

Credit River Township Policy Statement

Policy: Township Data Practices Act Policy Statement

Policy No: 2009- 06

Dated: 07/06/09

Purpose of Policy: The purpose of this policy is to provide guidance to Township staff as to the data the Township collects and maintains and the permissible distribution of such data to ensure that the Township complies with the Data Practices Act.

Introduction:

Chapter 13 of the Minnesota Statutes, the *Minnesota Government Data Practices Act*, regulates the collection, creation, storage, maintenance, dissemination and access to government data in state agencies, statewide systems, and political subdivisions. Except for personnel data, it establishes a presumption that government data are public and are accessible by the public for both inspection and copying unless there is a federal law, a state statute, or a temporary classification of data that provides that certain data are not public. Personnel data is presumed to be private unless it is designated specifically as public (*Public Data on Current and Former Employees*).

Data is classified into one of several categories that determine whether the data is available to the public or whether disclosure of the data is limited. Individuals may request to inspect or receive copies of public data. Individuals also may have access, under certain circumstances, to certain nonpublic data, such as private data about themselves. A valid release enables access to certain other non-public data.

The following data access rights and requesting procedures are provided pursuant to Section 13.03 of the Act.

Responsible Authority:

The person who is the responsible authority for compliance with the Act shall be appointed by Resolution of the Town Board (currently the Town Clerk). The responsible authority may designate certain other Town employees to assist in complying with the Act. The Town Clerk as the responsible authority shall establish procedures to ensure that the district responds promptly to requests for government data. Any questions or concerns regarding obtaining access to data, rights of subjects of data or other data practices matters shall be directed to the Town Clerk.

Your Rights As a Member of the Public:

- Records containing government data must be easily accessible for convenient use, and agencies must comply with requests for data in an appropriate and prompt manner.
- You have the right to inspect public government data at reasonable times and places at no cost.

- Give us the time necessary to gather the requested data. If data is old, it is possible that it is housed at another site.
- Give us time to review government data for data privacy and protection issues, and to separate non-public data from public data.
- Ensure that the appropriate staff personnel are available, if needed, to answer your questions or explain the meaning of the data.
- Ensure that we can reserve an appropriate room or make other private accommodations available for your review of the data.

Access to data that is not public:

You will be notified either by telephone or in writing of any data that you cannot legally access. In such cases, we will specify what was withheld and what statutory or legal authority prevents us from disclosing that data to you. You may have the right to seek access to data that is not public by:

- *Informed Consent.* You may access private data on another person if that person gives us their written permission to disclose the data to you. In the case where the subject of the data is a minor, the minor's legal guardian must give (sign) the informed consent. Credit River Township must obtain an individual's written informed consent in order to collect data about you from other entities, release private data about you or another individual that is kept by Credit River Township, or use private data that Credit River Township keeps about any individual for a new purpose or in a new way. Consent signatures may require certification by a notary or the submission of identification to adequately prove that the signature is actually that of the data subject. This requirement is to protect the privacy rights of the subject of the data.
- *Court Order.* You may access any data that is not public if authorized access by federal or state law or a court of law orders us to allow you access to that data. A subpoena is not acceptable for this purpose.

For more information regarding access to data that is not public, consult Minnesota Statutes, Chapter 13, Section 13.03, and subdivision 6.

Your Rights As the Subject of Government Data:

Under the Minnesota Government Data Practices Act you are provided with rights that include, but are not limited to, the following provisions:

- Whenever a state or local government agency asks you to provide private or confidential data about yourself, you must be told (1) Why the information is being collected, (2) How the information will be used by the collecting agency, (3) Whether you can refuse or are legally required to provide the data that is being requested, (4) What the consequences are to you if you supply or refuse to supply the data, and (5) The identity of other persons or entities, which are authorized by law to have access to that data.
- You have the right to know what data are maintained about you and how the data is classified.
- You have the right to view, at no cost, all public and private data maintained about you.
- You have the right to have public and private data explained to you.

- You have the right to receive copies of public data and private data about yourself; however you may be charged a reasonable fee for this service.
- You have the right to challenge the accuracy and completeness of any public or private data about yourself.
- You have the right to challenge an adverse decision by appealing that decision to the Commissioner of Administration.
- You have the right to include an explanation about adverse information.

Payment of Data Request Fees:

Minnesota Statute, Chapter 13, Section 13.03, subdivision 3, authorizes Credit River Township to charge a fee to recover our costs to provide data including, but not limited to, costs associated with searching, compiling, copying, mailing or otherwise shipping the data. Additionally, the same statute allows us to charge a reasonable fee for data with a commercial value. Fees may differ for requested data stored in our computer systems than for data stored in our paper records. Charges for one or the other, or both, may apply to your data request. A written estimate of the charges can be provided upon request, either by fax, regular mail or email. Credit River Township requires prepayment of all data request fees prior to shipping the material and will not bill for data request services, except in very special circumstances involving extensive data research. In such cases, an estimate for a down payment must be prepaid prior to Township starting the work on your data request.

The Township's fees regarding Data Practices Act request shall be contained in the Township's Fee Ordinance. The Township recognizes that the Data Practices Act does not permit the reimbursement of the following costs: copying costs for the first 100 pages; administrative costs unrelated to copying; cost for simply inspecting, accessing or viewing data; overhead costs; purchase, maintenance or normal operating expenses of a copier, printer or computer; records storage; sales tax; staff time required to separate public from not public data; and staff time required to provide information about the data to the requester (explain the content and meaning of data).

Data Privacy Compliance Training:

The Town Board shall review annually and revise, as necessary, its policies, practices, procedures and notices with respect to the privacy and protection of records as well as public access procedures. The Township's policies, procedures and notices shall be made available on the web page. The Town Board shall determine annually the need to provide training to Township staff that respond to requests for data and/or are provided with access to public, private and/or confidential personnel and/or educational data. Such training shall be provided to those individuals determined to have a need for such training as necessary.

Records Management:

The Township shall review annually the administration of data practices, and develop an annual plan to assure compliance with law and policy and improve procedures as necessary. The Township shall dispose of and transfer records in accordance with statutory procedures and shall modify data collection and maintenance procedures to eliminate unnecessary data.

- You have the right to get copies of public government data upon request. You may be charged for the actual costs of searching for and retrieving government data, including the cost of employee time, and for making, certifying, compiling and electronically transmitting or mailing copies of the data or the data itself. You will not be charged for separating public data from not public data.
- You have the right to be informed of the meaning of public data.
- If the data you ask to see are classified in a way that prevents you from seeing them, you have the right to be informed of that fact, and to be told the statute or law that classifies the data. You may request that this be done in writing.

How To Request Government Data from Credit River Township:

Please submit all requests in writing. You may submit your request by fax, email or regular mail.

Credit River Township
18985 Meadow View Boulevard
Prior Lake, MN 55372
(952) 440-5515
(952) 440-5617 fax
clerk@creditriver-mn.gov

Submitting a request in writing not only provides you with a record that you sent us a request, but also helps to keep track of the status of your request. It is our goal to process all requests for data in a timely and accurate manner. To reach that goal it is important that your request is legible and includes your name, company or agency, if applicable, the complete mailing address, telephone number, fax number and/or email address. Clearly specify the data you are interested in receiving and any references that would be helpful in finding the data. You are generally not required to identify yourself or to provide a reason for your request. However, under certain circumstances, identifying information may be needed to fulfill your request (*Certification of Identity Form*). This will occur if you are requesting data that is not accessible to the public. For example, if you request private data on individuals, the Township will need to know if it is appropriate to disclose the data requested to you. If you are unsure or need assistance in determining what data might fit your needs, contact the Town Clerk during regular office hours. Requests for computer data should also specify a format (i.e. hard copy, computer disk, etc.) and the order or index desired (alphabetical by name, zip code, etc.)

Requests will be received and processed only during normal business hours. The response must be as soon as reasonably possible. In most cases it should be within 10 working days. If not, the Town may have additional days to respond if it notifies the requesting person that it cannot comply and approximately how many days the Town will need to comply with the request.

To view data in person:

You may review any file or other public Township data at no charge; however, we request that you make an appointment in advance for such a viewing. All appointments for viewing data must be made during normal business hours (8:30 a.m. – 12:00 p.m., Monday through Thursday, excluding holidays). Appointments help us serve you better and:

Summary Data:

Summary data is statistical records and reports derived from data on individuals but which does not identify an individual by name or any other characteristic that could uniquely identify an individual. Summary data derived from private or confidential data is public. The responsible authority or designee will prepare summary data upon request, if the request is in writing and the requesting party pays for the cost of preparation. The responsible authority or designee must notify the requesting party about the estimated costs and collect those costs before preparing or supplying the summary data. This should be done within a reasonable amount of time after receiving the request. However, if the summary data cannot be prepared within 10 working days, the responsible authority must notify the requester of the anticipated time schedule and the reasons for the delay.

Summary data may be prepared by "blacking out" personal identifiers, cutting out portions of the records that contain personal identifiers, programming computers to delete personal identifiers, or other reasonable means.

The responsible authority may ask an outside agency or person to prepare the summary data if (1) the specific purpose is given in writing, (2) the agency or person agrees not to disclose the private or confidential data, and (3) the responsible authority determines that access by this outside agency or person will not compromise the privacy of the private or confidential data.

Denial of Access:

If the responsible authority or designee determines that the requested data is not accessible to the requesting party, the responsible authority or designee must inform the requesting party orally at the time of the request or in writing as soon after that is possible. The responsible authority or designee must give the specific legal authority, including statutory section, for withholding the data. The responsible authority or designee must place an oral denial in writing upon request. This must also include the specific legal authority for the denial.

Collection of Data on Individuals:

The collection and storage of information about individuals will be limited to that necessary for the administration and management of programs specifically authorized by the state legislature, Town Board, public utilities commission, economic development authority, or federal government.

When an individual is asked to supply private or confidential information about the individual, the Town employee requesting the information must give the individual a Tennessee warning. This warning must contain the following:

- The purpose and intended use of the requested data;

- Whether the individual may refuse or is legally required to supply the requested data;
- Any known consequences from supplying or refusing to supply the information; and
- The identity of other persons or entities authorized by state or federal law to receive the data.

A Tennesen warning is not required when an individual is requested to supply investigative data to a law enforcement officer.

A Tennesen warning may be on a separate form or may be incorporated into the form that requests the private or confidential data.

Challenge to Data Accuracy:

An individual who is dissatisfied with the responsible authority's action may appeal to the Commissioner of the Minnesota Department of Administration, using the contested case procedures under Minnesota Statutes Chapter 14. The responsible authority will correct any data if so ordered by the Commissioner.

Other laws versus policy:

There are also many miscellaneous federal laws, state laws, court orders, or other legally binding documents not listed. Each individual case may need to be reviewed for applicable statutes and rules. If an instance arises where the applicable federal laws, state laws, court order, or other legally binding document in place at that time differs from this policy the preceding will rule how the situation is handled.

The board will appoint a member to review utility billing registers and compare them with what has been received for payments. The board will also review all adjustments to customer accounts. This procedure is recommended by the township auditor and will be done as part of the monthly treasurer report.

Prepared By Bob Puppe _____ Reviewed By _____

Approvals:

Chairman: [Signature] Date: 7-20-09 Supervisor: [Signature] Date: 7/20/09

Vice Chair: [Signature] Date: 7-20-09 Supervisor: [Signature] Date: 7/20/09

Supervisor: [Signature] Date: 7-20-09