

# **Pennington Soil and Water Conservation District Data Practices Policy**

*Adopted: January 21, 2020*



*201 Sherwood Ave S Thief River Falls, MN 56701 (218) 683-7075  
[www.penningtonswcd.org](http://www.penningtonswcd.org)*

## 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, CD's, DVD's, photographs, etc.

The Government Data Practices Act also proves that Pennington 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 Pennington SWCD keeps. The public also has the right to get copies of public data. The Government Data Practices Act allows Pennington SWCD to charge for copies however, the public has 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 Pennington SWCD keeps, the public needs to make a written request. Written requests for data must be made to the District Manager by mail, or email using the form found at the end of this policy document. If you chose not to use the data request form, your request must include:

- A request for public data under the Government Data Practices Act (Minnesota Statutes, Chapter 13).
- Whether the request is to inspect data, receive copies of the data, or both, and
- A clear description of the data to be inspected and/or have copied.

Pennington 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, mailed or emailed), Pennington SWCD may need contact information. If no identifying information is provided, it will be the responsibly of the requesting party to contact the Pennington SWCD to check on the status of the request. In addition, if Pennington SWCD does not understand the request and no contact information is provided, Pennington SWCD will not be able to process the request.

## How Pennington SWCD Responds to a Data Request

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

- If it is not clear what data is requested, Pennington SWCD will ask for clarification.
- If Pennington SWCD does not have the data, the requestor will be notified in writing as soon as reasonably possible.
- If Pennington 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 State Statute requires such privacy.
- If Pennington 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 to look at data, or

- Provide the requestor copies of the data as soon as reasonably possible. Copies may be picked up, mailed or emailed. If requestors want copies to be delivered to them, sufficient contact information will be required to do so. Electronic copies (such as email or CD) will be provided upon request if the data is kept in electronic format.
- If the requestor does not understand the data (technical terminology, abbreviations or acronyms) clarification will be provided upon request.

Information about copy charges can be found in this document. Prepayment is required.

The Government Data Practices Act does not require Pennington SWCD to create or collect new data in response to a data request if Pennington SWCD does not already have the data, or to provide data in a specific form or arrangement if Pennington SWCD does not keep the data in that form or arrangement. For example, if the data requested are on paper only, Pennington SWCD is not required to create electronic documents to respond to the request. If Pennington SWCD agrees to create data in response to a request, Pennington SWCD will work with the requestor on the details of the request, including cost and response time. In addition, Pennington SWCD is 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. Pennington SWCD will prepare summary data if requests are made in writing and prepayment for the cost of creating the data is received.

Upon receiving your written request- using the data request form at the end of this policy document - we will respond within ten (10) business days with the data or details of when the data will be ready and how much will be charged.

## **Copy Costs**

Pennington 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, subdivision 10. Hourly rates for staff time are in the Pennington SWCD annual fee schedule posted at [www.penningtonswcd.org](http://www.penningtonswcd.org). In determining the actual cost of making copies, Pennington SWCD factors in employee time, the cost of the materials onto which the data are copied (paper, CD, flash drive, etc.), and mailing costs (if any). If requests are for copies of data that Pennington SWCD cannot reproduce internally such as photographs, the actual cost paid to an outside vendor will be charged. If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search and retrieve the data, we will calculate the search and retrieval portion of the copy charge at a higher salary/wage.

# Data Practices Contacts

## **Responsible Authority & Compliance Official:**

Bryan Malone  
District Manager  
201 Sherwood Ave S  
Thief River Falls, MN 56701  
Phone: 218-683-7075  
Email: [bryan.malone@mn.nacdnet.net](mailto:bryan.malone@mn.nacdnet.net)

## **Data Practices Designee(s):**

Barb Molskness  
District Coordinator  
201 Sherwood Ave S  
Thief River Falls, MN 56701  
Phone: 218-683-7075  
Email: [barb.molskness@mn.nacdnet.net](mailto:barb.molskness@mn.nacdnet.net)

Donna Christianson  
Outreach Coordinator  
201 Sherwood Ave S  
Thief River Falls, MN 56701  
Phone: 218-683-7075  
Email: [donna.christianson@pennington.mnswcd.org](mailto:donna.christianson@pennington.mnswcd.org)



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## Data Request Form

Date of Request: \_\_\_\_\_

I am requesting access to data in the following way:

- Inspection
- Copies
- Both Inspection and Copies

Note: Inspection is free, but Pennington SWCD charges for requests when the cost is over \$10.00

### I am requesting these data:

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

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#### Contact Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Note:** You are not required to provide any contact information. However, if you want us to mail/email any copies of data to you, some type of contact information is needed. In addition, if the request is not clear and clarification is needed, without contact information your request will not be processed until you contact us.

**Pennington Soil and Water Conservation District will respond to your request as soon as reasonably possible**