

RENVILLE COUNTY SOIL AND WATER CONSERVATION DISTRICT DATA PRACTICES POLICY FOR DATA SUBJECTS

I. PURPOSE

The purpose of this policy is to set forth the procedure for an employee or other individual to inspect or obtain copies of data about that individual or that individual's minor child maintained by the Renville County Soil and Water Conservation District (SWCD) and to comply with the Minnesota Government Data Practices Act (MGDPA), as set forth in Minnesota Statutes Chapter 13.

II. DEFINITIONS AND CONSTRUCTION

This policy must be construed as consistent with the MGDPA and Minnesota Rules Chapter 1205. All terms used herein that are defined by the MGDPA must be given the same definition as listed in the MGDPA and Rules Chapter 1205. This policy does not confer upon an individual the right to access data not otherwise provided in any applicable law or other SWCD policy. Nothing in this policy shall be interpreted to contradict any other SWCD policy.

III. RIGHT TO ACCESS DATA

Upon request to a responsible authority, an individual shall be informed whether that individual, the individual's minor child or person for whom the individual has been appointed guardian is the subject of stored data and whether the data is classified as public, private, or confidential. Upon further request, an individual who is the subject of stored private or public data shall be shown the public or private data about themselves without any charge and, if desired, shall be informed of the content and meaning of that data. Individuals also have the right to obtain copies of the public and private data about them. The MGDPA allows the SWCD to charge for copies. Individuals have the right to look at the public and private data, free of charge, before deciding to request copies. Except as required by law, after an individual has been shown this data and informed of its meaning, the SWCD need not disclose the data to that individual for six (6) months unless there is a dispute or additional data on the individual has been collected or created.

IV. MAKING A DATA REQUEST

To inspect data or request copies of data on the individual that are in the SWCD's possession, the individual should make a written request using the form found in Attachment B and submit this request to the appropriate data practices official described in Attachment C. The SWCD reserves the right to accept verbal requests for data, or to reduce verbal requests to writing, at its sole discretion.

V. PROCESSING A REQUEST

The SWCD will respond to a written request submitted pursuant to this policy immediately, if possible, and within ten (10) days of the date of the request, excluding Saturdays, Sundays, and legal holidays, if immediate compliance is not possible.

- If it is unclear what data the individual is requesting, the SWCD will seek clarification.
- Before responding to the request for data, the SWCD will ask the individual to confirm their identity as the data subject. If an individual is requesting data about their minor child, they must show proof that they are the minor's parent. If the individual is a guardian requesting data, they must show legal documentation of the guardianship. See Attachment D for more information. If the individual does not provide proof that they are either the data subject, a minor data subject's parent, or a guardian of the data subject, the SWCD cannot respond to the request.
- If a request is so broad that it yields voluminous data, the SWCD may ask if there is more specific data the requester seeks. The SWCD may also ask whether the requester wishes to inspect the data at SWCD offices prior to making copies, and may require a deposit for actual costs of providing the copies (See Attachment A for information related to copying costs and payment).
- If the SWCD does not have the requested data, it will notify the individual in writing as soon as reasonably possible.
- If the SWCD has the requested data, and the data may lawfully be disclosed to the individual, the SWCD will respond to the request by doing one of the following:
 - Arrange a date, time, and place for the individual to inspect the data without cost to the individual, or
 - Provide the individual with copies of the data. The individual may choose to pick up the copies, or the SWCD will mail or e-mail copies of the data to the individual if possible. The SWCD will provide electronic copies (such as e-mail) upon request if the SWCD keeps the data in electronic format. Prepayment of copies is required unless other arrangements are approved by the responsible authority. Further information about copying charges is included on Attachment A.
- If the SWCD determines that the requested data is classified so as to deny the requesting person access, the SWCD shall 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.

- Upon the request of any person denied access to data, the responsible authority shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of law upon which the denial was based.
- Upon request, the SWCD will inform the requester as to the meaning of any data disclosed pursuant to this policy.
- Following the SWCD's response, if the requester does not make arrangements within fifteen (15) business days to inspect the data or pay for the copies, the SWCD will conclude that the requester no longer wants the data and will consider the request closed.

Nothing in this policy or the MGDPA requires the SWCD to create or collect new data in response to a data request if the SWCD does not already have the data, or to provide data in a specific form or arrangement if the SWCD does not keep the data in that form or arrangement. For example, if the data requested is on paper only, the SWCD is not required to create electronic documents to respond to a request.

Nothing in this policy or the MGDPA requires the SWCD to respond to questions that are not about a requester's data requests, or requests for government data.

VI. IDENTIFICATION

The SWCD reserves the right to require that an individual requesting private data on the individual, the individual's minor child, or a person over whom the individual has been appointed legal guardianship, provide valid photo identification at the time that the data is requested or provided.

The SWCD will not disclose private data on anyone other than the individual requesting data or that individual's minor child without receiving a valid release signed by the subject of the data.

VII. RIGHTS OF DATA SUBJECTS

A. Challenging Inaccurate or Incomplete Data

Consistent with the MGDPA, any person who believes that information contained in the SWCD's records regarding that individual, the individual's minor child, or person over whom the individual has been appointed legal guardian is inaccurate or incomplete may

request that the SWCD amend those records. To exercise this right to challenge the accuracy and/or completeness of public and private data about the individual, the individual must notify the responsible authority described in Attachment C in writing of the nature of the disagreement. Upon receiving such notification, the SWCD will take action as required by the MGDPA. Please note that the submission of a challenge to data does not guarantee that the SWCD will amend its records.

B. Information Provided When Data is Requested by the SWCD

Consistent with the MGDPA and other applicable law, certain circumstances may require the SWCD to notify an individual who is asked to provide the SWCD with private or confidential data concerning that individual of the ways in which the SWCD can use the data collected.

C. Other Rights of Data Subjects

Nothing in this policy shall be construed as limiting the rights provided by the MGDPA. Individuals who are the subject of data in the SWCD's possession have all of the rights afforded by Minnesota Statutes section 13.04.

Attachment A

Copy Costs – Data on Individuals

The SWCD charges individuals for copies as authorized under Minnesota Statutes section 13.04, subdivision 3. Individuals must pay for the copies before the SWCD will provide the copies.

Prepayment is mandatory for all copy requests for which fees are charged. In addition, if a data request will result in voluminous numbers of documents, the SWCD may ask for a deposit prior to copying data. If the cost of providing the copies is less than the deposit amount, the individual will receive a refund of the unused deposit amount. If the cost of providing the copies exceeds the deposit amount, the individual is responsible for the remaining balance before the copies will be provided. Individuals must pay the deposit amount before the SWCD will begin working on the request.

Actual Cost

When the subject of the data requests copies, the SWCD may charge for the actual costs of making and certifying the copies.

In determining the actual cost, the SWCD considers factors including, but not limited to, the cost of the employee time, the cost of the materials (paper, copier ink, staples, CDs or DVDs, flash drives, etc.), and mailing costs (if any). If the request is for copies of data that the SWCD cannot reproduce itself, such as photographs, it will charge the actual cost it must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data and make copies is based upon the lowest hourly rate of the appropriate staff member. There is no charge for time spent separating public from not public data.

Attachment B

Data Request Form – Requests for Data on Individuals

Date of request: _____

Method of Access to Data:

(Note: Inspection is free but there is a charge for copies)

Inspection Copies Both (inspection and copies)

Description of Requested Information:

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

Contact Information:

Name: _____

Address: _____

Phone number: _____

Email address: _____

Verification of Identity for private data:

- Identification: Driver’s License, State ID, Military ID, etc.
- Comparison with signature on file
- Personal Knowledge
- Proof of Relationship (required for requests for data on minors)
- Other: _____

Responsible Authority Signature: _____

Attachment C

Data Practices Responsible Authority

Responsible Authority

[NAME]

[POSITION]

Renville County SWCD

[ADDRESS LINE 1]

[ADDRESS LINE 2]

P: [PHONE NUMBER]

F: [FAX NUMBER]

E: [EMAIL ADDRESS]

Attachment D

Standards for Verifying Identity

The following constitute proof of identity:

- An **adult individual** must provide a valid photo ID, such as –
 - A state driver's license
 - A military ID
 - A passport
 - A Minnesota ID
 - A Minnesota tribe ID
 - The foreign equivalent of any of the above
- A **Minor individual** must provide a valid photo ID, such as –
 - A state driver's license
 - A military ID
 - A passport
 - A Minnesota ID
 - A Minnesota tribe ID
 - A Minnesota school ID
 - The foreign equivalent of any of the above
- The **parent or guardian of a minor** must provide a valid photo ID *and either*
 - A certified copy of the minor's birth certificate; *or*
 - 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* certified copy of appropriate documentation of formal or informal appointment as guardian, such as –
 - Court order(s)
 - 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 documents that are required or an affidavit of ID.