

Two Rivers

Watershed District

In Roseau, Kittson, & Marshall Counties



*Board of Managers: President-Darrel Johnson, V.P.- Allen Brazier, Secretary-Daryl Klegstad, Treasurer-Paul Olsonawski
Manager-Roger Anderson, Manager-Gary Johnson, Manager-Bruce Anderson
Staff: Dan Money, District Administrator; Matt Thompson, Head Technician*

410 5th Street S., Suite 112, Hallock, MN 56728 - Phone (218) 843-3333 - Email: daniel.money@mn.nacdnet.net

World Wide Web: www.TwoRiversWD.com

February 7, 2018

GOVERNMENT DATA POLICY

BE IT RESOLVED, that the Two Rivers Watershed District hereby adopts the following Policy Statement:

POLICY STATEMENT

This policy is in effect for all persons or entities that come to the Two Rivers Watershed District (TRWD) office to review files and all those who request information from the TRWD via mail, email, or in person.

BACKGROUND

The TRWD will attempt to fill all reasonable requests for information from its files and computerized data bases (subject to the restrictions of the Minnesota Government Data Practices Act, copyright laws, decisions of the Office of the Attorney General, and the availability of staff time). When appropriate, fees will be charged to recover the costs incurred in providing such information.

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 this government entity must keep all government data in such an arrangement that makes it easily accessible for convenience of use. The Public has the right to look at (inspect), free of charge, all public data that we keep. The Public also has the right to get copies of public data. The Government Data Practices Act allows us to charge for copies. Data can be viewed by the public, free of charge, before deciding to request copies.

IMPLEMENTATION

The TRWD's files are open to the public unless classified by statutes, or temporary classification pursuant to Minnesota Statute §13.06, or federal law, as non-public or protected non-public, or with respect to data on individuals, as private or confidential. The TRWD will keep

its records containing government data in such an arrangement and condition as to make them easily accessible for inspection. Persons wishing to inspect files are asked to schedule an appointment at least 48 hours in advance with the TRWD. This 48 hour lead time may need to be extended for cases in which a file needs to be reviewed for confidential or whistleblower type information, or in the event the district's designee is unavailable. Appointments are to be scheduled during TRWD's business hours on Monday through Friday between 8:00 a.m. and 4:30 p.m. File reviews will be scheduled as soon as possible, depending upon the availability of the appointments and the status of the file. General assistance will be provided by the staff; however, the person requesting the information remains responsible for searching through the file to find the desired information.

How to Make a Data Request:

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 on page 4.

Your request to look at data or to request copies of data must be in writing. You may make your written request for data by mail, email, or bringing your written request to the TRWD office, using the data request form on page 5.

If you choose not use to use the data request form, your request should include:

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

This government entity 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 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 reasonably possible.
- If we have the data, but the data are not public, we will notify you as soon as reasonably possible and state which specific law says the data are not public.
- 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:
 - o Arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
 - o 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. We will provide electronic copies upon request if we keep the data in electronic format.

Information about copy charges is on page 5. We will provide notice to you about our requirement to prepay for 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, we are not required under the Government Data Practices Act to respond to questions that are not specific 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.

We will prepare summary data if you make your request in writing and pre-pay for the cost of creating the data.

Upon receiving your written request – you may use the data request form on page 6 – we will respond within ten business days with the data or details of when the data will be ready and how much we will charge.

DESIGNATED AUTHORITY

The District Administrator of the TRWD is designated as the responsible authority for management of data practices of the TRWD.

FEES

Pursuant to Minnesota Statute §13.03, Subd. 3, if copies of information/documents are requested from files or electronically maintained information, the TRWD will charge searching, retrieving, compiling and copying costs. Clients will be charged in quarter-hour increments of 1/4 hour. No charge will be assessed if files are inspected and no copies are requested. No fees will be charged for documents published and made available by the TRWD as part of its public information efforts.

All estimated charges for copying and services provided by the TRWD shall be paid in advance by the client, and any remaining balance shall be invoiced under separate cover.

When a request for data involves any person's receipt of copies of TRWD data that has commercial value and is substantial and discrete portion of or an entire formula,

pattern, compilation, program, device, method, technique, process, data base, or system developed with a significant expenditure of public funds by the agency, the TRWD may charge a reasonable fee for the information in addition to the costs of making, certifying, and compiling the copies, with the fee charged to relate to the actual development costs of the information. The TRWD will provide sufficient documentation to explain and justify the fee being charged.

If the TRWD determines that the requested data is classified so as to deny the requesting person access, the TRWD will inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible, and will cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based. Upon the request of any person who is denied access to data, the TRWD will certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

Data Practices Copy Costs:

This government entity charges data subjects for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c).

You must pay for the copies before we will 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¢ for a one-sided copy, or 50¢ 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 copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, electronic media, 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.

SUBMITTING YOUR DATA REQUEST

The following form shall be used for all data requests. Submit your requests and all inquiries regarding data requests or the availability of data from the TRWD to:

District Administrator
Two Rivers Watershed District
Kittson County Courthouse
410 S. 5th Street, Suite 112
Hallock, MN 56728

Phone: (218) 843-3333
Website: www.tworiverswd.com

**Data Request Form – Members of the Public
Two Rivers Watershed District**

Request date: _____

I am requesting access to data in the following way:

- Inspection
- Copies
- Both inspection and copies

Note: Inspection is free but the TRWD charges for copies of data in accordance with the TRWD Data Practices Copy Costs form on page 5.

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. If you need more space, please use the back of this form.
