

201. Policies and Procedures for Public Access to Documents

Public access to the data of public bodies is governed by the Data Practices Act (DPA), Minnesota Statutes chapter 13. The DPA states that data of public bodies are to be available to the public unless specifically protected by law where individual privacy would be violated or where other valid concerns outweigh the interest in public availability.

Clearwater River Watershed District (CRWD) recognizes the public interest in open access to its data at the same time that it recognizes that the public interest requires that certain types of data not be publicly available. It is the intent of CRWD to comply fully with the DPA and, where the DPA allows for the exercise of judgment, to exercise that judgment consistent with the public interests underlying the law.

This policy is adopted pursuant to sections 13.025, subdivision 2, and 13.03, subdivision 2, of the DPA, which state that every public body must establish procedures to implement the DPA. In addition, CRWD has adopted and maintains a Records Retention Schedule, which is an index of the records and data maintained by CRWD and includes private or confidential data on individuals in compliance with section 13.025, subdivision 1. This policy is accompanied by a set of procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13.05, subdivision 5. In addition, CRWD maintains a document setting forth the rights of data subjects under the DPA and procedures to guarantee the rights of data subjects in compliance with section 13.025, subdivision 3. These documents are attached hereto.

Procedure for Review of CRWD Documents

All requests to inspect or receive copies of CRWD data, and all other inquiries regarding the DPA, must be in writing and delivered to the Data Practices Compliance Official, at the following address:

Clearwater River Watershed District
75 Elm Street East
PO Box 481
Annandale, MN 55302
(320) 274-3935

The CRWD administrator is designated as the Responsible Authority and Data Practices Compliance Official. CRWD consultants and vendors are not authorized to respond directly to requests to inspect or copy CRWD data on behalf of CRWD.

Requests to inspect or obtain copies of CRWD data must be in writing to ensure that CRWD's response is timely, accurate and complete. CRWD will be able to most efficiently and completely respond to requests that are focused, specific and detailed. The Data Practices Compliance Official will help to ensure that requested documents have been gathered, that documents not subject to inspection have been segregated, and that assistance is available to the requesting party. CRWD will provide requested data for inspection at the CRWD office or other location to be specified by the Data Practices Compliance Official. CRWD files may not be removed from the CRWD office.

The DPA requires that parties be permitted to inspect or copy data within a reasonable time after a request. CRWD will attempt to respond to requests as quickly as possible. The response time will vary depending on the breadth of the request and the completeness and accuracy of the request.

If CRWD determines that certain data cannot be made available for inspection or copying, it will inform

the party of the classification of the data in question under the DPA and of the legal basis for denial of access.

CRWD may provide requested copies of data immediately or may advise that the copies will be provided as soon as reasonably possible thereafter. The ability to provide copies immediately depends on the number of copies requested, staff workload and the need to deliver the data elsewhere for copies to be made (e.g., oversized documents, tapes, electronic data).

Costs

There is no cost to inspect documents. If document copies are requested from CRWD, the requesting party will be charged 25 cents per page for up to 100 letter- or legal-sized black-and-white printed copies; there is no charge for electronic delivery of less than 100 pages or the equivalent (as determined by CRWD) of data. Standard charges will apply for re-delivery of data in the event of failure of electronic delivery resulting from incapacity of the recipient's email system. Copies of CRWD documents will not be certified as true and correct copies unless that is specifically requested. The fee for certification is \$1 per document or part thereof.

With respect to oversized copies, tapes, electronic data, photographs, slides and other unusual formats, the requesting party will be responsible for the actual cost incurred by CRWD to make copies, except that there is no charge for electronic delivery of less than 100 pages of data or the equivalent (as determined by CRWD).

A party requesting copies or the electronic transmittal of more than 100 pages of data is responsible to pay CRWD the actual cost, including the cost of staff time to search for and retrieve data and to make, certify, compile and transmit copies. Staff-time cost will be assessed based on established hourly rates. CRWD will not charge for staff time needed to separate public from protected data.

If a party so asks, before copies are made CRWD will advise of the approximate number of pages of documents responsive to a request or the likely cost of responding to the request. Payment may not be made in cash (checks are accepted). CRWD may, at its discretion, require payment in advance.

When a party asks for a copy of data that have commercial value and were developed with a significant expenditure of public funds by CRWD, CRWD may charge a reasonable fee that relates to the actual cost of developing the data. As a condition of making certain commercially valuable data available, CRWD may require execution of a license agreement defining allowable use and/or further distribution.