

# Prior Lake – Spring Lake Watershed District

## Public Data Request Policy

Adopted as amended 2/27/19

### Policy Statement

It is the policy of the Board of Managers of the Prior Lake-Spring Lake Watershed District (District) to provide access to public data in accordance with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 (DPA). The DPA states that data of public bodies are to be available to the public unless specifically protected as non-public under the law where individual privacy would be violated or where other valid concerns outweigh the interest in public availability. The Prior Lake – Spring Lake Watershed District (District) wishes to ensure that its conduct and practices strictly comply with the DPA to ensure access to District data while appropriately protecting private and confidential District data. Where the DPA allows for the exercise of judgment, the District will exercise that judgment consistent with the public interests underlying the law.

This policy is adopted pursuant to sections 13.025, subdivision 2, and 13.03, subdivision 2, of the DPA, which state that every public body must establish procedures to implement the DPA. In addition, in compliance with section 13.025, subdivision 1, the District has adopted and maintains as Appendix A an Inventory of Not-Public Data on Individuals to ensure that access to private and confidential data on individual is limited to District personnel whose work or management assignments require access. The District will manage data on individuals to ensure that such data are accurate and complete and to safeguard the data's security, in accordance with section 13.05, subdivision 5. The District keeps its records in such an arrangement and condition as to make them easily accessible for convenient use. The District also maintains a document setting forth the rights of data subjects under the DPA and procedures to guarantee the rights of data subjects, in compliance with section 13.025, subdivision 3.

This policy is in effect for all persons or entities making a request to inspect and copy public data of the District. Data in the District's files are public unless classified by statute, temporary classification pursuant to Minnesota Statutes section 13.06, or federal law, as not public.

**Responsible Authority & Data Practice Compliance Official:** The District administrator has been designated as the Responsible Authority and Data Practices Compliance Official for management of the data practices of the District.

**Procedure for Review of District Documents:** All requests to inspect or receive copies of District data, and all other inquiries regarding the DPA, must be in writing and delivered to:

DPA Responsible Authority, Prior Lake-Spring Lake Watershed District  
4646 Dakota Street SE  
Prior Lake, MN 55372  
952 447 4166

Access to data of the District means inspection at the District office only. District files or data therein may not be removed from the District office.

**Form of Request:** A request for public data must be written. Requests to inspect or obtain copies of District data must be in writing to ensure that the District's response is timely and complete.

**Timing of Request:** The DPA requires that individuals be permitted to inspect or copy data within a reasonable time after making a request. The District will respond to requests as quickly as possible. The response time will vary depending on the breadth and clarity of the request.

Appointments will be scheduled in response to requests for data 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 and the status of the requested data. Appointments will be scheduled on days when the District office is open and during District'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. The ability to provide copies immediately depends on the number of copies requested, the availability of copying equipment, staff workload and the need to deliver the data elsewhere for copies to be made (e.g., oversize documents, tapes, electronic data).

**Costs:** There is no cost to inspect District documents. Copies will be charged 25 cents per page for up to 100 letter- or legal-sized black-and-white copies. There is no charge for delivery by email or other digital means of less than 100 pages or the equivalent (as determined by the District) of data. Pursuant to Minnesota Statutes section 13.03, subdivision 3, a party requesting copies or the electronic transmittal of more than 100 pages of data is responsible for the District's actual cost, including the cost of staff time, to search for and retrieve data and to make, certify (if requested), compile and transmit copies. Staff costs will be assessed based upon established hourly rates. The District does 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 District in advance of receiving copies of the requested data.

The District may 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 District's office. Prices will vary depending on the service requested. Quotes for copying these forms of data may be obtained from the District Responsible Authority.

If a requesting party wishes, the District will advise of the approximate number of pages of documents responsive to a request or the likely cost of responding to a request before copies are made. Payment may be made by check. The District may require payment in advance.

When a request for data involves any person's receipt of copies of District data that has commercial value, the District may charge a reasonable fee that relates to the actual cost of developing the data 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 District will, upon request, provide documentation to explain and justify the fee being charged. As a condition of making certain commercially valuable data available, the District may require execution of a license agreement limiting use or further distribution.

## **Denial of Access**

If the Responsible Authority determines that the requested data are 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.