

Brown Soil and Water Conservation District 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 has, including paper, email, CD-ROMS, photographs, etc.

The Government Data Practices Act also provides that Brown 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 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

To look at data or request copies of data that Brown SWCD keeps, make a written request. Make your written request for data to the appropriate individual listed in the Data Practices Contacts on page 2. You may make your written request for data by mail or email.

Your written request should include:

- a. That you, as a member of the public, are making a request for data under the Government Data Practices Act, Minnesota Statutes, Chapter 13;
- b. Whether you would like to look at the data, get copies of the data, or both; and
- c. A clear description of the data you would like to inspect or have copied.

Brown SWCD cannot require you, as a member of the public, to identify yourself or explain the reason for your data request. However, depending on how you want us to process your request (if, for example, you want us to mail you copies of data), we may need some information about you. If you choose not to give us any identifying information, we will provide you with contact information so you may check on the status of your request. In addition, please keep in mind that if we do not understand your request and have no way to contact you, we will not be able to begin processing your request.

How We Respond to a Data Request

Upon receiving your written request, we will work to process it.

- a. If we do have the data, we will notify you in writing as soon as reasonably possible.
- b. If we have the data, but the data are not public, we will notify you in writing as soon as reasonably possible and state which specific law says the data are not public.
- c. 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:

- i. arrange a date, time and place to inspect data, for free, if your request is to look at the data, or
- ii. provide you with copies of the data as soon as reasonably possible. You may choose to pick up your copies or we will mail them to you. If you want us to send you the copies, you will need to provide us with an address. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format. Information about copy charges is on page 2. We also will arrange for you to pre-pay for the copies.

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.

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, the Government Data Practices Act does not require us to answer questions that are not requests for data.

Requests for Summary Data

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. The preparation of summary data is not a means to gain access to private or confidential data. Brown SWCD will prepare summary data if you make your request in writing and pre-pay for the cost of creating the data.

Data Practices Contacts

Brown SWCD, Melanie Krueger – District Manager at 300 2nd Ave SW, Sleepy Eye, MN 56085; melanie.krueger@brownswcdmn.org; or 507-794-2553.

Copy Costs – Members of the Public

Minnesota Statutes, Section 13.03, Subdivision 3(c) allows Brown SWCD to charge for copies of data. You must pay for any charges of the copies before we give them to you.

For 100 or Fewer Paper Copies – 25 Cents per Page

100 or fewer pages of black and white letter or legal size paper copies cost 25 cents for a one-sided copy or 50 cents for a two-sided copy.

Most Other Types of Copies – Actual Cost

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email).

In determining the actual cost of making paper or electronic 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.

Brown SWCD will charge the requestor the cost of employee time to search for data, retrieve data, and make copies. The cost for employee time will be calculated based on the wages/salary (may include benefits) of the lowest-paid entity employee who could complete the task. 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.