

BIG STONE COUNTY DATA PRACTICES POLICY MEMBERS OF THE PUBLIC

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, DVDs, photographs, etc.

The Government Data Practices Act also provides Big Stone County must keep all government data in a way that makes it easy for you, as a member of the public, to access public data. You have the right to look at (inspect), free of charge, all public data that 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.

How to Make a Data Request

To look at data or request copies of data that Big Stone County keeps, make a written request. Make your request for data to the appropriate individual listed in the Data Practices Contacts on pages 3 and 4. You may make your request for data by mail, fax, or email, using the data request form on page 6.

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

- That you, as a member of the public, are making a request for data under the Government Data Practices Act, Minnesota Statutes, Chapter 13;
- Whether you would like to look at the data, get copies of the data, or both; and
- A clear description of the data you would like to inspect or have copied.

Big Stone County cannot require you, as a member of the public, to identify yourself or explain the reason for your data request. However, depending on how you want us to process your request (if, for example, you want us to mail you copies of data), we may need some information about you. 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. In addition, please keep in mind that if we do not understand your request and have no way to contact you, we will not be able to begin processing your request.

How We Respond to a Data Request

Upon receiving your request, we will work to process it.

- If we do not have the data, we will notify you, in writing, as soon as reasonably possible.
- If we have the data, but the data are not public, we will notify you as soon as reasonably possible and state which specific law says the data are not public.
- If we have the data, and the data are public, we will respond to your request 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 your request is to look at the data, or
 - *provide you with copies of the data as soon as reasonably possible. You may choose to pick up your copies, or we will mail or fax them to you. If you want us to send you the

copies, you will need to provide us with an address or fax number. We will provide electronic copies upon request if we keep the data in electronic format.

Information about copy charges is on page 5. We also will arrange for you to pre-pay for the copies.

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, the Government Data Practices Act does not require us to answer questions that are not 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 and pre-pay/pay for the cost of creating the data. Upon receiving your written request – you may use the data request form on page 6 - we will respond within ten business days with the data or details of when the data will be ready and how much we will charge.

BIG STONE COUNTY DATA PRACTICES CONTACTS:

Responsible Authority:

Mark Brown, Sheriff's Office
11 Second Street SE
Ortonville, MN 56278
Mark.Brown@BigStoneCounty.gov
320-839-5990

Cindy Brehmer, Government & Finance Services
Recorder, Auditor/Treasurer, and Assessor Offices
20 Second Street SE
Ortonville, MN 56278
Cindy.Brehmer@BigStoneCounty.gov
320-839-6369

Laura Laub, Family Service Director
340 Second Street NW, PO Box 338
Ortonville, MN 56278
Laura.Laub@BigStoneCounty.gov
320-839-2555

Tammy Borgheiinck, Veterans Service Office
340 Second Street NW
Ortonville, MN 56278
Tammy.Borgheiinck@BigStoneCounty.gov
320-839-6375

Darren Wilke, Environmental Office
843 O'Neill Street
Ortonville, MN 56278
Darren.Wilke@BigStoneCounty.gov
320-839-6378

Pam Rud, County Coordinator
20 Second Street SE
Ortonville, MN 56278
Pam.Rud@BigStoneCounty.gov
320-487-1101

Jorden Roggenbuck, Highway Department
843 O'Neill St
Ortonville, MN 56278
Jorden.Roggenbuck@BigStoneCounty.gov
320-839-2594

Matt Anderson, Information Technology Department
20 Second Street SE
Ortonville, MN 56278
Matt.Anderson@BigStoneCounty.gov
320-839-6371

Suzanne Souza, U of M Extension Office
11 Second Street SE
Ortonville, MN 56278
souza004@umn.edu
320-839-6382

Data Practices Compliance Official:

Rebecca Trapp, County Attorney's Office and Compliance Official
20 Second Street SE
Ortonville, MN 56278
Rebecca.Trapp@BigStoneCounty.gov
320-487-1206

Copy Costs – Members of the Public

Big Stone County charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c).

You must pay for the copies before we will give them to you.

For 100 or Fewer Paper Copies – 25 cents per page

100 or fewer pages of black and white, letter or legal-size paper copies cost \$.25 for a one-sided copy, or \$.50 for a two-sided copy.

Most Other Types of Copies – Actual Cost

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data and making the copies or electronically transmitting the data (e.g. sending the data by email).

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, USB, DVD, etc.), and mailing costs (if any). If your request is for the 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.

See our current fee schedule at <https://bigstonecounty.gov/departments/administration/fee-schedule/>

The cost of employee time to search the data, retrieve data, and make copies is based on the hourly rate of the employee.

If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.

**BIG STONE COUNTY
DATA REQUEST FORM
MEMBERS OF THE PUBLIC**

Date of request: _____

I am requesting access to data in the following way:

_____ Inspection _____ Copies _____ Both inspection and copies

Note: Inspection is free, but Big Stone County will charge for copies as indicated on page 5.

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:

Name: _____

Address: _____

Phone number _____ Email address _____

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.

We will respond to your request as soon as reasonably possible.

All data requests must be made to the Responsible Authority (RA) or designee. Regardless of which staff person actually manages a data request, the RA ultimately is responsible.

Setting Parameters for Data Requests

As stated in the Data Practices Policy for Members of Public and Data Practices Policy for Data Subject, individuals must make data requests in writing.

When an individual requests data about him/herself, you must verify that the requestor is the data subject or the data subject's parent or guardian; document how you made the verification.

Responding to Data Requests:

Time Frames:

Big Stone County must respond to data subjects seeking access to data about them within ten business days (section 13.04).

Big Stone County must either provide the data to the data subject or inform the data subject there are no data available within ten business days. This does not mean that an entity cannot arrange for a longer period of time to respond, as long as the data subject agrees.

Big Stone County must respond to all data requests in writing.

Charging for copies of data:

Big Stone County charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c).

You must pay for the copies before we will give them to you.

For 100 or Fewer Copies – 25 cents per page

100 or fewer pages of black and white, letter or legal-size paper copies cost \$.25 for a one-sided copy, or \$.50 for a two-sided copy.

Most Other Types of Copies – Actual Cost

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data and making the copies or electronically transmitting the data (e.g. sending the data by email).

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.

The cost of employee time to search for data, retrieve data, and make copies is based on the hourly rate of the employee.

If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.

If you charge members of the public for copies, document the calculation.

Data subjects

When a data subject asks for copies, Big Stone County may charge the actual cost for an employee to make paper copies or to print copies of electronically stored data. When calculating employee time for making the copies, you should use the hourly wage of the lowest-paid employee who is able to make the copies.

Note: Government entities may not charge for search and retrieval time if a data subject requests copies.

Creating New Data

Big Stone County is not required to create data that is not already collected or maintained upon a request for creation of new data. If the County chooses to create data, they may work with the requestor on a case-by-case basis.

Summary Data

The Responsible Authority (RA) is required to prepare summary data if the request is made in writing and the cost of preparing the summary data is paid for by the requestor. The RA is allowed to delegate the preparation of summary data.

Methods of preparing summary data include, but are not limited to the following:

- Removing from a set of data, a file, or a record keeping system all unique personal identifiers so that the data that remains fulfills the definition of summary data as defined by Minnesota Statutes, section 13.02, subdivision 19; and
- Removing from the entity's report of any incident, or from any collection of data similar to an incident report, all unique personal identifiers so that the resulting report fulfills the definition of summary data in Minnesota Statutes, section 13.02, subdivision 19.

For the purpose of this part, "removing all unique personal identifiers" includes, but is not limited to, blacking out personal identifiers on paper records, tearing off or cutting out the portions of paper records that contain personal identifiers, and programming computers in such a way that printed, terminal, or other forms of output do not contain personal identifiers.

Big Stone County will respond to summary data requests within ten days.

Nondisclosure agreement

A nondisclosure agreement, as required by Minnesota Statutes, section 13.05, subdivision 7, shall contain at least the following:

- A general description of the private or confidential data which is being used to prepare summary data;
- The purpose for which the summary data is being prepared; and
- A statement that the preparer understands he/she may be subject to the civil or criminal penalty provisions of the act in the event that the private or confidential data is disclosed.

Parent Access to Private Data about Minor Children

(Policy for Data Subjects)

Parents and guardians are entitled to the same Chapter 13 rights as per minor children. However, a minor has the right to ask that his/her private data not be released to his/her parent or guardian. The rules provide guidance to government entities about responding to a minor's request to limit access to data about him/her.

Note: Government entities may not deny parents/guardians access to educational data that are maintained by an educational agency or institution.

Document when you notify minors that they have a right to request that you not release their private data to their parent or guardian. Also, for each situation where you receive a request from a minor, document how/why you made the determination to withhold or release.

Tennessen Warning Notices

(Policy for Data Subjects)

Big Stone County must provide a Tennessen warning to an individual when collecting private and/or confidential data about that individual from that individual.

With limited exceptions, you may not collect, store, use or disseminate private or confidential data for any purpose other than those you specified in the Tennessen warning notice. Because the consequences of not giving a proper notice are so severe, you must tailor your notices to your entity's specific programs. Seek legal advice when developing your notices. More information about Tennessen warning notices located on IPAD's website at www.ipad.state.mn.us/docs/tw.html

Informed Consent
(Policy for Data Subjects)

Request (to release) from Individual

If an individual asks Big Stone County to release his/her private data to an outside entity or person. Because the entity does not have statutory authority to release the data, it must get the individual's written informed consent.

Explanation of Your Rights

If you have a question about anything on this form, or would like more explanation, please talk to the Responsible Authority or Compliance Official before you sign it.

I, _____, give my permission for Big Stone County to release data about me to _____ as described on this form.

1. The specific data I want Big Stone County to release is: _____.
2. I understand that I have asked Big Stone County to release the data.
3. I understand that although the data are classified as private at Big Stone County, the classification/treatment of the data at _____ depends on laws or policies that apply to _____.

This authorization to release expires _____

Individual data subject's signature: _____ Date: _____

Parent/guardian's signature (if needed): _____ Date: _____

Keeping Data Secure

(Policy for Data Subjects)

Big Stone County will take the appropriate security safeguards for all records containing data on individuals. Private data are accessible to individuals within Big Stone County whose work assignments reasonably require access. Confidential data are accessible to individuals within Big Stone County whose work assignments reasonably require access. Only appropriate individuals will get access to private and confidential data.

Big Stone County will notify data subjects when a security breach has occurred and an unauthorized person has gained access to data.

Creating, Updating and Posting Policies

Review and updates of the policies will be done annually. Members of the public and data subjects documents are available on Big Stone County's website of www.bigstonecounty.gov