



## **Data Practices Policy for the Public**

**Minnesota Statutes, sections 13.025 and 13.03 require this policy.**

LMCD Board Adopted January 25, 2023

## Your Right to See Public Data

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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, digital, email, flash drives, CDs, DVDs, photographs, etc.

The law also says that the Lake Minnetonka Conservation District (“LMCD”) must keep all government data in a way that makes it easy for you to access public data, with the understanding that this may take a significant amount of time depending on the scope and type of data being requested. 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

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You can ask to look at (inspect) data at our offices or ask for copies of public data that we keep. Data requests must be in writing and must be mailed or emailed to LMCD’s Data Practices Compliance Official (“DPCO”) or another appropriate designee listed in the Data Practices Contacts on page 4. If you have any questions about making a data request, contact our DPCO.

We recommend using the sample **Data Request Form – Members of the Public** on page 8. If you do not 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 (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

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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 tell you 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:

- Arrange a date, time, and place for you to inspect the data at our offices; or
  - Tell you the amount you owe for copy costs, and then provide you with copies of the data as soon as reasonably possible after you pay them. You may choose to pick up your copies, or we will mail or email them to you. 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. You will be charged the costs of processing any digital data.
  - 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.
- If you do not arrange to inspect the data or pay for the copies within 15 business days after we tell you the data are ready, we will conclude that you no longer want the data and will consider your request closed.
  - If you do not respond to a request for clarification within 15 business days, we will conclude that you no longer want the data and will consider your request closed.
  - Standing requests are valid for six months from the receipt of the request. If you would like to extend your standing request for an additional six-month period, you must contact the appropriate designee listed on pages 4-6 of this policy within five (5) days of the expiration of your previous standing request (five days prior or five days following). If you do not contact the appropriate designee within 5 days of the expiration of your request, your request will expire and be considered complete.

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 if you ask. However, the LMCD is not obligated to explain or summarize the data in any form or respond to questions where data is not available.

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 is 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 requests for government data.

## Requests for Summary Data

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Summary data are statistical records or reports created by removing identifying information about individuals from entirely private or confidential data. We will create summary data, depending on the feasibility, if you request it in writing and pre-pay for the cost of creating the data.

You may use the data request form on page 8 to request summary data. We will respond to your request within ten business days with the data or details of when the data will be ready and how much we will charge you.

## Data Practices Contacts - LMCD

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### Responsible Authority

LMCD Executive Director  
5341 Maywood Road, Suite 200  
Mound, MN 55364

(952) 745-0789

[Lmcd@lmcd.org](mailto:Lmcd@lmcd.org)

**As Responsible Authority, the Executive Director orders the following individuals as data practices compliance official as an alternate:**

### Interim Executive Director

LMCD Executive Director  
5341 Maywood Road, Suite 200  
Mound, MN 55364

(952) 745-0789

[Lmcd@lmcd.org](mailto:Lmcd@lmcd.org)

### LMCD Legal Counsel

Joseph J. Langel  
Ratwik, Roszak & Maloney, P.A.  
444 Cedar St., Suite 2100  
St. Paul, MN 55101-1865  
Ph: 612-339-0060 | Fax: 612-339-0038

While all LMCD board members and employees are legally responsible for providing data as required by the LMCD Responsible Authority, data requests must be made directly to the LMCD Responsible Authority.

## Copy Costs – When You Request Public Data

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We charge for copies of government data in accordance with Minnesota Statutes, section 13.03, subdivision 3(c) which allows us to charge for copies. . Copy costs must be paid in full before LMCD will provide the requested copies. Multiple requests made within the same 10 business-day period may be treated as a single request or multiple requests depending on the processing requirements and time frames for the purposes of calculating total copy costs.

### **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. Ledger size paper copies will be considered two pages for a one-sided copy or four pages 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 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.

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.



OFFICE USE ONLY			
Date Received:		Payment Date:	
Number of Copies		Cost:	
Date Processed:		Staff Completed:	

## Data Request Form – Requesting Public Data

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### Request date:

### The data I am requesting:

Describe the data you are requesting as specifically as possible.

### I am requesting access to data in the following way:

- Inspection
- Copies
- Both inspection and copies

Note: Inspection is free, but we will charge for copies. Depending on the scope of the request, time frames and costs will vary.

### Contact information (optional)\*

Name:

Phone number:

Email address:

Address:

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

\* You do not have to provide any contact information. However, if you want us to mail/email you copies of data, 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.