

## Data Access Policy

*(Pursuant to Minnesota Statutes, Section 13.025)*

*Reviewed August 2022*

### Minnesota Government Data Practices Act

The [Minnesota Government Data Practices Act \(MGDPA\)](#), Chapter 13 of Minnesota Statutes, is a state law that controls how government data are collected, created, stored (maintained), used, and released (disseminated). The MGDPA sets out certain requirements relating to the right of the public to access government data and the rights of individuals who are the subjects of government data. The MGDPA applies to all data collected, created, received, maintained, or disseminated by any government entity. The MGDPA defines "government entity" as "a state agency, statewide system, or political subdivision."

The MGDPA presumes that, as a state government agency, all the data the Minnesota Board of Animal Health ("Board") has is public (can be seen by anybody) unless there is a state or federal law that classifies the data as not public. The Board has both public and not public data. Under the MGDPA, we have a legal duty to responsibly manage and safeguard our not public data. *See, for example, [Minnesota Statutes, Section 13.643, Subdivisions 6\(a\), \(b\)](#).*

The Board reviews and responds to data requests as follows.

### Data Request Procedure

- A data request must be in writing and be clear and concise. **You may submit your data request to us electronically via the "Data Request Form" available on the Board's website at this link: <https://www.bah.state.mn.us/data-request/>. This is our preferred method for data requests.**
  - Whenever practical, any changes/additions made by the requestor to a data request must be in writing. Verbal changes/additions made by the requestor to a data request will be written on the data request with the name and date of Board staff receiving the verbal changes/additions.
- In your request, tell us as clearly as you can what information you are seeking. If we are not sure exactly what information you are requesting, we will ask you for clarification, but you do not have to tell us who you are or explain why you are asking for the data unless you are seeking an exception to obtain information classified as not public (see below).

### Data Request Response

- When you submit your electronic Data Request Form, the request is automatically sent to the Board's "Data Practices" department. The Board's [Responsible Authority](#) will review your request and work with the appropriate Board program staff (i.e., the Program whose data is the subject of your request) to fulfill your request. You, as the requestor, will also automatically receive an email acknowledging the Board's receipt of your request.

- The Data Practices Act does not require us to create or collect new data in response to a data request, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement.
  - If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

### Public versus Not Public Data

- Data related to registration and identification of premises and animals collected and maintained under [MN Chapter 35](#) (names and addresses, the location of the premises where animals are kept, or the identification number of the premises or the animal) is classified as private or nonpublic. Requests for this private or nonpublic data are subject to Minn. Stat. Sect. 13.643, subd. 6(a), and may be redacted or denied (depending on what is being requested).
- Data collected and maintained by the Board under [Minn. Stats. Sects. 347.57-347.64](#) (commercial dog and cat breeder data) is classified as private or nonpublic, except for a list of licensees in good standing which the Board posts on its website and regularly updates. Requests for this private or nonpublic data are subject to Minn. Stat. Sect. 13.643, subd. 6(b), and may be redacted or denied (depending on what is being requested).
  - There is an exception in the law which gives the Board discretion to disclose data classified as private/nonpublic under Minn. Stat. 13.643, subds. 6(a) and (b) if the Board determines disclosure of the data would either “aid in the law enforcement process or the protection of public or animal health or safety.” See Minn. Stat. Sect. 13.643, subd. 6(c). The exception must be approved by Board staff.
  - If you ask the Board to grant the statutory exception for your request, we will ask you for written clarification, with articulable details, to support why, in your specific case, disclosure of the data would either aid in the law enforcement process or protect public or animal health or safety.
  - The Board will review all requests for the statutory exception and determine on a case-by-case basis, regardless of the entity or individual requesting the exception, whether the exception applies to grant it.
  - After we review Minn. Stat. Sect. 13.643, subd. 6, to determine accessibility to/the classification of data that you are asking for, we will also review other sections of the MGDPA (such as Minn. Stats. Sects. [13.37 \(“General Not Public Data”\)](#) and [13.41 \(“Licensing Data”\)](#)) to determine whether and how they apply.
- If your data request is general and nonspecific (e.g., “all CVIs for dogs in the year 2021”), we will provide you with that data, but we will redact all not public information and any data necessary to comply with Minn. Stat. Sect. [13.02, subd. 19 \(“Summary Data”\)](#).
- Data requests from researchers, including historians and other scholars, will be reviewed and considered in accordance with Minn. Stat. Sect. [13.03, subd. 2 \(“Access to Government Data”\)](#).
- **For all data requests, if we redact or deny data in response to your request, we will provide an explanation and identify the law that prevents the Board from providing the data.**

### Response Time

- The Board will timely respond to your data request, and our response to your request will be narrowly tailored to the specific data you requested.
- For data requests that require a longer period of time to fulfill (such as summary data requests), so long as we have initially responded to your data request in a timely manner and have notified you that your specific request will take additional time, Board staff may produce portions of large requests over time, to allow sufficient time for proper review and redaction.

- **Individuals seeking access to their data (i.e., the requestor is the subject of the data).** If you are seeking access to data that is about you, the Board will respond within 10 business days. Such requests must be in writing, signed by you or your designee (such as a licensed attorney or a parent or legally appointed guardian), and accompanied by proof that you, the data requestor, are the subject of the data (such as a notarized signature). If proof of your identity is not provided, the Board will not respond to your request.
- Your data request and the Board’s response will be stored according to our data retention schedule.

## Data Request Fees

- We have the right to charge you a reasonable fee for providing copies of data.
  - We cannot and will not charge you for separating public data from not public data, including the time it takes us to review and redact data.
  - We may require you to pay the actual costs of searching for and retrieving the requested data, including the cost of employee time, and for making, certifying, copying, and/or electronically transmitting the copies of the data, as follows:
    - Hourly salary and fringe benefits costs of the person copying and preparing the data requested, with charges based on quarters of hours.
- Other Costs:
  - The actual cost of any flash drive we use to provide electronic data.
  - Shipping and Postage costs.
  - Photocopies:
    - If 100 pages or less of black and white, letter, or legal-size paper copies are requested, then we will charge you \$0.25 per page copying costs (\$0.50 for double-sided pages).
    - If more than 100 pages are requested, or color copies or nonstandard size paper copies are requested, then we may charge you for the actual cost of making copies.

## Resources:

- [Minnesota Government Data Practices Act \(MGDPA\) \(https://www.revisor.mn.gov/statutes/?id=13\)](https://www.revisor.mn.gov/statutes/?id=13)
- [Minnesota Statutes, Section 13.643, Subdivisions 6\(a\), \(b\) \(https://www.revisor.mn.gov/statutes/cite/13.643\)](https://www.revisor.mn.gov/statutes/cite/13.643)
- [Board of Animal Health Data Request Form \(https://www.bah.state.mn.us/data-request/\)](https://www.bah.state.mn.us/data-request/)
- [Definition of Responsible Authority \(https://www.revisor.mn.gov/statutes/cite/13.02\)](https://www.revisor.mn.gov/statutes/cite/13.02)
- [Minnesota Statutes Chapter 35 \(https://www.revisor.mn.gov/statutes/cite/35\)](https://www.revisor.mn.gov/statutes/cite/35)
- [Minnesota Statutes Sections 347.57 through 347.64 \(https://www.revisor.mn.gov/statutes/cite/347\)](https://www.revisor.mn.gov/statutes/cite/347)
- [Minnesota Statutes 13.37 \(“General Not Public Data”\) \(https://www.revisor.mn.gov/statutes/cite/13.37\)](https://www.revisor.mn.gov/statutes/cite/13.37)
- [Minnesota Statutes 13.41 \(“Licensing Data”\) \(https://www.revisor.mn.gov/statutes/cite/13.41\)](https://www.revisor.mn.gov/statutes/cite/13.41)
- [Minnesota Statutes 13.02, Subdivision 19 \(“Summary Data”\) \(https://www.revisor.mn.gov/statutes/cite/13.02\)](https://www.revisor.mn.gov/statutes/cite/13.02)
- [Minnesota Statutes 13.03, subdivision 2 \(“Access to Government Data”\) \(https://www.revisor.mn.gov/statutes/cite/13.03\)](https://www.revisor.mn.gov/statutes/cite/13.03)