

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 1718

(SENATE AUTHORS: LIMMER)

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to data practices; modifying requirements for a government entity denying
- 1.3 access to data; amending Minnesota Statutes 2016, section 13.03, subdivision 3.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. Minnesota Statutes 2016, section 13.03, subdivision 3, is amended to read:
- 1.6 Subd. 3. **Request for access to data.** (a) Upon request to a responsible authority or
- 1.7 designee, a person shall be permitted to inspect and copy public government data at
- 1.8 reasonable times and places, and, upon request, shall be informed of the data's meaning. If
- 1.9 a person requests access for the purpose of inspection, the responsible authority may not
- 1.10 assess a charge or require the requesting person to pay a fee to inspect data.
- 1.11 (b) For purposes of this section, "inspection" includes, but is not limited to, the visual
- 1.12 inspection of paper and similar types of government data. Inspection does not include
- 1.13 printing copies by the government entity, unless printing a copy is the only method to provide
- 1.14 for inspection of the data. In the case of data stored in electronic form and made available
- 1.15 in electronic form on a remote access basis to the public by the government entity, inspection
- 1.16 includes remote access to the data by the public and the ability to print copies of or download
- 1.17 the data on the public's own computer equipment. Nothing in this section prohibits a
- 1.18 government entity from charging a reasonable fee for remote access to data under a specific
- 1.19 statutory grant of authority. A government entity may charge a fee for remote access to data
- 1.20 where either the data or the access is enhanced at the request of the person seeking access.
- 1.21 (c) The responsible authority or designee shall provide copies of public data upon request.
- 1.22 If a person requests copies or electronic transmittal of the data to the person, the responsible
- 1.23 authority may require the requesting person to pay the actual costs of searching for and

retrieving government data, including the cost of employee time, and for making, certifying, and electronically transmitting the copies of the data or the data, but 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. If the responsible authority or designee is not able to provide copies at the time a request is made, copies shall be supplied as soon as reasonably possible.

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

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

(f) If the responsible authority or designee determines that the requested data is classified so as to deny the requesting person access, the responsible authority or designee shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible, and shall cite the specific statutory section, including the statutory section's subdivision, paragraph, or clause, if applicable, temporary classification, or specific provision of federal law on which the determination is based. Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, including the statutory section's subdivision, paragraph, or clause, if applicable, temporary classification, or specific provision of federal law upon which the denial was based.