

**LOWER MINNESOTA RIVER WATERSHED DISTRICT**

**DATA PRACTICES PROCEDURES**

*Adopted: September 17, 2014*

*Revised: August 21, 2024*

# Lower Minnesota River Watershed District

## Draft Data Practice Policy For Members Of The Public

### Right to Access Public Data

This policy explains your rights as a member of the public to access and request copies of government data under the [Minnesota Data Practices Act, Minnesota Statutes, Chapter 13](#) (the “Data Practices Act”). 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 presumes that all government data are public unless a state or federal law says the data are not public.

The Government Data Practice Act provides the Lower Minnesota River Watershed District must keep all government data in a way that makes it easy for you to access public data. You have the right to look at (inspect), free of charge, all public data we keep. 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.

If you would like private data about you, your minor child, or someone for whom you are the legal guardian, consult the LMRWD’s “Data Practices Policy For Requests For Data About You, And Your Rights As A Data Subject.”

### How To Make A Data Request

You can request to look at data or obtain copies of data the Lower Minnesota River Watershed District keeps by making a written request. Make your written request for data to the Data Practices Compliance Officer – Exhibit 1. You may make your written request for data by mail, or email using the Data Request Form.

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

- a statement that you are making a request for public data under the [Government Data Practices Act, Minnesota Statutes, Chapter 13](#)
- a clear description of the data you would like to inspect or have copied
- Instructions for delivering the data to you, stating whether you would like to look at the data, receive copies of the data, or both

You are not required to identify yourself or explain the reason for your data request. However, we may need some information about you to respond to your request (for example, if you request emailed copies, we will need your email address). 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. If we do not understand your request and have no way to contact you, we will not be able to process your request.

### How We Respond To A Data Request

Upon receiving your request, we will process it as follows.

- If we do not have the data, we will notify you in writing as soon as reasonably possible.
- If we have the data but are not allowed to give it to you, we will notify you as soon as reasonably possible and state which specific law says we are not allowed to give it to you.
- If we have the data and the data are public, we will respond to your request within a reasonable amount of time by doing one of the following:
  - arrange a date, time, and place for you to inspect data, for free, if your request is to look at the data
  - provide you with copies of the data as soon as reasonably possible. You may choose to pick up your copies or we will mail, email, or fax them to you. If you want us to send you the copies, you will need to provide us with an address, email address, or fax number. We will provide electronic copies (such CD-ROM) upon request if we keep the data in electronic format.

If you request copies, we may charge you a fee and require you to pre-pay for your copies. Information about copy charges is below.

If you do not understand the data (technical terminology, abbreviations, or acronyms), please tell the person who provided the data to you. 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, 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. If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

In addition, we are not required under the 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. We will prepare summary data if you make your request in writing. We may require you to pre-pay for copies and for the cost of creating the summary data. Upon receiving your written request (you may use the Data Request Form – Exhibit 2), we will respond within 10 business days with the data or details of when the data will be ready and how much we will charge.

### **Copy Costs**

The Lower Minnesota River Watershed District charges members of the public for copies of government data. These charges are authorized under [Minnesota Statutes, section 13.03, subdivision 3\(c\)](#).

We may require you to pay for your copies before we will give them to you. The charges below may vary when a charge is set by statute or rule.

- **100 or fewer paper copies**  
If you request 100 or fewer pages of black and white, letter, or legal size paper copies, the charge is 25¢ for a one-sided copy or 50¢ for a two-sided copy.
- **Most other types of copies**  
The charge for most other types of copies is the actual cost of searching for and retrieving the data and making the copies or electronically sending the data (eg, sending the data by email).

In determining the actual cost of making copies, we include employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc), and mailing costs (if any). If your request is for copies of data we cannot copy ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

If, based on your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate search and retrieval charges at the higher salary/wage.

If possible, and upon request, we will provide you with an estimation of the total cost of supplying copies.

This document is available in alternate formats upon a 72-hour request. Please call 763-545-4659 to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.

**EXHIBIT 1**  
**Lower Minnesota River Data Practices Contacts**  
**RESPONSIBLE AUTHORITY AND DATA PRACTICES OFFICIAL AND DESIGNEES**

**Responsible Authority and Compliance Official**

**Records**

Name: Linda Loomis, Administrator

All records

Lower Minnesota River Watershed District

112 East 5th Street

Suite 102

Chaska, MN 55318

Telephone: (763) 545-4659



**Data Request Form**

**A. Completed by Requester (if you wish your name to be withheld, please send alternate contact info)**

REQUESTER NAME (Last, First, M.):	DATE OF REQUEST:
STREET ADDRESS:	PHONE NUMBER:
CITY, STATE, ZIP:	SIGNATURE:
You do not have to provide any of the above contact information. However, if you want us to mail/email you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information we will not be able to begin processing your request until you contact us.	
DESCRIPTION OF INFORMATION REQUESTED:	

I am requesting access to data in the following way: choose one

Inspection       Copies       Both inspection and copies

**B. Completed by Department**

DEPARTMENT NAME:	HANDLED BY:
INFORMATION CLASSIFIED AS: <input type="checkbox"/> PUBLIC <input type="checkbox"/> NON-PUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/> PROTECTED NON-PUBLIC <input type="checkbox"/> CONFIDENTIAL	ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED IN PART (Explain below) <input type="checkbox"/> DENIED (Explain below)
REMARKS OR BASIS FOR DENIAL INCLUDING STATUTE SECTION:	
COPYING CHARGES: <input type="checkbox"/> NONE <input type="checkbox"/> _____ Pages x \$0.25 = <input type="checkbox"/> Special Rate: _____ (explain)	IDENTITY VERIFIED FOR PRIVATE INFORMATION <input type="checkbox"/> IDENTIFICATION: Driver's License, State ID, etc. <input type="checkbox"/> COMPARISON WITH SIGNATURE ON FILE <input type="checkbox"/> PERSONAL KNOWLEDGE <input type="checkbox"/> OTHER: _____
AUTHORIZED SIGNATURE:	

## Lower Minnesota River Watershed District Draft Data Practice Policy for Requests for Data about You and Your Rights as a Data Subject

This policy explains your rights as a data subject, and tells you how to request data about you, your minor child, or someone for whom you are the legal guardian. The Government Data Practices Act, Minnesota Statutes, Chapter 13 (the "Data Practices Act") says that data subjects have certain rights related to a government entity collecting, creating, and keeping government data about them. You are the subject of data when you can be identified from the data. Government data is a term that means all recorded information a government entity has, including paper, email, DVDs, photographs, etc.

### Classification of Data about You

The Government Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. Data about you are classified by state law as follows:

- **Public data:** Some data about you is classified under the Data Practices Act as public data. For example, your name on an application for a license from the City is public data. The Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. We must give public data to anyone who asks. It does not matter who is asking for the data or why the person wants the data.
- **Private data:** Some data about you is classified as private data. For example, an employee's Social Security number is private data. We cannot give private data to the public. We can share your private data with you, with someone who has your permission, with our government entity staff whose job requires or permits them to see the data, and with others as permitted by law or court order. The following are examples of private data about you that we might have.
- **Confidential data:** Some data about you is classified as confidential data. For example, your identity as mandated reporter of child abuse or neglect is confidential data. Confidential data have the most protection. Neither the public nor you can access confidential data even when the confidential data are about you. We can share confidential data about you with our government entity staff who have a work assignment to see the data, and to others as permitted by law or court order.

### Your Rights under the Government Data Practices Act

The Lower Minnesota River Watershed District must keep all government data in a way that makes it easy for you to access data about you. We can collect and keep only those data about you that we need for administering and managing programs that are permitted by law. As a data subject, you have the following rights:

- **Access to Your Data**  
You have the right to look at (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. The Government Data Practices Act sets the amount we may charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

If you ask, we will tell you whether we keep data about you and whether the data are public, private, or confidential.

As a parent, you have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask the Lower Minnesota River Watershed District not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have this right. We may ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on the factors listed in Minnesota Administrative Rule 12.05.0500, subpart 3(B). Minors do not have this right if the data in question are educational data maintained by an educational agency or institution.

- **When We Collect Data from You**

When we ask you to provide data about yourself that are not public, we must give you a notice. The notice is sometimes called a Data Practices or Tennessee Warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent. If you want us to release data to another person, you may use the consent form we provide.

- **Protecting your Data**

The Government Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe.

- **When your Data are Inaccurate or Incomplete**

You have the right to challenge the accuracy and completeness of public and private data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

### **How to Make a Request for Your Data**

You may request to look at (inspect) data or obtain copies of data that we keep about you, your minor children, or an individual for whom you have been appointed legal guardian. You must make this request in writing. Make your request for data to the appropriate individual listed in the Data Practices Contacts on Page 5. You may make your request by mail, fax, or email, using the Data Request Form on Page 7.

We recommend using the data request form included with this policy. If you choose not to use the data request form, your request should include:

- A statement that you are making a request for public data under the Government Data Practices Act, Minnesota Statutes, Chapter 13.
- A clear description of the data you like to inspect or have copied
- Instructions for delivering the data to you. You must state whether you would like to look at the data, receive copies of the data, or both.
- Identifying information that proves you are the data subject, or data subject's parent/guardian.

The Lower Minnesota River Watershed District may require proof of your identity before we can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity included in this policy. If you do not provide proof that you are the data subject, we cannot respond to your request.

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

Once you make your written request, we will process it as follows:

- If it is not clear what data you are requesting, we will ask you for clarification.
- If we do not have the data, we will notify you in writing within 10 business days.
- If we have the data, but the data are confidential or private data that are not about you, we will notify you within 10 business days and state which specific law says you cannot access the data.
- If we have the data and the data are public or private data about you, we will respond to your request within 10 business days, by doing one of the following:
  - o arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
  - o provide you with copies of the data within 10 business days. You may choose to pick up your copies, or we will mail, email or fax them to you. We will provide electronic copies (such as CD-ROM) upon request if we keep the data in electronic format.

Information about copy charges is on Page 4. We may require you to prepay for the copies.

After we have provided you with access to data about you, we do not have to show you the data again for 6 months unless there is a dispute or we collect or create new data about you.

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.) If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.



In addition, we are not required under the Government Data Practices Act to respond to questions that are not specific requests for data.

**Copy Costs - Data Subjects**

The Lower Minnesota River Watershed District may charge you the actual cost for copies of government data about you. These charges are authorized under Minnesota Statutes, section 13.04, subdivision 3. You may be required to pay for the copies before we will give them to you.

**Actual Cost of Making the Copies**

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

## Lower Minnesota River Watershed District Data Practices Contacts

### RESPONSIBLE AUTHORITY AND DATA PRACTICES OFFICIAL AND DESIGNEES

#### Responsible Authority and Compliance Official

Name: Linda Loomis, Administrator

Lower Minnesota River Watershed District

112 East 5th Street

Suite 102

Chaska, MN 55318

Telephone: (763) 545-4659

#### Records

All records

## Data Request Form - Data Subjects

Date of request: \_\_\_\_\_

To request data as a data subject, you may be required to show a valid state ID, such as a driver's license, military ID, or passport as proof of identity.

I am requesting access to data in the following way:

Inspection                       Copies                       Both inspection and copies

Note: inspection is free. You may be required to pay for copies before we will give them to you.

These are the data I am requesting:

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

### Contact Information

Data subject name \_\_\_\_\_

Parent/Guardian name (if applicable) \_\_\_\_\_

Address.....

Phone number..... Email address.....

### Staff Verification

Identification provided \_\_\_\_\_

We will respond to your request within 10 business days.

## Standards for Verifying Identity

The following constitute proof of identity.

- An **adult individual** must provide a valid photo ID, such as
  - o a state driver's license
  - o a military ID
  - o a passport
  - o a Minnesota ID
  - o a Minnesota tribal ID
  
- A **minor individual** must provide a valid photo ID, such as
  - o a state driver's license
  - o a military ID
  - o a passport
  - o a Minnesota ID
  - o a Minnesota Tribal ID
  - o a Minnesota school ID
  
- The **parent or guardian of a minor** must provide a valid photo ID *and either*
  - o a certified copy of the minor's birth certificate *or*
  - o a certified copy of documents that establish the parent or guardian's relationship to the child, such as
    - a court order relating to divorce, separation, custody, foster care
    - a foster care contract
    - an affidavit of parentage
  
- The **legal guardian for an individual** must provide a valid photo ID *and* a certified copy of appropriate documentation of formal or informal appointment as guardian, such as
  - o court order(s)
  - o valid power of attorney

Note: Individuals who do not exercise their data practices rights in person must provide *either* notarized or certified copies of the required documents *or* an affidavit of ID.

**Lower Minnesota River Watershed District  
Inventory of Not-Public Data on Individuals**

August 2024

This document describes private or confidential data on individuals maintained by the Lower Minnesota River Watershed District (*see* Minn. Stat. 13.05 and Minn. Rules 1205.1200).

This document is also part of the LMRWD's procedures for ensuring that not-public data are only accessible to individuals whose work assignment reasonably requires access (see Minn. Stat. 13.05, subd. 5). In addition to the employees listed, the LMRWD managers and LMRWD legal counsel also will have access to not-public data as needed as part of specific assignments or under certain circumstances.

Please direct all questions about this inventory to the District Data Practices Compliance Official:

**Linda Loomis**

[naiadconsulting@gmail.com](mailto:naiadconsulting@gmail.com)

763-545-4659

Name of Record, File, Process, Form or Data Type	Description	Data Classification	Citation for Classification	Employee/Manager Access
Appeal data	Data maintained as a result of processing appeals of determinations about the accuracy and/or completeness of public and private data on individuals	Public Private	MS 13.03, subd. 4	Administrator.
Applicant records	Completed assessments and results, related documentation, and application forms.	Public Private	MS 13.43	Administrator.
Attorney Data	Data related to attorney work product or data protected attorney-client privilege	Private	MS 13.393	Staff on as needed basis as part of specific work assignments.
Citizen Advisory Council member data	Data pertaining to advisory council applicants and appointees.	Public Private Confidential	MS 13.601	Administrator; other staff as needed.
Civil investigative data	Data that are collected in order to start or defend a pending civil legal action, or because a civil legal action is expected	Confidential Public	MS 13.39	Administrator; other staff as needed.

Personnel data	Data about employees, applicants, volunteers and independent contractors; data disclosed for the purpose of administration of the workers' compensation program as provided in chapter labor relations information	Public/Private/ Confidential	MS 13.43 179A.03, subd. 4	Administrator.
Response to data requests	Data collected by the District Data Practices Compliance Official in responding to requests for data maintained by the District.	Public Private	Various	Administrator; staff as necessary.
Security information	Data that would substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury, if the data were released to the public	Private	MS 13.37	Administrator.
Social Security numbers	Social Security numbers assigned to individuals	Private	MS 13.355	Administrator.
Unemployment compensation billings	Records of billings for employee unemployment compensation	Private	MS 13.43	Administrator.

Continuity of Operations	Personal home contact information used to ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of operation of a government entity.	Private	MS 13.43, subd. 17	Administrator.
Employee expense reports	Expense reimbursement requests	Public Private	MS 13.43	Administrator.
Employee personnel records	Record of prior and current employment history. Data relating to hiring, assessments, payroll, pension and retirement, promotion, medical, family leave, grievances and discipline and related administrative personnel actions; drug-and-alcohol-testing and background-check results.	Public Private	MS 13.43	Administrator.
Motor vehicle data	Information on license plate numbers, owners, and registration status of vehicles.	Private	MS 168.346	Administrator.
Personal contact and online account information	Telephone number, email address and usernames and passwords collected, maintained, or received by the District for notification purposes or as part of a subscription list for an entity's electronic periodic publications as requested by the individual.	Private	MS 13.356	Administrator; consultants as needed for specific projects and programs.



Workers compensation billings	Records of billings for employees who receive workers compensation benefits	Private	MS 13.43	Administrator.
-------------------------------	---	---------	----------	----------------