

Data Practices Policy



Adopted: 6/27/20024

Government Data Practices

RIGHT TO ACCESS PUBLIC DATA

The 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, digital files, photographs, etc. The Data Practices Act also provides that the Rum River Watershed Partnership (RRWP) must keep all government data in a way that makes it easy for members of the public to access public data. The public has the right to look at (inspect), free of charge, all public data that the RRWP keeps. The public also has the right to get copies of public data. The Data Practices Act allows the RRWP to charge for copies. The public has the right to look at data, free of charge, before deciding to request copies.

DATA PRACTICES CONTACTS

Responsible Authority Name:

Tiffany Determan, Watershed Coordinator (or successor)
110 Buchanan Street N Cambridge, MN 55008
763-689-3271
Tiffany.determan@mn.nacdnet.net

Data Practices Designee:

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Data Practices Compliance Official:

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DATA CLASSIFICATIONS

Government data about an individual have one of three classifications, which determine who is legally allowed to see the data. Data about you are classified by state law as public, private, or confidential.

Public Data

The Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. 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.

Private data

We cannot give private data to the general public. We can share your private data with you, with someone who has your permission, with our government entity staff whose job requires or permits them to see the data, and with others as permitted by law or court order.

Confidential Data

Confidential data have the most protection. Neither the public nor you can access confidential data 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.

FEES AND COPY COSTS

In accordance with MN Statutes 13.03, subd. 3, if a person requests copies or electronic transmittal of data to the person, the RRWP will charge the actual costs of searching for and retrieving the government data, including the cost of employee time, and for making, certifying, and electronically transmitting the copies of the data but may not charge for separating public from not public data. However, if 100 or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used, and instead, the RRWP will charge \$0.25 per page copied.

Prepayment is required.

Data Practices Request Types

There are two categories of data practices requests; a request for public data, and a request for subject data. Following are separate policies for each.

Data Practices Policy for the Public

YOUR RIGHT TO SEE 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 means all recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

The law also says that the RRWP must keep all government data in a way that makes it easy for you 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 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 REQUEST PUBLIC DATA

You can ask to look at (inspect) data at our office(s), or ask for copies of public data that we keep. Data requests must be in writing, and must be mailed or emailed to RRWP's Data Practices Compliance Official ("DPCO") or another appropriate designee listed in the Data Practices Contacts. If you have any questions about making a data request, contact our DPCO.

We recommend using the sample **Data Request Form – Public Data** at the end of this policy document. If you do not use the data request form, your request should:

- Say that you are making a request for public data under the Government Data Practices Act (Minnesota Statutes, Chapter 13).
- Include whether you would like to inspect the data, have copies of the data, or both.
- Provide a clear description of the data you would like to inspect or have copied.

You are not required to identify yourself or explain the reason for your data request. However, you may need to provide us with some personal information for practical reasons (for example, if you want us to mail copies to you, you need to provide us with an address or P.O. Box). If we do not understand your request and have no way to contact you, we cannot respond to your request.

HOW WE WILL RESPOND TO YOUR DATA REQUEST

Upon receiving your request, we will review it.

- We may ask you to clarify what data you are requesting.
- If we do not have the data, we will tell you as soon as reasonably possible.

- If we have the data, but we are not allowed to give it to you, we will tell you as soon as reasonably possible and identify the law that prevents us from providing the data.
- If we have the data, and the data are public, we will respond to your request appropriately and promptly, within a reasonable amount of time by doing one of the following:
 - Arrange a date, time, and place for you to inspect the data at our offices; or
 - Tell you the amount you owe for copy costs, and then provide you with copies of the data as soon as reasonably possible after you pay them. You may choose to pick up your copies, or we will mail or email them to you. We will provide electronic copies (such as email or CD-ROM) upon request, if we keep the data in that format and we can reasonably make a copy.
 - Response time may be impacted by the size and/or complexity of your request and by the number of requests you make in a given period of time.
- If you do not arrange to inspect the data or pay for the copies within 15 business days after we tell you the data are ready, we will conclude that you no longer want the data and will consider your request closed.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please tell the person who provided the data to you. We will give you an explanation if you ask.

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. 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.

REQUESTS FOR SUMMARY DATA

Summary data are statistical records or reports created by removing identifying information about individuals from entirely private or confidential data. We will create summary data if you request it in writing and pre-pay for the cost of creating the data. You may use the **Data Request Form – Public Data** to request summary data.

Data Practices Policy for the Data Subject

WHAT IS A “DATA SUBJECT”?

When government has information recorded in any form (paper, hard-drive, voicemail, video, email, etc.) that information is called “government data” under the Government Data Practices Act (Minnesota Statutes, Chapter 13). When we can identify you in government data, you are the “data subject” of that data. The Data Practices Act gives you, as a data subject, certain rights. This policy explains your rights as a data subject, and tells you how to request data about you, your minor child, or someone for whom you are the legal guardian.

WHEN THE RRWP HAS DATA ABOUT YOU

The RRWP may have data on people, such as cost share recipients, employees, job applicants, and vendors. We can collect and keep data about you only when we have a legal purpose to have the data. The RRWP must also keep all government data in a way that makes it easy for you to access data about you.

YOUR RIGHTS UNDER THE GOVERNMENT DATA PRACTICES ACT

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 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.

In addition, 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 us 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 will 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.

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 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 must use the consent form we provide.

Protecting Your Data

The 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 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 ask to look at (inspect) data at our offices, or ask for copies of data that we have about you, your minor child, or an individual for whom you have been appointed legal guardian. The RRWP requires that subject data requests be made in writing by mail, email, or in person.

We recommend using the sample **Data Request Form – Subject Data** in the Appendix. If you do not choose to use the data request form, your request should:

- Say that you are making a request as a data subject, for data about you (or your child, or person for whom you are the legal guardian), under the Government Data Practices Act (Minnesota Statutes, Chapter 13).
- Include whether you would like to inspect the data, have copies of the data, or both.
- Provide a clear description of the data you would like to inspect or have copied.
- Provide proof that you are the data subject or data subject's parent/legal guardian.

We require proof of your identity before we can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a legal guardian, you must show legal documentation of your guardianship. Please see the

Standards for Verifying Identity below. If you do not provide proof that you are the data subject, we cannot respond to your request.

HOW WE RESPOND TO A DATA REQUEST

Upon receiving your request, we will review it.

- We may ask you to clarify what data you are requesting.
- We will ask you to confirm your identity as the data subject.
- 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 not public data about someone else, we will notify you within 10 business days and identify the law that prevents us from providing 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 in our offices, for free, or
 - Provide you with the data within 10 business days. You may choose to pick up your copies, or we will mail them to you. We will provide electronic copies upon request if we keep the data in electronic format
- Following our response, if you do not arrange within 10 business days to inspect the data or pay for the copies, we will conclude that you no longer want the data and will consider your request closed.
- After we have provided you with your requested data, we do not have to show you the same data again for 6 months unless there is a dispute about the data or we collect or create new data about you.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please tell the person who provided the data to you. We will give you an explanation if you ask.

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. 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 to respond to questions that are not about your data requests, or that are not requests for government data.

STANDARDS FOR VERIFYING IDENTITY

The following constitute proof of identity:

- An adult individual must provide a valid photo ID, such as
 - a driver's license
 - a state-issued ID
 - a tribal ID
 - a military ID
 - a passport
 - the foreign equivalent of any of the above
- A minor individual must provide a valid photo ID, such as
 - all of the above forms of ID
 - school/student 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 inspect data or pick up copies of data in person may be required to provide either notarized or certified copies of the documents that are required or an affidavit of ID.

Data Request Form – Public Data

Rum River Watershed Partnership

Date of request: _____

I am requesting access to data in the following way:

Inspection Copies Both inspection and copies

These are the data I am requesting:

Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

Contact Information

Name: _____

Address: _____

Phone number: _____

Email address: _____

You do not have to provide any of the above contact information. However, if you want us to mail 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.

The RRWP will respond to your request as soon as reasonably possible.

Data Request Form – Subject Data

Rum River Watershed Partnership

Date of Request: _____

Data subject name: _____

Parent/guardian name (if applicable): _____

Phone number/ email address: _____

To request data as a data subject, you must provide proof of identity.

I am requesting access to data in the following way:

Inspection Copies Both inspection and copies

These are the data I am requesting:

Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

We will respond to your request within 10 business days.

To be completed by staff member responding to data request:

Identity confirmed:

Staff name:

Date:

The following constitute proof of identity:

- An adult individual must provide a valid photo ID, such as
 - a driver's license
 - a state-issued ID
 - a tribal ID
 - a military ID
 - a passport
 - the foreign equivalent of any of the above
- A minor individual must provide a valid photo ID, such as
 - all of the above forms of ID
 - school/student 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 inspect data or pick up copies of data in person may be required to provide either notarized or certified copies of the documents that are required or an affidavit of ID.