

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, flash drives, CDs, DVDs, photographs, etc.

The Data Practices Act also provides that Swift Soil & Water Conservation District (SWCD) 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 Swift SWCD keeps. The public also has the right to obtain paper or electronic copies of public data. The Data Practices Act allows Swift SWCD to charge for copies.

HOW TO MAKE A DATA REQUEST

To look at data or request copies of data that Swift SWCD keeps, the public must make a written request. Written requests for data must be made to District Administrator by mail, fax, or email using the data request form found at the end of this document. If the data request form is not used, the written request must include:

- A statement that the request for data is under the Data Practices Act, MN Statutes, Chapter 13;
- Whether the request is to look at the data, get copies of the data, or both; and
- A clear description of the data to be inspected and/or copied.

Swift SWCD cannot require members of the public to identify themselves or explain the reason for the data request. However, depending on how the data request is to be processed (for example, emailed or mail), Swift SWCD may need contact information. If no identifying information is provided, it will be the responsibility of the requesting party to contact Swift SWCD to check on the status of the request. If Swift SWCD does not understand the request no contact information is provided, Swift SWCD will not be able to begin processing the request.

HOW SWIFT SOIL & WATER CONSERVATION DISTRICT RESPONDS TO A DATA REQUEST

Upon receiving a written request, Swift SWCD will work to process it.

- If it is not what specific data is requested, Swift SWCD will ask for clarification.
- If Swift SWCD does not have the data, the requestor will be notified in writing as soon as reasonably possible.
- If Swift SWCD has the data but the data are not public, the requestor will be notified in writing as soon as reasonably possible of which Minnesota Statute requires such privacy.
- If Swift SWCD has the data and the data are public, a response to requests will be provided 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 the request is look at data; or
 - Provide the requestor copies of the data as soon as reasonably possible. Copies may be picked up, mailed, emailed, or faxed. If requestors want copies to be delivered to them, sufficient contact information will be required to do so. We will provide electronic

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copies (such as email) upon request if we keep the data in electronic format. Information about copy charges can be found in our annually updated fee schedule located on our website, www.swiftSWCD.org. Pre-payment is required.

- If the requestor does not understand some of the data (technical terminology, abbreviations, or acronyms), clarification will be provided upon request.

The Data Practices Act does not require Swift SWCD to create or collect new data in response to a request if Swift SWCD does not already have the data, or to provide data in a specific form or arrangement if Swift SWCD does not keep the data in that form or arrangement. For example, if the data requested are on paper only, Swift SWCD is not required to create electronic documents. If Swift SWCD agrees to create data in response to requests, Swift SWCD will work with the requestor on the details of the request, including cost and response time. In addition, the Data Practices Act does not require Swift SWCD 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. Swift SWCD will prepare summary data if requests are made in writing and pre-payment for the cost of creating the data is received. Upon receiving written requests – the data request form at the end of this document may be used—Swift SWCD will respond within ten business days with the data or details of when the data will be ready and how much will be charged.

COPY COSTS

Swift SWCD charges the requesting party for all costs associated with fulfilling the data request, including staff time, materials, and copy expenses. These charges are authorized under Minnesota Statutes, section 13.03, subd. 10. Copy charges and hourly rates for staff time are in Swift SWCD's annual fee schedule posted at www.swiftSWCD.org. The charge for time is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data. In determining the actual cost of making copies, Swift SWCD factors in employee time, the cost of the materials onto which the data are copied (paper, CD, DVD, etc.), and mailing costs (if any). If requests are for copies of data that Swift SWCD cannot reproduce internally, such as photographs, the actual cost paid to an outside vendor will be charged. The lowest paid employee class capable of, or available to provide, data search, retrieval, and copy services will be utilized.

DATA PRACTICES CONTACTS

Responsible Authority & Compliance Official

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Data Practices Designee

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