

**SWIFT 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 is public unless a state or federal law says the data is 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 Swift 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 Swift County keeps, make a written request. Make your request for data to the appropriate individual listed in the Data Practices Contacts on pages 3 - 5. You may make your request for data by mail, fax, or email, using the data request form on page 7.

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.

Swift 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 is not public, we will notify you as soon as reasonably possible and state which specific law says the data is not public.
- If we have the data, and the data is 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 (such as email or CD-ROM) upon request if we keep the data in electronic format.

Information about copy charges is on page 6. 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 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.

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 7 - 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.

SWIFT COUNTY DATA PRACTICES CONTACTS:

**Department Specific Responsible Authority**

**John Holtz, Sheriff's Office**

Law Enforcement Center  
Suite 4  
301 14<sup>th</sup> Street N.  
Benson, MN 56215; Telephone: 320-843-3133; Fax: 320-843-2299

**Danielle Olson, County Attorney's Office**

211 11<sup>th</sup> St. N  
Benson, MN 56215; Telephone: 320-843-2134; Fax: 320-843-2348

**Peter Peterson, Board Chair, County Commissioners  
Attn: Tesa Tomaschett, County Administrator**

Courthouse  
301 14<sup>th</sup> St N  
P.O. Box 207  
Benson, MN 56215; Telephone: 320-314-8399; Fax: 320-843-2275

**Catie Lee, Director, Swift County Family Services**

410 21st St. S  
P.O. Box 208  
Benson, MN 56215; Telephone; 320-843-3160; Fax 320-843-4582

**Responsible Authority for other County Departments**

**Danielle Olson, County Attorney**

211 11<sup>th</sup> St. N  
Benson, MN 56215; Telephone: 320-843-2134; Fax: 320-843-2348

**Named Responsible Authority Designee by Department**

**Carla Roberts, Land Record's Office**

Courthouse  
301 14<sup>th</sup> St N  
P.O. Box 207  
Benson, MN 56215; Telephone: 320-843-3377; Fax: 320-843-6105

**Vacant (Contact County Administrator), Auditor/Treasurer's Office**

Courthouse  
301 14<sup>th</sup> St N  
P.O. Box 207  
Benson, MN 56215; Telephone: 320-843-3544; Fax: 320- 843-2775

**Joe Tschida, Property & Public Services Director**

Courthouse  
301 14<sup>th</sup> St N  
P.O. Box 207  
Benson, MN 56215; Telephone; 320-842-5891; Fax 320-843-2275

**David Barrett, Veterans Service Office**

Courthouse  
301 14<sup>th</sup> St N  
P.O. Box 207  
Benson, MN 56215; Telephone: 320-842-5271; Fax: 320-843-4850

**Scott Collins, Environmental Office**

1000 Industry Drive  
Benson, MN 56215; Telephone: 320-843-2356; Fax: 320-843-9172

**Tesa Tomaschett, County Administrator's Office (including HR)**

Courthouse  
301 14<sup>th</sup> St N  
P.O. Box 207  
Benson, MN 56215; Telephone: 320-314-8399; Fax: 320-843-2275

**Paul Petrick or Tesa Tomaschett, Highway Department**

1635 Hoban Avenue  
P.O. Box 241  
Benson, MN 56215; Telephone: 320-842-5251; Fax: 320-843-3543

**Rob Lee, IT Director**

Courthouse  
301 14<sup>th</sup> St N  
P.O. Box 207  
Benson, MN 56215; Telephone: 320-843-6109; Fax: 320-843-2275

**Stephanie Smith, U of M Extension Office**

Courthouse  
301 14<sup>th</sup> St N  
P.O. Box 207  
Benson, MN 56215; Telephone: 320-843-3796; Fax: 320-843-4850

**Shelly Lottman, Restorative Practices Office**

211 11th St. N  
Benson, MN 56215; Telephone: 320-843-2493; Fax: 320-843-2348

**Kody Fossum, Parks, Drainage, and Wetlands Office**

1635 Hoban Ave.  
P.O. Box 241  
Benson, MN 56215; Telephone: 320-843-5341; Fax: 320-843-3543

## **Copy Costs — Members of the Public**

Swift 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, CD, 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.

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.

**SWIFT 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 Swift County will charge for copies as indicated on page 5.

**This is 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:**

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

Swift County must either provide the data to the data subject or inform the data subject there is 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.

**Swift County must respond to all data requests in writing.**

#### **Charging for copies of data:**

Swift 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, Swift 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**

Swift 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.

Swift 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)

Swift 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](http://www.ipad.state.mn.us/docs/tw.html)

**Informed Consent**  
(Policy for Data Subjects)

**Request (to release) from Individual**

If an individual asks Swift 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 before you sign it.

I, \_\_\_\_\_, give my permission for Swift County to release data about me to \_\_\_\_\_ as described on this form.

1. The specific data I want Swift County to release is: \_\_\_\_\_  
\_\_\_\_\_

2. I understand that I have asked Swift County to release the data.

3. I understand that although the data are classified as private at Swift 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)

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

Swift 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 Swift County's website of [www.swiftcounty.com](http://www.swiftcounty.com).