



# Guide for members of the public requesting information

(This document is required by Minn. Stat. §13.03, subd. 2.)

## Right to access public data

The Minnesota Government Data Practices Act (MGDPA), Chapter 13 of Minnesota statutes, regulates access to and the collection, creation, dissemination, maintenance, and storage of governmental data regardless of their physical form, how they are stored, or how they are used (Minn. Stat. § 13.01, subd. 3 and Minn. Stat. § 13.02, subd. 7).

The MGDPA defines governmental data as “all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use” (Minn. Stat. § 13.02, subd. 7).

The MGDPA establishes a presumption that all governmental data are accessible to the public for both inspection and copying, unless there is a federal law, state statute or, temporary classification that classifies them as not public (Minn. Stat. § 13.01, subd. 3 and Minn. Stat. § 13.03, subd. 1). The files of the Minnesota Pollution Control Agency (MPCA) are open to the public (subject to the restrictions of court orders, federal law, Minnesota statutes, and decisions of the Office of the Minnesota Attorney General).

The MGDPA also requires that a governmental entity keep its data in such a way that makes them easily accessible for convenient use (Minn. Stat. § 13.03, subd. 1). Members of the public have the right to inspect and copy public data maintained by a governmental entity at reasonable times and places and, upon request, be informed of their meaning (Minn. Stat. § 13.03, subd. 3a).

A governmental entity, such as the MPCA, is not required to provide data in a specific arrangement/form according to the desires of a particular requester if the agency does not maintain the requested data in that specific arrangement/form. The requester may receive the data in the form in which they are maintained at the MPCA and convert them to their desired form. If, after some effort, the MPCA could provide the data in the desired form, the agency would notify the requester of this fact and inform him/her how long it would take to do this conversion and how much it would cost (if the total cost of providing the requested data warrants the issuing of an invoice as per the “Requesting copies/copying costs” section of this guide). The requester could then decide if he/she wants the data in the converted form.

The MPCA is not required to create data that do not already exist at the entity. The MGDPA does not require the agency to answer questions that are not requests for data.

The name of/contact information for agency staff members who have data practices-related responsibilities are found on the “Minnesota Pollution Control Agency data practices and records management contacts” page located at the end of this document.

## File reviews/data requests

To submit an information request, a requester must complete and submit the automated “Information Request Form” located on the “Information requests” page of the agency’s external website. (This page can be found at the following link: <https://www.pca.state.mn.us/about-mpca/information-requests>.)

When a requester submits an electronic "Information Request Form," it will automatically be sent to the MPCA's "Records Management Intake/Triage" department and will then be assigned to the appropriate file manager for processing. (The agency has various file managers whose job responsibilities include responding to data and file review requests. These file managers are assigned to work with data from different agency programs.) Requests will be processed in the order in which they are received.

The requester will receive an e-mail acknowledging receipt of his/her request and will be notified of the name of the file manager handling the request. The file manager assigned to the request will gather the requested data and contact the requester when they are ready to be reviewed. If the requester wishes to obtain copies of the requested data instead of conducting a file review, the file manager will arrange to have the requested data copied.

If a request involves having to access data from multiple agency programs, it will be forwarded to the appropriate file managers and each of these file managers will gather the requested data from their individual programs and contact the requester when they are ready to be reviewed. In these instances, the requester will be notified of the names of all the file managers handling the request. As stated above, if a requester wishes to obtain copies of the requested data instead of conducting a file review, the file managers will arrange to have the requested data copied.

Requesters who are unable to access the electronic "Information Request Form" located on the agency's external website, need assistance filling out the form, or have questions regarding the submittal of an information request, can contact the agency's Electronic Services at 651-757-2728 or 1-844-828-0942.

When submitting a request, it is helpful to provide as much information as possible regarding the site(s) for which data are being sought - such as the site name(s), former site name(s), address(es), site identification number(s), the agency program(s) to which the site(s) belong etc. This type of information will assist agency file managers in finding the requested data more easily.

If requesters do not have any of the desired information listed above, this information may be obtained by utilizing the "What's in My Neighborhood" tool found on the agency's external website located at <https://www.pca.state.mn.us/data/whats-my-neighborhood>. This tool allows users to perform a map or text-based search to find environmental information regarding facilities and sites.

Since data cannot be removed from the MPCA (Minn. R. 7000.1200), they must be reviewed on-site at one of the agency's offices. The MPCA has an office in Brainerd, Detroit Lakes, Duluth, Mankato, Marshall, Rochester, St. Paul, and Willmar. The locations and contact information for these offices can be found on the "Minnesota Pollution Control Agency offices" page located at the end of this document.

In general, the file manager will arrange for the requested data to be reviewed at the MPCA office where the data are normally kept. However, if necessary, the requested data could be sent to another agency office for review if this is more convenient for the requester. Data cannot be reviewed at locations outside the MPCA.

File review appointments can be scheduled Monday through Friday between 8:00 a.m. and 4:00 p.m. through the appropriate file manager. File reviews will be scheduled as soon as possible, depending upon the availability of appointments and the status and/or location of the requested data.

Before requested data can be accessed by a requester, they may need to be reviewed by agency staff to ensure they do not contain any data that are classified by federal law, Minnesota statute, or temporary classification as not public. Depending on the amount of data being requested and the amount requiring review, this may delay access to the data.

During the course of the file review, the person who requested access to the data is responsible for searching through them to find the desired information. This is not the responsibility of the file manager or any other agency staff member. However, general assistance will be provided to respond to routine questions about the data and to help explain their meaning. This includes defining abbreviations, technical terminology, words, and phrases etc., but it does not include providing details or additional information beyond what is stated in the data. The agency staff person assigned to the data being reviewed (if there is one) is usually the person who

provides this general assistance. When providing explanations for non-English speakers or for persons with hearing or vision impairments, the MPCA will make arrangements to provide an appropriate interpreter.

If a requester prefers not to come to an agency office to review requested data, he/she can request that the desired data be copied and sent to him/her. However, this requires that the requester knows exactly what data he/she would like to have copied and he/she must be willing to pay the costs associated with providing the requested data (if the total cost of providing the requested data warrants the issuing of an invoice as per the "Requesting copies/copying costs" section of this guide). As with a file review, this type of request should be made through the appropriate agency file manager.

Regardless of how a requester chooses to access agency data (e.g., by scheduling an appointment to review the data or having the requested data copied and sent to him/her), when making a request, he/she should: notify the agency that a request for data is being made under the MGDPA (Chapter 13 of Minnesota statutes), state whether the requester would like to inspect the requested data, get copies of the requested data or both and give a clear description of the data being requested.

Unless specifically authorized by statute, when a person makes a file review or data request, the MPCA cannot require him/her to identify himself/herself or ask him/her to explain the reasons why he/she is making a data/file review request (Minn. Stat. § 13.05, subd. 12). If a requester chooses not to give any identifying information, the MPCA will provide him/her with contact information so that he/she will be able to check on the status of his/her request. However, if the agency file manager handling the request has questions about it but is unable to contact the requester for clarification, this may result in a delay in processing the request.

If the MPCA does not have the requested data, the requester will be notified of this as soon as reasonably possible. If the agency does have the requested data but cannot provide these data due to the fact that they are classified as not public, the requester will be informed of this fact either orally at the time of the request or in writing as soon after that time as possible. The MPCA will cite the federal law, state statute or temporary classification upon which this determination is based (Minn. Stat. § 13.03, subd. 3f). Upon the request of individuals denied access to data, the MPCA will certify in writing that the request has been denied and cite the federal law, state statute, or temporary classification upon which this determination is based (Minn. Stat. § 13.03, subd. 3f).

Contact information regarding the agency's records management and electronic services is found on the "Minnesota Pollution Control Agency data practices and records management contacts" page located at the end of this document.

## Requesting copies/copying costs

Members of the public also have the right to obtain copies of public data. The MGDPA permits the MPCA to charge for the actual costs of searching for and retrieving data, including the cost of employee time to make, certify, and electronically transmit copies of data, but it may not charge for separating public from not public data. (Retrieval costs do not include the charge assessed to the agency for recalling documents from/returning documents to archival storage.) However, if 100 or fewer pages of black and white, letter, legal, or ledger-size paper copies are requested, actual costs may not be used and, instead, the MPCA may charge no more than \$.25 for each page copied. If the MPCA is not able to provide copies at the time a request is made, copies shall be supplied as soon as reasonably possible (Minn. Stat. § 13.03, subd. 3c).

If paper or electronic copies are requested, the MPCA may charge searching and retrieving costs, including the cost of employee time to make, certify and electronically transmit copies of the data (if the total cost of providing the requested copies warrants the issuing of an invoice as per this section of the document). Documents posted on a file transfer protocol site (or a similar technology) can be considered copies.

During a file review, persons may indicate what they would like to have copied by tabbing the pages desired with supplies provided by the MPCA. The tabbed pages will be copied by agency staff (subject to the restrictions of federal laws and Minnesota statutes).

The per page amount charged for black and white letter, legal, or ledger-size photocopies depends on the total number of copies requested. For requests that total 100 pages or fewer, a fee of \$.25 per page is charged for each page of black and white letter, legal, or ledger-size copy. (A double-sided sheet is charged as two pages.) No charge is assessed for the labor associated with making the copies.

For requests that total more than 100 pages, a fee of \$.01 per page is charged for each black and white letter, legal, or ledger-size copy. (A double-sided sheet is charged as two pages.) A labor fee of \$33.50 per hour is charged for the staff time to search for and retrieve data. A labor fee of \$9.00 per hour is charged for making requested copies (paper or electronic). Labor is billed in 15-minute increments. If, because of the nature of the request, the MPCA finds it necessary for a higher-paid employee to search for and retrieve the requested data, it will calculate the search and retrieval portion of the copy charge at a higher salary/wage.

Other reproduction charges include: \$.05 per letter, legal, or ledger-size color copy, \$.11 per compact disc, \$.20 per digital versatile disc, \$4.54 per 4 gigabyte flash drive, \$4.29 per 8 gigabyte flash drive, \$.36 per map/plan sheet and mailing costs (which includes \$.74 per disc mailer). Labor fees may be assessed for the certification of copies.

If a person makes a request for copies of data that the MPCA maintains but cannot reproduce itself (e.g., photographs or slides), the appropriate file manager can make arrangements with a local vendor to provide this service and the agency will charge the actual cost of what it must pay an outside vendor for the requested copies. (Prices may vary depending on the services desired. Quotes can be obtained from an agency file manager.)

The inspection of data is free. Fees will not be charged for documents that are published and made available by the MPCA as part of its public information efforts.

Persons coming to the agency to conduct a file review will be asked to fill out or provide information for an "Invoice for Information Requests" form if they ask for copies to be made as a result of the review. The form will serve as an acknowledgement that the requester will be invoiced for the requested copies. The data obtained on this form (such as contact information and billing address) will be used by the agency when preparing an invoice for the requested copies and for mailing this invoice and the requested copies. Persons who request that copies be made and sent to them in lieu of scheduling a file review will also be asked to provide this information and acknowledgement (whether via e-mail, facsimile, etc.).

If a person chooses not to identify himself/herself in the course of a file review or data request but would like to obtain copies, arrangements can be made with the appropriate file manager to have the requested copies picked up by the requester at the agency so that they do not have to be mailed to the requester. In these instances, however, the requester will, upon receipt of the copies, be required to pay, in full, the exact amount owed to the agency via a cashier's check or money order made out to the "Minnesota Pollution Control Agency."

For those who have requested copies as a result of a file review and for those who have not scheduled a file review but have requested that copies be made and sent to them, these copy requests will be completed by the agency's copying staff in the order in which they are received.

Copied materials will be mailed to the requester after the file review or data request has taken place. If preferred, persons who have requested copies may choose to pick them up at the MPCA once they are completed or have them sent via a delivery service (at the requester's expense).

If preferred, persons may bring a portable copier, scanning device or other means of duplication to the agency for use in making copies. A copying/scanning service of the requester's choice may also come to the agency to make copies (at the requester's expense). Since agency documents may not be removed from MPCA offices and any inspection and copying of records must be made in the presence of an officer, employee or agent of the agency, space accommodations will be made at an MPCA office for external copying services.

An invoice will be sent for every request whose charges (the above-mentioned searching, retrieving, certifying, and copying costs) total \$10.00 or more. This invoice will be sent under separate cover from the copies. The MPCA will not bill customers for requests that total fewer than \$10.00. The agency may require a down payment on copying requests that are over a certain dollar amount and it reserves the right to require prepayment at any time.

If the customer requesting the file review/data has been hired by the MPCA or is from another governmental office (no matter which level - city, county, state, or federal) copying charges may or may not be assessed.

The agency does not waive copying fees for or offer reduced copying fees to specific groups such as non-profit organizations, senior citizens, students etc.

## Requests for summary data

Summary data are statistical reports and/or records derived from data on individuals that are classified as private or confidential in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify them are ascertainable (Minn. Stat. § 13.02, subd. 19). The preparation of summary data is not a means to gain access to private or confidential data on individuals.

The Responsible Authority for the agency (or his/her designees) will prepare summary data upon the request of an individual provided that the request is in writing and the requester is willing to pay the costs associated with preparing the data (if the total cost of providing the requested data warrants the issuing of an invoice as per the MPCA's copying policy). This summary data will be provided within 10 days of the request - excluding Saturdays, Sundays, and legal holidays. If the summary data will not be provided within this timeframe, details of when they will be available will be communicated to the requester as soon as reasonably possible.

This guidance document is a modified version of the Minnesota Department of Administration's Information Policy Analysis Division "Guide for Members of the Public Requesting Information" document dated June 2008.

## Minnesota Pollution Control Agency data practices and records management contacts

For questions and concerns regarding the submittal of an information request or for assistance in completing the electronic Information Request Form, contact:

### Electronic Services

651-757-2728 or 1-844-828-0942

### Records Management Supervisors

Celeste Courneya

651-757-2197

[celeste.courneya@state.mn.us](mailto:celeste.courneya@state.mn.us)

Kristan Courneya

651-757-2534

[kristan.courneya@state.mn.us](mailto:kristan.courneya@state.mn.us)

For data practices concerns and for problems obtaining access to agency data, contact:

### Data Practices Compliance Coordinator

Christine Malec

651-757-2548

[chris.malec@state.mn.us](mailto:chris.malec@state.mn.us)

### Data Practices Compliance Official/Data Practices Responsible Authority

Adonis Neblett

651-757-2791

[adonis.neblett@state.mn.us](mailto:adonis.neblett@state.mn.us)

To obtain data about agency personnel, contact:

### Human Resources Director

Colleen Naughton

651-757-2598

[colleen.naughton@state.mn.us](mailto:colleen.naughton@state.mn.us)

## Minnesota Pollution Control Agency offices

### Brainerd Office

7678 College Road, Suite 105  
Baxter, MN 56425  
Phone: 218-828-2492  
Fax: 218-828-2594

### Detroit Lakes Office

714 Lake Avenue, Suite 220  
Detroit Lakes, MN 56501  
Phone: 218-847-1519  
Fax: 218-846-0719

### Duluth Office

525 Lake Avenue South, Suite 400  
Duluth, MN 55802  
Phone: 218-723-4660  
Fax: 218-723-4727

### Mankato Office

12 Civic Center Plaza, Suite 2165  
Mankato, MN 56001  
Phone: 507-389-5977  
Fax: 507-389-5422

### Marshall Office

504 Fairgrounds Road, Suite 200  
Marshall, MN 56258  
Phone: 507-537-7146  
Fax: 507-537-6001

### Rochester Office

18 Wood Lake Drive Southeast  
Rochester, MN 55904  
Phone: 507-285-7343  
Fax: 507-280-5513

### St. Paul Office

520 Lafayette Road North  
St. Paul, MN 55155  
Phone: 651-296-6300  
Fax: various numbers

### Willmar Office

1601 Highway 12 East, Suite 1  
Willmar, MN 56201  
Phone: 320-214-3786  
Fax: 320-214-3787

Directions and/or maps to these offices can be obtained by accessing the agency's webpage located at <https://www.pca.state.mn.us/> and clicking on the "About MPCA" tab (found at the upper right hand corner of the homepage of the website), then by clicking on the "About the MPCA" option in the "About MPCA" drop-down list, then by clicking on "Agency structure" (the third item listed under the "In this section:" heading), then by clicking on "MPCA Offices" (the third item listed under the "In this section:" heading on the upper right hand side of the page) and then by clicking on the desired office listed under the "In this section:" heading.