City should deny your parents access to the data. The City will make the final decision about your request based on the factors listed in Minnesota Administrative Rule 12.05.0500, subpart 3(B). Minors do not have this right if the data in question are educational data maintained by an educational agency or institution.

When the City Collects Data From You

When the City asks you to provide data about yourself that are not public, the City must give you a notice. The notice is sometimes called a Data Practices or Tennessee Warning. The notice controls what the City does with the data it collects from you. Usually, the City can use and release the data only in the ways described in the notice.

The City will ask for your written permission if it needs to use or release private data about you in a different way, or if you ask the City to release the data to another person. This permission is called informed consent. If you want the City to release data to another person, you may use the consent form provided by City staff.

Protecting Your Data

The Data Practices Act requires the City to protect your data. The City has established appropriate safeguards to ensure your data are safe.

When Your Data are Inaccurate or Incomplete

You have the right to challenge the accuracy and completeness of public and private data about you. You also have the right to appeal the City's decision. If you are a minor, your parent or guardian has the right to challenge data about you.

How to Make a Request for Your Data

You may request to look at (inspect) data or obtain copies of data we keep about you, your minor children, or an individual for whom you have been appointed legal guardian. You must make this request in writing. You can request data by making a data request on [the City of Golden Valley's Online Data Request Portal](#).

You may also choose not to use the online data request portal. If you chose not to use the online portal, your emailed, mailed, or faxed request should include:

- a statement that you are making a request for public data under the [Government Data Practices Act, Minnesota Statutes, Chapter 13](#)
- a clear description of the data you would like to inspect or have copied
- instructions for delivering the data to you, stating whether you would like to look at the data, receive copies of the data, or both
- identifying information that proves you are the data subject, or data subject's parent/guardian

The City of Golden Valley may require proof of your identity before staff can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity included in this policy. If you do not provide proof that you are the data subject, the City cannot respond to your request.

How the City Responds to a Data Request

Upon receiving your request, the City will process it as follows.

- If it is not clear what data you are requesting, City staff will ask you for clarification.
- If the City does not have the data, staff will notify you in writing within 10 business days.
- If the City has the data but the data are confidential or private data that are not about you, staff will notify you within 10 business days and state which specific law says you cannot access the data.
- If the City has the data and the data are public or private data about you, staff will respond to your request within 10 business days 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
 - provide you with copies of the data within 10 business days. You may choose to pick up your copies, or staff will mail, email or fax them to you. The City will provide electronic copies (such as CD-ROM) upon request if the data is normally kept in an electronic format.

After the City has provided you access to data about you, the City does not have to show you the data again for six months unless there is a dispute or the City collects or creates new data about you.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let City staff know. The City will give you an explanation if you ask.

If you do not inspect or collect copies of the data you requested within five business days of being notified they are available, further responses will be suspended. Work will resume only after you inspect or collect the data.

Staff may need additional information in order to fulfill your request. If you are contacted about your request and you do not respond within 10 days, your request may be considered 'abandoned' and closed.

The Data Practices Act does not require the City to create or collect new data in response to a data request if the City does not already have the data, or to provide data in a specific form or arrangement if the data is not kept in that form or arrangement. For example, if the data you request are on paper only, the City is not required to create electronic documents to respond to your request. If the City agrees to create data in response to your request, staff will work with you on the details of your request, including cost and response time.

In addition, we are not required under the Data Practices Act to respond to questions that are not specific requests for data.

Fees for Data Subjects

The City of Golden Valley may charge you the actual cost for copies of government data about you. These charges are authorized under [Minnesota Statutes, section 13.04, subdivision 3](#).

All charges must be paid in full before the data is released. The charges below may vary when a charge is set by statute or rule.

Actual Cost of Making Copies

In determining the actual cost of making copies, the City includes the actual cost for an employee to make and transmit paper copies or copies of electronically stored data, as well as the actual cost of materials. The City does not include charges for redaction or for searching for and retrieving data. Employee time is calculated using the lowest-paid employee(s) that would have access to the data.

Prior to processing your request, the City will provide you with an estimation of the total cost. However, the actual fees charged may differ. The City strives to provide estimates that are as accurate as possible but cannot guarantee the final cost of the request until the request is complete. You will only be charged the actual cost of fulfilling your request.

If your request is for copies of data City staff cannot copy in-house, such as photographs, the City will charge you the actual cost the City must pay an outside vendor for the copies.

Standards for Verifying Identity

The following constitute proof of identity.

An **adult individual** must provide a valid photo ID, such as a:

- state driver's license
- military ID
- passport
- Minnesota ID
- Minnesota tribal ID

A **minor individual** must provide a valid photo ID, such as a:

- state driver's license
- military ID
- passport
- Minnesota ID
- Minnesota tribal ID

- Minnesota school ID

The **parent or guardian of a minor** must provide a valid photo ID **and** either a:

- certified copy of the minor's birth certificate or
- certified copy of documents that establish the parent or guardian's relationship to the child, such as:
 - a court order relating to divorce, separation, custody, foster care
 - a foster care contract
 - an affidavit of parentage

The **legal guardian for an individual** must provide a valid photo ID **and** a certified copy of appropriate documentation of formal or informal appointment as guardian, such as:

- court order(s)
- valid power of attorney

Note: Individuals who do not exercise their data practices rights in person must provide *either* notarized or certified copies of the required documents *or* an affidavit of ID.