

Data Practices Policies & Procedures for the Chisago Soil and Water Conservation District

Purpose:

As a government agency, the Chisago Soil and Water Conservation District (SWCD) collects, creates, manages and disseminates data in order to conduct government business. The Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes, Chapter 13, sets out certain requirements relating to the public's right to access government data and the rights of individuals who are the subjects of government data. The purpose of this Data Practices Policy is to explain to employees what the MGDPA requires of the Chisago SWCD in handling government data practices requests from members of the public, subjects of data and other government units and agencies.

Policy Statement:

It is the policy of the Chisago SWCD to collect, create, store, maintain, and disseminate government data in accordance with the Minnesota Government Data Practices Act. Under the MGDPA, the Chisago SWCD "Responsible Authority" is directed to establish and maintain procedures "to insure that requests for government data are received and complied with in an appropriate and prompt manner." (Minn. Stat. Section 13.03, Subd. 2). This Data Practices Policy provides guidance in complying with those portions of the MGDPA that relate to the public's right to access government data and the rights of individuals who are the subjects of government data. The specific guidelines for compliance with public's right to access government data and the rights of individual subjects of government data are contained in the Data Practices Procedural Guidelines.

Chisago SWCD employees and volunteers shall comply with this Data Practices Policy and the Chisago SWCD Data Practices Procedural Guidelines when performing their work for the SWCD. Employees who violate any provision of the MGDPA are subject to disciplinary actions, up to and including dismissal from public employment; and employees who willfully (knowingly) violate the MGDPA may be charged with a misdemeanor, which could result in up to 90 days in jail and/or a \$1,000 fine.

The Chisago SWCD Data Practices Procedural Guidelines are maintained by the Chisago SWCD's Responsible Authority. Periodic updates to these procedural guidelines shall be made by the Responsible Authority in accordance with current regulations and after review by the Chisago County Attorney's Office.

Staff with Data Practices Responsibilities

The Chisago SWCD has designated or appointed the following individual to be the responsible authority (RA) under Minnesota Statutes, section 13.02, subdivision 16, and Minnesota Rules 1205.1000.

Administrative Assistant, Chisago SWCD
38814 Third Avenue, North Branch, MN 55056
651/674-2333
susan.humble@mn.nacdnet.net

Minnesota Statutes, section 13.05, subdivision 13, requires all RAs to appoint or designate a data practices compliance official (DPCO).

Administrative Assistant, Chisago SWCD
38814 Third Avenue, North Branch, MN 55056
651/674-2333
susan.humble@mn.nacdnet.net

Minnesota Statutes, section 13.03, subdivision 2, allows RAs to appoint one or more designees. The definition of designee is in Minnesota Statutes, section 13.02, subdivision 6.

District Administrator, Chisago SWCD
38814 Third Avenue, North Branch, MN 55056
651/674-2333
craig.mell@mn.nacdnet.net

All Data Requests must be made to either of the above mentioned Positions.

Parameters for Data Requests

The Chisago SWCD requires that individuals make data requests in writing, and may be made by mail or in person. Minnesota Statutes, section 13.05, subdivision 5, requires that all government entities establish appropriate security safeguards for all records containing data on individuals. When an individual requests data about him/herself, the Chisago SWCD must verify that the requester is the data subject or the data subject's parent or guardian.

Respond to Data Requests

The Data Practices Act provides the timeframes for responding to data requests.

- The Chisago SWCD must respond to members of the public seeking public data in an appropriate and prompt manner (section 13.03), and within a reasonable time (Minnesota Rules 1205.0300).
- The Chisago SWCD will make every attempt to respond to data subjects seeking access to data about them within ten business days (section 13.04).
 - In other words, the Chisago SWCD must either provide the data to the data subject or inform the data subject there are no data available within ten business days.
 - This does not mean that the Chisago SWCD cannot arrange for a longer period of the time to respond, as long as the data subject agrees.



Charging for copies of data

Chisago Soil and Water Conservation District charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.04, subdivision 3. The District does not charge for copies if the cost is less than \$5.00. You must pay for the copies and data before we will give them to you.

Actual Cost of Making Copies - In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data, and make copies is charged at the billable rate, as determined by the BWSR Billing Rate Calculator, of the employee doing the work. If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.

When a data subject asks for copies, a government entity may charge the actual cost for an employee to make paper copies or to provide copies of electronically stored data (see also Minnesota Rules 1205.0300 and 1205.0400). When calculating employee time for making the copies, you should use the hourly wage of the lowest-paid employee who is able to make the copies.

Model Policy for the Public

Minnesota Statutes, section 13.02, subdivision 19, defines summary data and Minnesota Statutes, section 13.05, subdivision 7, discusses the preparation of summary data. Section 13.05 requires an RA to prepare summary data if the request is made in writing and the cost of preparing the summary data is paid for by the requester. Section 13.05 also allows the RA to delegate the preparation of summary data.

Parent Access to Private Data about Minor Children

Based on the definition of “individual” in Minnesota Statutes, section 13.02, subdivision 8, parents and guardians generally are entitled to the same data practices rights as their minor children. However, Minnesota Rules 1205.0500 discusses that a minor has the right to ask that his/her private data not be released to his/her parent or guardian. The rules provide guidance to government entities about responding to a minor’s request to limit access to data about him/her. (Note: government entities may not deny parents/guardians access to educational data that are maintained by an educational agency or institution.)

Tennessee Warning Notices

Minnesota Statutes, section 13.04, subdivision 2, discusses the notice that government entities must provide to an individual when collecting private and/or confidential data about that individual from that individual. This notice is commonly referred to as a Tennessee warning. The Chisago SWCD may not collect, store, use or disseminate private or confidential data for any purpose other than those you specified in the Tennessee warning notice.



Data Practices Policy for Members of the Public

Right to access public data

The Government Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public unless a state or federal law says the data are not public.

Government data is a term that means all recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

The Government Data Practices Act also provides that the Chisago Soil and Water Conservation District (Chisago SWCD) must keep all government data in a way that makes it easy for you, as a member of the public, to access public data. You have the right to look at (inspect), free of charge, all public data that we keep. You also have the right to get copies of public data. The Government Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

How to make a data request

You can look at data, or request copies of data that the Chisago SWCD keeps. Make your request for data to the appropriate individual listed in the Data Practices Contacts listed above. All requests are to be made in writing by mail or in person.

How we respond to a data request

Upon receiving your request, we will work to process it. If it is not clear what data you are requesting, we will ask you for clarification.

- If we do not have the data, we will notify you in writing within 10 business days.
- If we have the data, but the data are confidential or private data that are not about you, we will notify you within 10 business days and state which specific law says you cannot access the data.
- If we have the data, and the data are public or private data about you, we will respond to your request within 10 business days, by doing one of the following:
 - Arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or provide you with copies of the data within 10 business days.
 - You may choose to pick up your copies, or we will mail them to you. Electronic copies (such as email or CD-ROM) upon request if we

keep the data in electronic format. We will also arrange for you to prepay for your copies.


The Government Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement (for example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request). 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.

In addition, we are not required under the Government Data Practices Act to respond to questions that are not specific requests for data.

Copy Costs – Members of the Public, the Chisago SWCD charges for copies of data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c). The District does not charge for copies if the cost is less than \$5.00. You must pay for the copies and data before we will give them to you.

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data, and make copies is charged at the billable rate, as determined by the BWSR Billing Rate Calculator, of the employee doing the work. If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.



Data Request Form – Members of the Public

Request date:

I am requesting access to data in the following way:

- Inspection
 - Copies
 - Both inspection and copies
-

Note: Inspection is free but the Chisago SWCD will notify you of the costs to produce copies when the cost is over \$5.00.

We will respond to your request as soon as reasonably possible.

Contact information

Name:

Address/phone number/email address:

Note: You do not have to provide any contact information. However, if you want us to mail/email you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information we will not be able to begin processing your request until you contact us.

These are the data I am requesting:

Describe the data you are requesting as specifically as possible.

Data Practices Policy for Data Subjects

Data about you

The Government Data Practices Act (Minnesota Statutes, Chapter 13) says that data subjects have certain rights related to a government entity collecting, creating, and keeping government data about them. You are the subject of data when you can be identified from the data. Government data is a term that means all recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

Classification of data about you

The Government Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. Data about you are classified by state law as public, private, or confidential. See below for some examples.

Public data

We must give public data to anyone who asks. It does not matter who is asking for the data or why the person wants the data. The following is an example of public data about you: Your name on any application.

Private data

We cannot give private data to the general public, but you can have access to private data when the data are about you. We can share your private data with you, with someone who has your permission, with our government entity staff who have a work assignment to see the data, and to others as permitted by law or court order. The following is an example of private data about you: Your Social Security Number.

Confidential data

Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. We can share confidential data about you with our government entity staff who have a work assignment to see the data, and to others as permitted by law or court order. We cannot give you access to confidential data. The following is an example of confidential data about you: Your identity as mandated reporter of child abuse or neglect.

Your rights under the Government Data Practices Act

The Chisago SWCD must keep all government data in a way that makes it easy for you to access data about you. Also, we can collect and keep only those data about you that we need for

administering and managing programs that are permitted by law. As a data subject, you have the following rights.

Access to your data

You have the right to look at (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. The Government Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

Also, if you ask, we will tell you whether we keep data about you and whether the data are public, private, or confidential.

As a parent, you have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask the Chisago SWCD not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have this right. We may ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on your best interests. Minors do not have this right if the data in question are educational data maintained by an educational agency or institution.

When we collect data from you

When we ask you to provide data about yourself that are not public, we must give you a notice. The notice is called a Tennessean warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent. If you want us to release data to another person, you may use the consent form.

Protecting your data

The Government Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe. In the unfortunate event that we determine a security breach has occurred and an unauthorized person has gained access to your data, we will notify you as required by law.

When your data are inaccurate and/or incomplete

You have the right to challenge the accuracy and/or completeness of public and private data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

How to make a request for your data

You can look at data, or request copies of data that this government entity keeps. Make your request for data to the appropriate individual listed in the Data Practices Contacts listed above. All requests are to be made in writing by mail or in person.

How we respond to a data request

- Upon receiving your request, we will work to process it. If it is not clear what data you are requesting, we will ask you for clarification.
- If we do not have the data, we will notify you in writing within 10 business days.
- If we have the data, but the data are confidential or private data that are not about you, we will notify you within 10 business days and state which specific law says you cannot access the data.
- If we have the data, and the data are public or private data about you, we will respond to your request within 10 business days, by doing one of the following:
 - Arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or provide you with copies of the data within 10 business days.
 - You may choose to pick up your copies, or we will mail them to you. Electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format. We will also arrange for you to prepay for your copies.

The Government Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement (for example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request). 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.

In addition, we are not required under the Government Data Practices Act to respond to questions that are not specific requests for data.

Copy Costs – Members of the Public, the Chisago SWCD charges for copies of data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c).

The District does not charge for copies if the cost is less than \$5.00. You must pay for the copies and data before we will give them to you.

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data, and make copies is charged at the billable rate, as determined by the BWSR Billing Rate Calculator, of the employee doing the work. If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.

After we have provided you with access to data about you, we do not have to show you the data again for 6 months unless there is a dispute or we collect or create new data about you. If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.

Data Request Form – Data Subjects

Note: Inspection is free but the Chisago SWCD will notify you of the costs to produce copies when the cost is over \$5.00.

Contact information

Data subject name:

Parent/Guardian name (if applicable):

Address:

Phone number/email address:

Staff verification

Request date:

Identification provided:

I am requesting access to data in the following way:

- Inspection
- Copies
- Both inspection and copies

We will respond to your request within 10 business days.

These are the data I am requesting:

Describe the data you are requesting as specifically as possible.

Standards for Verifying Identity

The following constitute proof of identity.

- An adult individual must provide a valid photo ID, such as
 - a state driver's license
 - a military ID
 - a passport
 - a Minnesota ID
 - a Minnesota tribal ID
- A minor individual must provide a valid photo ID, such as
 - a state driver's license
 - a military ID
 - a passport
 - a Minnesota ID
 - a Minnesota Tribal ID
 - a Minnesota school ID
- The parent or guardian of a minor must provide a valid photo ID and either
 - a certified copy of the minor's birth certificate or
 - a certified copy of documents that establish the parent or guardian's relationship to the child, such as
 - a court order relating to divorce, separation, custody, foster care
 - a foster care contract
 - an affidavit of parentage
- The legal guardian for an individual must provide a valid photo ID and a certified copy of appropriate documentation of formal or informal appointment as guardian, such as
 - court order(s)
 - valid power of attorney

Note: Individuals who do not exercise their data practices rights in person must provide either notarized or certified copies of the documents that are required or an affidavit of ID.
