



November 15, 2021

Responsible Authority
Minnesota Department of Health
Health.DataPracticesRequest@state.mn.us

Re: Data Request to MDH

Dear Responsible Authority:

I am writing to you as the Responsible Authority for data requests to the Minnesota Department of Health (“MDH”). This is a formal request for access to government data on behalf of our client, Kevin Roche, under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. If there is another authority to whom this letter should be addressed, please let me know or provide this letter to that person and confirm that the Responsible Authority has received this letter.

For purposes of this request:

- “Data” includes data points within documents or entire documents themselves, as the Minnesota Supreme Court has defined it. *KSTP-TV v. Ramsey County*, 806 N.W.2d 785, 789-90 (Minn. 2011). If you believe that “documents” include “data” that are not subject to production under Chapter 13, please redact the nonpublic data points within the document and produce the remainder without redaction.
- “Data” also means the broadest interpretation of the term under Chapter 13, and includes but is not limited to: any written, electronic, or recorded letters, emails, text messages, notes, reports, meeting minutes, or audio or video recordings, etc. This includes internal electronic messages sent via Microsoft Teams, which must be preserved and may not be deleted under the MGDPA.

I seek access to the following, dated January 1, 2020 through the date of production:

1. Data stating, for each category below, whether there is no responsive data to the category;
2. Any data with the phrase, “Kevin Roche”.
3. Any data with the phrase, “Roche” which does not also contain “Rochester”.

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Pursuant to Minnesota law, the MDH is required to comply with my request within a reasonable amount of time. Minn. Stat. § 13.03, Subd. 3; Minn. R. 1205.0300. Given the specificity of the request and the limited timeframe, a reasonable amount of time is within 7 days of the date of this letter.

If you determine that you will redact or withhold any otherwise responsive data, please also inform me in writing of the specific statutory basis for each denial or redaction within the timeframe.

If you are willing to provide copies of the data at no charge, I will receive them electronically. If you intend to charge for copies, I will inspect the data and download all responsive data from your computers, without charge, as set forth in Minn. Stat. § 13.03, subd. 3(a) & (b) (“If a person requests access for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee to inspect data In the case of data stored in electronic form and made available in electronic form on a remote access basis to the public by the government entity, inspection includes remote access to the data by the public and the ability to print copies of or download the data on the public's own computer equipment.”) and *Demers v. City of Minneapolis*, 468 N.W.2d 71, 75 (Minn. 1991) (“No charge may be assessed for access to or inspection of public data or for the cost of retrieving and compiling documents for inspection.”). This is necessary to ensure I can access all relevant metadata. *Webster v. Hennepin County*, OAH 5-0305-33135, 2016 WL 3029792, at *8 (Apr. 22, 2016), *aff'd as recognized in Webster v. Hennepin County*, 910 N.W.2d 420, 433 (Minn. 2018).

If you have any questions or need clarification, please contact me. I can be reached at james.dickey@umlc.org

Very truly yours,



James V. F. Dickey
Attorney for Kevin Roche

cc: Douglas P. Seaton, Esq.
Client