

Western Prairie Human Services Policy

Policy: Western Prairie Human Services Data Practices Policy For the Public

Reference (Rule / Statute):

Minnesota Statutes, sections 13.025 and 13.03

Division / Unit:

Human Services

Date Effective:

06/02/2023

Purpose

Minnesota Statutes, sections 13.025 and 13.03 requires this policy.

Employee Responsibilities

Your Right to See 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 means all recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

The law also says that Western Prairie Human Services 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 that we keep. You also have the right to get copies of public data. The 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 Request Public Data

You can ask to look at (inspect) data at our offices, or ask for copies of public data that we keep.

In order to request public data, you must make a written request. Make your request by mail or by hand delivery to the appropriate contact as listed in Appendix A regarding responsible authorities based on the type of record being requested. For best service, consider using the data request form included in this policy as Appendix C.

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

- Say that you are making a request for public data under the Government Data Practices Act (Minnesota Statutes, Chapter 13).
- Include whether you would like to inspect the data, have copies of the data, or both.
- Provide a clear description of the data you would like to inspect or have copied.

You are not required to identify yourself or explain the reason for your data request. However, you may need to provide us with some personal information for practical reasons, as the law allows us to ask you

provide certain identifying or clarifying information for the sole purpose of facilitating access to the data (for example: if you want us to mail copies to you, you need to provide us with an address or P.O. Box). If we do not understand your request and have no way to contact you, we cannot respond to your request.

How We Will Respond to Your Data Request

Upon receiving your request, we will review it.

- We may ask you to clarify what data you are requesting.
- If we do not have the data, we will notify you in writing as soon as reasonably possible.
- If we have the data, but we are not allowed to give it to you, we will tell you as soon as reasonably possible and identify the law that prevents us from providing the data.
- 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:
 - Contact you to arrange a date, time, and place for you to inspect the data at our offices; or
 - Contact you to give you notice as to whether there is a prepayment requirement to receive copies, and, if so, how to fulfill that requirement before copies will be made available. Costs are listed in Appendix B.
 - For non-electronic records, you may choose to pick up your copies thereby avoiding any mailing charges, or you can ask that we mail them to you at your expense. For electronic records, we will provide electronic copies (such as email or CD-ROM) upon request, if we keep the data in that format and we can reasonably make a copy. If there are any materials or mailing expenses for providing electronic copies, those must be paid by you before the records will be sent. Costs are listed in Appendix B.
 - Response time may be impacted by the size and/or complexity of your request, and also by the number of requests you make in a given period of time.
 - Following our response, if you do not make arrangements within ten (10) business days to inspect the data or pay for and retrieve the copies, we will conclude that you no longer want the data and will consider your request closed. If you make arrangements, then fail to appear or follow through with those arrangements, and you must arrange to inspect or pay for and retrieve copies within an additional ten (10) business days, or your request will be considered closed.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please tell the person who provided the data to you. We will give you an explanation to the best of our ability if you ask.

The 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.

We are also not required to respond to questions that are not about your data requests or are not requests for government data.

Requests for Summary Data

Summary data are statistical records or reports created by removing identifying information about individuals from entirely private or confidential data. We will prepare summary data if you make your request in writing and pre-pay all costs for creating the summary data.

You may use the data request form appearing as Appendix C in this policy to request summary data. We will respond to your request within ten (10) business days with the data or details of when the data will be ready and how much we will charge you. Costs are listed in Appendix B.

Appendix A: Western Prairie Human Services Data Practices Contacts

Responsible Authority

Stacy Hennen
Director
211 Minnesota Avenue East
Glenwood, MN 56334
P: 320-634-7755
P: 218-685-8200
stacy.hennen@westernprairiemn.us

Data Practices Compliance Official

Kari Rude
Deputy Director
Human Resources Director
211 Minnesota Avenue East
Glenwood, MN 56334
P: 320-634-7755
P: 218-685-8200
kari.rude@westernprairiemn.us

Appendix B: Copy Costs – When You Request Public Data

Minnesota Statutes, section 13.03, subdivision 3(c) allows us to charge for copies.

In all cases, you must pay for the copies before we will give them to you, either in person or by mail or electronic delivery. In the case of requests where the estimated total expense of providing copies exceeds \$10.00, we may require pre-payment of all estimated expenses before expending time and resources to fulfill the request. A responsible authority may require you to pre-pay estimated expenses, regardless of amount, before expending time and resources to fulfill your request if you have previously made a request for records and failed to pay required expenses associated with that request. A responsible authority may exercise his or her discretion in waiving the requirement for payment or pre-payment of expenses if less than \$10.00, but may not otherwise fail to collect such payment before providing copies.

For 100 or fewer paper copies – 25 cents per page

One hundred (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. Other copy sizes, types, or materials may be subject to different rates. If mail delivery of the copies is requested, the actual cost of packaging and mailing the copies must be paid.

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 sending the data.

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 that we cannot copy ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies. Please inquire of the appropriate responsible authority for charges for various material types.

Labor charges: The standard rate for employee time to prepare, create copies of and send the records will be assessed at the base hourly rate of wages/salary plus cost of benefits of the class of employee who can complete the task and will be billed in quarter-hour increments.

Mailing charges: Actual cost of packaging and mailing, if mail delivery is requested

Some copy charges for particular types of records are specially set by statute or rule. The responsible authority receiving your request will notify you if your requested record is subject to a different rate based on these special laws or rules.

If, based on the nature of 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 based on the employee's higher hourly salary/wage.

Multiple requests made in within the same ten (10) business day period will be treated as a single request for the purposes of calculating total copy costs.

Appendix C: Western Prairie Human Services Data Request Form – Requesting Public Data

<p>Request Date: _____ Time: _____</p> <p>I am requesting access to data in the following way:</p> <p><input type="checkbox"/> Inspection <input type="checkbox"/> Copies</p> <p><input type="checkbox"/> Both inspection and copies</p> <p>You may be required to pay or pre-pay for copies by Western Prairie Human Services policy. Inspection only is generally free.</p> <p>If copies are requested, I am requesting they be:</p> <p><input type="checkbox"/> Held for in-person pickup <input type="checkbox"/> Mailed</p> <p><input type="checkbox"/> E-mailed, if able</p>	<p>Contact information*</p> <p>Name: _____</p> <p>Phone number: _____</p> <p>Mailing address: _____</p> <p>_____</p> <p>Email address: _____</p> <p>Requestor Signature: _____</p>
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The data I am requesting:

Describe the data you are requesting as specifically as possible.

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

**Office Use
Only:**

The Data Requested Is Classified as: Public Private Confidential
 Combination: _____

The Request is: Denied Approved Approved in Part: _____

Rationale for Action Taken: _____

If denied or only approved in part, the requestor was notified on _____
 In Person By Mail By Email

If approved or approved in part, the request was fulfilled on _____
 In Person By Mail By Email

Charges for fulfilling request, if any: _____
 Charges Paid

Signature of Employee Handling Request: _____

* Contact information is optional. You do not have to provide any contact information. However, if you want us to mail/email you copies of data, or if we need to arrange for payment required to fulfill a request, we will need some type of contact information. We also need contact information if we do not understand your request. We will not work on your request until we can clarify it with you.

Notice of Adoption of Model Policies

[Minnesota Statutes, section 13.025, subdivisions 2 and 3](#), require government entities to prepare written policies that relate to public access to government data, and rights of subjects of data and [Minnesota Statutes, section 13.03, subdivision 2](#), requires entities to establish procedures so that data requests are complied with appropriately and promptly.

[Minnesota Statutes, section 13.073, subd. 6](#), requires the Commissioner of Administration to prepare [model policies and procedures](#) to help government entities comply with those requirements. Entities that choose to adopt the Commissioner's model policies must notify the Commissioner. Please use the following statement to notify the Commissioner if you choose to adopt the model policies and procedures.*

Notice to Commissioner of Administration: Adoption of Model Policies

Western Prairie Human Services has adopted the Commissioner's Model Policy for the Public and Model Policy for Data Subjects. This notice to the Commissioner satisfies Western Prairie Human Services' obligation under Minnesota Statutes, section 13.073, subdivision 6.

Kari Rude
Western Prairie Human Services
Deputy Director
Human Resources Director
June 2, 2023

**Government entities may submit this notification by mail or email:*

Commissioner of Administration
c/o Data Practices Office
658 Cedar Street
Suite 320
St. Paul, MN 55155
info.dpo@state.mn.us
