

Prior Lake-Spring Lake Watershed District PUBLIC DATA REQUEST POLICY

POLICY STATEMENT

It is the policy of the Board of Managers of the Prior Lake-Spring Lake Watershed District (PLSLWD) to provide access to public data in accordance with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13. This policy is in effect for all persons or entities that make a request to inspect and copy public data of the PLSLWD.

BACKGROUND

The PLSLWD will fill all requests for data from its files and computerized databases, subject to the restrictions of the Minnesota Government Data Practices Act, copyright laws, and decisions of the Office of the Attorney General. The PLSLWD will keep its records containing government data in such an arrangement and condition as to make them easily accessible for convenient use. When allowed by law, fees will be charged to recover the actual costs incurred in providing copies of requested data.

RESPONSIBLE AUTHORITY

The PLSLWD Administrator has been designated as the Responsible Authority and Data Practices Compliance Official for management of the data practices of the PLSLWD.

ACCESS TO PUBLIC DATA

Data in the PLSLWD's files are open to the public unless classified by statute, temporary classifications pursuant to Minn. Stat. 13.06, or federal law, as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential.

Access to data of the PLSLWD means inspection at the District office only. A request pursuant to this policy does not authorize removal of District files or data therein from the District office.

People Entitled to Access: Any person has the right to inspect and copy public data of the PLSLWD. Upon request a person also has the right to be informed of the data's meaning.

Form of Request: A request for public data may be oral or written. The Responsible Authority may require that an initial oral request be made in writing whenever a written request will assist the Responsible Authority in providing the data requested.

Timing of Request: All requests for data will be scheduled either at the time of the request or as soon as possible thereafter, depending upon the availability of appointments, the Responsible Authority or the designee or the status of the requested data. Persons wishing to inspect data are

encouraged to schedule an appointment with the designee at least two business days prior to the inspection. This two-business-days lead time may need to be extended for cases in which the data needs to be reviewed for not public information, or in the event the Responsible Authority is unavailable. Appointments will be scheduled on days when the PLSLWD office is open and during PLSLWD's normal business hours, which are Monday through Friday between 8:00 a.m. and 4:30 p.m. The staff may provide general assistance; however, the person requesting the data remains responsible for searching through the data to find the desired information.

Copies: All copies will be made by the Responsible Authority or designee. If a person requests copies of data and the Responsible Authority or designee is not able to provide copies at the time a request is made, copies will be supplied as soon as reasonably possible after the request is made.

Fees: No charge will be assessed if data is inspected and no copies are requested. Pursuant to Minn. Stat. § 13.03, subd. 3 (c), if a person requests copies or electronic transmittal of data the PLSLWD may charge the actual costs of searching for and retrieving the data, including the cost of employee time, and for making, certifying, compiling, and electronically transmitting the copied data. The PLSLWD may not charge for separating public from not public data. The person requesting the data shall pay all charges for copying and services provided by the PLSLWD in advance of receiving copies of the requested data.

A person requesting copies of data shall indicate what data they would like copied by tabbing the pages or marking the data desired with the supplies provided by the PLSLWD. Individual pages identified by the person making the request will be copied and charged. Double-sided copies will be considered two pages for charging. A person requesting copies of data may pick up their copies at the PLSLWD office once the data is copied.

The PLSLWD will make arrangements with a vendor when a request for data involves reproduction of District photographs or slides, large maps, plan sheets, diskettes, cassette tapes, videotapes, electronic or computer files or other media requiring coping procedures not available at the PLSLWD's office. Prices will vary depending on the service requested. Quotes for copying these forms of data may be obtained from the PLSLWD Responsible Authority.

When a request for data involves any person's receipt of copies of PLSLWD data that has commercial value and is a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, database, or system developed with a significant expenditure of public funds by the PLSLWD, the PLSLWD may charge a reasonable fee for the information in addition to the costs of making, certifying and compiling the copies. Any such fee charged shall relate to the actual development costs of the data. The PLSLWD will, upon request, provide sufficient documentation to explain and justify the fee being charged.

DENIAL OF ACCESS

If the Responsible Authority determines that the requested data is classified so as to deny the requesting person access, the Responsible Authority 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 denied access to data, the Responsible Authority 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.

REMEDIES

These policies will be administered consistently with the Laws of Minnesota. In the event that a request for data is denied and the person making the request believes that these policies or implementation thereof, are contrary to the Laws of Minnesota, that person may register an objection in writing with the President of the Board of Managers, who will provide a prompt ruling.

If the PLSLWD opposes discovery of data or release of data pursuant to court order on the grounds that the data is classified as not public, the party that seeks access to the data may bring before the appropriate judicial officer, arbitrator, or administrative law judge and action to compel discovery or an action in the nature of an action to compel discovery.

SUBMITTING YOUR DATA REQUEST

Please direct all requests and inquires regarding data or the availability of data from the PLSLWD to:

Administrator, Prior Lake-Spring Lake Watershed District
15815 Franklin Trail SE, Suite 100
Prior Lake, MN 55372
(952) 447-4166