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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2549

02/27/2012 Authored by Holberg
The bill was read for the first time and referred to the Committee on Civil Law

1.1 A bill for an act
1.2 relating to state government; adding a provision to government data practices
1.3 allowing access to public government data online; amending Minnesota Statutes
1.4 2010, section 13.03, subdivision 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 13.03, subdivision 3, is amended to read:

1.7 Subd. 3. **Request for access to data.** (a) Upon request to a responsible authority
1.8 or designee, a person shall be permitted to inspect and copy public government data at
1.9 reasonable times and places, and, upon request, shall be informed of the data's meaning. If
1.10 a person requests access for the purpose of inspection, the responsible authority may not
1.11 assess a charge or require the requesting person to pay a fee to inspect data.

1.12 (b) For purposes of this section, "inspection" includes, but is not limited to, the
1.13 visual inspection of paper and similar types of government data. Inspection does not
1.14 include printing copies by the government entity, unless printing a copy is the only
1.15 method to provide for inspection of the data. In the case of data stored in electronic form
1.16 and made available in electronic form on a remote access basis to the public by the
1.17 government entity, inspection includes remote access to the data by the public and the
1.18 ability to print copies of or download the data on the public's own computer equipment.
1.19 Nothing in this section prohibits a government entity from charging a reasonable fee for
1.20 remote access to data under a specific statutory grant of authority. A government entity
1.21 may charge a fee for remote access to data where either the data or the access is enhanced
1.22 at the request of the person seeking access.

1.23 (c) The responsible authority or designee shall provide copies of public data upon
1.24 request. If a person requests copies or electronic transmittal of the data to the person,

2.1 the responsible authority may require the requesting person to pay the actual costs of
2.2 searching for and retrieving government data, including the cost of employee time, and for
2.3 making, certifying, and electronically transmitting the copies of the data or the data, but
2.4 may not charge for separating public from not public data. However, if 100 or fewer pages
2.5 of black and white, letter or legal size paper copies are requested, actual costs shall not be
2.6 used, and instead, the responsible authority may charge no more than 25 cents for each
2.7 page copied. If the responsible authority or designee is not able to provide copies at the
2.8 time a request is made, copies shall be supplied as soon as reasonably possible.

2.9 (d) When a request under this subdivision involves any person's receipt of copies
2.10 of public government data that has commercial value and is a substantial and discrete
2.11 portion of or an entire formula, pattern, compilation, program, device, method, technique,
2.12 process, database, or system developed with a significant expenditure of public funds by
2.13 the government entity, the responsible authority may charge a reasonable fee for the
2.14 information in addition to the costs of making and certifying the copies. Any fee charged
2.15 must be clearly demonstrated by the government entity to relate to the actual development
2.16 costs of the information. The responsible authority, upon the request of any person, shall
2.17 provide sufficient documentation to explain and justify the fee being charged.

2.18 (e) The responsible authority of a government entity that maintains public
2.19 government data in a computer storage medium shall provide to any person making a
2.20 request under this section a copy of any public data contained in that medium, in electronic
2.21 form, if the government entity can reasonably make the copy or have a copy made.
2.22 This does not require a government entity to provide the data in an electronic format or
2.23 program that is different from the format or program in which the data are maintained
2.24 by the government entity. The entity may require the requesting person to pay the actual
2.25 cost of providing the copy.

2.26 (f) If the responsible authority or designee determines that the requested data is
2.27 classified so as to deny the requesting person access, the responsible authority or designee
2.28 shall inform the requesting person of the determination either orally at the time of the
2.29 request, or in writing as soon after that time as possible, and shall cite the specific
2.30 statutory section, temporary classification, or specific provision of federal law on which
2.31 the determination is based. Upon the request of any person denied access to data, the
2.32 responsible authority or designee shall certify in writing that the request has been denied
2.33 and cite the specific statutory section, temporary classification, or specific provision of
2.34 federal law upon which the denial was based.

2.35 (g) The responsible authority or designee of a government entity may comply with
2.36 a request for inspection or copies of public government data, in whole or in part, by

3.1 providing a link or links to a specific Web site that contains the requested data online. A
3.2 government entity may only use this paragraph to comply with a request to inspect and/or
3.3 copy government data if all of the following conditions are met:

3.4 (1) data are classified as public;

3.5 (2) data already exist online or are placed online immediately or within ten business
3.6 days of the request;

3.7 (3) data are on a currently available and online public Web site;

3.8 (4) the responsible authority or designee provides links and instructions to each
3.9 individual requester so that the requested data are easily accessible;

3.10 (5) other data not provided according to this paragraph and the government entity's
3.11 response time to the data request are consistent with the requirements of sections 13.03
3.12 and 13.04; and

3.13 (6) no fee is charged for access to the data online.

3.14 (h) Upon request, a government entity that complies with a data request according
3.15 to paragraph (g) must inform the data requester if the online data are maintained in
3.16 another electronic format and provide reasonable access to the alternative electronic
3.17 format through e-mail or another electronic delivery method. No fee may be charged for
3.18 providing the data in an alternative electronic format under this paragraph.