



## Data Request Policy for Sibley SWCD

Sibley SWCD values its duties to the public, including its duty to allow for the inspection of public data upon request.

### 1. Right to Access Public Data

The Government Data Practices Act (Minn. Stat., 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, CD's, photographs, etc.

The Government Data Practices Act also provides that Sibley 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 retained by the SWCD. 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.

### **1.1 Data Classifications:**

#### i. Public

Public government data are available to any requester, for any reason. All government data are presumed to be public unless explicitly classified with a not public classification by law (Minn. Stat. § 13.03, subd. 1).

#### ii. Private

Private data are data on individuals\* that are only available to the data subject, those in the government entity maintaining the data whose work assignment requires access to the data, any government entities authorized by law, and individuals or entities authorized by the data subject. These data are not available to the general public (Minn. Stat. § 13.02 subd. 12; Minn. Stat. § 13.05 subds. 4, 5).

#### iii. Non-public

Non-public data are data not on individuals\* that are only available to any government entities authorized by law, and the subject, if any, of the data. These data are not available to the public (Minn. Stat. § 13.02 subd. 9; Minn. Stat. § 13.05 subd. 9).

#### iv. Confidential

Confidential data are data on individuals\* that are only available to those in the government entity whose work assignment requires access to the data, and anyone authorized by statute. These data are not available to the public or the data subject (Minn. Stat. § 13.02 subd. 3; Minn. Stat. § 13.05 subds. 4, 5).

#### v. Protected Non-public

Protected non-public data are data not on individuals\* available to anyone authorized by law. These data are not available to the public or to any data subject (Minn. Stat. § 13.02 subd. 13; Minn. Stat. § 13.05 subd. 9)

## **1.2 How to Make a Data Request:**

To look at data or request copies of data that this government entity keeps, Sibley SWCD requires a written request. Make your request for data to the appropriate individual listed in the Data Practices Contacts on the request form included below. You may make your request for data by filling out form provided here and sending it by email, U.S. mail, or by hand-delivering it to Sibley SWCD.

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

- that you, as a member of the public, are making a request for data under the Government Data Practices Act;
- whether you would like to look at the data, get copies of the data, or both; and
- a clear description of the data you would like to inspect or have copied.

Please be sure that your data request is as clear and detailed as possible. If Sibley SWCD does not understand your request, Sibley SWCD may ask you for clarification. Sibley SWCD cannot begin processing your data request if you do not provide the requested clarification.

If your data request is so broad that it yields voluminous data, Sibley SWCD may ask if there is more specific data you seek. Sibley SWCD may also ask whether you wish to inspect the data at Sibley SWCD offices prior to making copies, or require a deposit for actual costs of providing the copies.

Sibley 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 Sibley SWCD does not understand your request and has no way to contact you, Sibley SWCD will not be able to begin processing your request.

## **1.3 How We Respond to a Data Request:**

- Upon receiving your request, we will work to process it.
- If we do not have the data, we will notify you as soon as reasonably possible.
- If we have the data, but the data is not public, we will notify you as soon as reasonably possible and state which specific law says the data is 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:
  - 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 as soon as reasonably possible. You may choose to pick up your copies, or we will mail or email them to you. If you want us to send you the copies, you will need to provide us with an address or email address. We will provide electronic copies (such as email or USB/CD) upon request if we keep the data in electronic format.

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.

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

#### **1.4 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, we will respond as soon as reasonably possible with the data or details of when the data will be ready and how much we will charge.

#### **1.5 Copy Costs – Members of the Public**

Sibley SWCD charges members of the public for copies of government data. These charges are authorized under Minn. Stat. § 13.03, subd. 3c.

A deposit is mandatory for all data requests for which fees are charged. Additionally, if a data request will result in voluminous numbers of documents, Sibley SWCD may ask for a deposit prior to copying data. If the cost of providing the copies is less than the deposit amount, you will receive a refund of the unused deposit amount. If the cost of providing the copies exceeds the deposit amount, you are responsible for the remaining balance before the copies will be provided to you. You must pay the deposit amount before Sibley SWCD will begin working on your request.

Sibley SWCD will not require payment for copies if the cost of copies is less than \$5.00.

The deposit amount to request data is \$20.00.

- For fewer than 50 paper copies, Sibley SWCD shall charge \$0.25 per page (one-sided or two-sided copies, black and white or color).
- For 50 or more paper copies (or the equivalent of 50 or more electronic copies), Sibley SWCD shall charge the actual cost detailed in this section.
- Electronic copies will be charged using the same pricing format listed above, plus the additional cost of the physical media. (8 GB USB thumb drive - \$10, 16 GB USB thumb drive - \$20). Sibley SWCD shall never, under any circumstances, permit staff or the public to connect Sibley SWCD computers or networks to external physical data drives (e.g., USB thumb drive, SSD, HDD) or virtual networks (e.g., data transfer websites) to provide electronic copies under the Government Data Practices Act. When electronic copies of public data are requested, staff shall either use email to transfer these copies or, utilize the SWCD supplied USB that was purchased by the requestor.
- 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). The cost of employee time to fulfill a data request should generally not exceed that of the lowest-paid employee who can complete the task performed. However, if, because of the subject matter of the data 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 rate of the employee performing these tasks.

- In determining the actual cost of making copies, Sibley SWCD shall consider factors including, but not limited to:
  - Staff time to:
    - retrieve documents (except when the subject of the data is making the request);
    - generate, certify, and compile or otherwise prepare copies;
    - sort and label documents, if necessary, to identify the data to be copied;
    - remove staples or paper clips
  - The actual cost we must pay an outside vendor for copies of data that we cannot reproduce ourselves (e.g., photographs)