

1205.0700 ACCESS TO SUMMARY DATA.

Subpart 1. **General.** Pursuant to Minnesota Statutes, section 13.05, subdivision 7, the responsible authority shall comply with the following general rules concerning access to summary data. Summary data is public data, unless classified by statute, federal law, or temporary classification as not public. The responsible authority shall comply with part 1205.0300 concerning access to public data.

Subp. 2. **Definitions.** For the purposes of administering Minnesota Statutes, section 13.05, subdivision 7, the following terms shall have the meanings given them:

A. "Administrative officer" includes, but is not limited to, the entity's research director, statistician, or computer center director.

B. "Person outside" the entity includes the person requesting the summary data or any other person designated by the person requesting the data.

Subp. 3. **Access procedures.** The responsible authority shall prepare and implement procedures in his/her agency to assure that access to summary data is provided pursuant to Minnesota Statutes, section 13.05, subdivision 7. In the preparation and administration of such procedures, the responsible authority shall comply with the following.

Subp. 4. **Responding to requests for summary data.** Preparation of summary data may be requested by any person. The request shall be in writing in a form provided by the responsible authority. Within ten days of the receipt of such a request, the responsible authority shall inform the requester of the estimated costs if any, pursuant to subpart 7 and subject to the provisions of that subpart either:

A. provide the summary data requested; or

B. provide a written statement to the requester, describing a time schedule for preparing the requested summary data, including reasons for any time delays; or

C. provide access to the requester to the private or confidential data for the purpose of the requester's preparation of summary data, pursuant to Minnesota Statutes, section 13.05, subdivision 7, and subpart 5; or

D. provide a written statement to the requester stating reasons why the responsible authority has determined that the requester's access would compromise the private or confidential data.

Subp. 5. **Nondisclosure agreement.** A nondisclosure agreement, as required by Minnesota Statutes, section 13.05, subdivision 7 shall contain at least the following:

A. a general description of the private or confidential data which is being used to prepare summary data;

B. the purpose for which the summary data is being prepared; and

C. a statement that the preparer understands he/she may be subject to the civil or criminal penalty provisions of the act in the event that the private or confidential data is disclosed.

Subp. 6. **Methods of preparing summary data.** Methods of preparing summary data include but are not limited to the following:

A. removing from a set of data, a file, or a record keeping system all unique personal identifiers so that the data that remains fulfills the definition of summary data as defined by Minnesota Statutes, section 13.02, subdivision 19; and

B. removing from the entity's report of any incident, or from any collection of data similar to an incident report, all unique personal identifiers so that the resulting report fulfills the definition of summary data in Minnesota Statutes, section 13.02, subdivision 19.

For the purpose of this part, "removing all unique personal identifiers" includes but is not limited to blacking out personal identifiers on paper records, tearing off or cutting out the portions of paper records that contain the personal identifiers, and programming computers in such a way that printed, terminal, or other forms of output do not contain personal identifiers.

Subp. 7. **Paying for preparation of summary data.** Any costs incurred in the preparation of summary data shall be borne by the requesting person. In assessing the costs associated with the preparation of summary data, the responsible authority shall:

A. be guided by the provisions of part 1205.0300 in determining costs;

B. provide to the requesting person an estimate of the costs associated with the preparation of the summary data;

C. prior to preparing or supplying the summary data, collect any funds necessary to reimburse the entity for its costs;

D. charge no more than reasonable copying costs when the summary data being requested requires only copying and no other preparation; and

E. take into account the reasonable value to the entity of the summary data prepared and where appropriate reduce the costs assessed to the requesting person.

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