

# *Houston County*



*Public Access to Government Data*

*And*

*Rights of Subjects of Data*

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## HOUSTON COUNTY

### THE RIGHT OF THE PUBLIC TO INSPECT AND COPY

#### GOVERNMENT DATA

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The Minnesota Government Data Practices Act (MGDPA) gives members of the public, the right to see and have copies of public data that Houston County keeps.

The law states that the data that Houston County maintains is public **unless there is a state or federal law that classifies the data as *Confidential, Private, Nonpublic or protected nonpublic.*** The County must give public data to anyone who asks, no matter who is asking or why.

#### How to Make a Request for Public Data

To inspect or have copies of data the County keeps, make a written data request to the appropriate department. The data request form is attached to this document and may be used to make the request, but may not be required for all requests.

#### **You have the right to look at all public data that the County maintains.**

You may request and receive public information over the phone, in person, through the mail, or via e-mail. If it is not possible to give you the information in the manner you ask, we will contact you to determine another method to deliver the information to you.

If you have any questions about how to access public data that we keep, please contact the appropriate Responsible Authority's designees listed below or contact the Houston County Compliance Official. The Houston County Data Practice Compliance Official is the County Attorney, 304 South Marshall Street, Caledonia, MN 55921, 507-725-5803.

#### Responsible Authorities:

<u>Name</u>	<u>Title</u>	<u>Phone number</u>	<u>Location</u>
<u>Tom Dybing</u>	<u>Assessor</u>	<u>507-725-5801</u>	<u>304 South Marshall Street, Court House, First Floor</u>
<u>Char Meiners</u>	<u>Auditor</u>	<u>507-725-5803</u>	<u>304 South Marshall Street, Court House, First Floor</u>
<u>Samuel Jandt</u>	<u>County Attorney</u>	<u>507-725-5802</u>	<u>306 South Marshall Street, Justice Center, Second Floor</u>
<u>Brian Pogodzinski</u>	<u>County Engineer</u>	<u>507-725-3925</u>	<u>1124 E. Washington Street</u>

<u>Rick Frank</u>	<u>Zoning/Planning</u>	<u>507-725-5800</u>	<u>304 South Marshall Street, Court House, Second Floor</u>
<u>Carol Lapham</u>	<u>Finance Director</u>	<u>507-725-5825</u>	<u>304 South Marshall Street, Court House, Second Floor</u>
<u>Mary Marchel</u>	<u>Interim Human Services Director</u>	<u>507-725-5811</u>	<u>304 South Marshall Street, Court House, First Floor</u>
<u>Tess Kruger</u>	<u>Human Resource Director</u>	<u>507-725-5822</u>	<u>304 South Marshall Street, Court House, Second Floor</u>
<u>Mary Marchel</u>	<u>Public Health Director</u>	<u>507-725-5810</u>	<u>611 Vista Drive, Community Services Bldg.</u>
<u>Bev Bauer</u>	<u>Recorder</u>	<u>507-725-5813</u>	<u>304 South Marshall Street, Court House, First Floor</u>
<u>Mark Inglett</u>	<u>Sheriff</u>	<u>507-725-3379</u>	<u>306 South Marshall Street, Justice Center, First Floor</u>
<b>vacant</b>	<u>Surveyor</u>	<u>507-725-5814</u>	<u>304 South Marshall Street, Court House, Basement Level</u>
<u>Donna Trehus</u>	<u>Treasurer</u>	<u>507-725-5815</u>	<u>304 South Marshall Street, Court House, First Floor</u>
<u>Robert Thoen</u>	<u>Veteran Services</u>	<u>507-725-5805</u>	<u>611 Vista Drive, Community Services Bldg.</u>

You can make your request during normal working hours, which are 8:00 a.m. to 4:30 p.m.

The request should (1) say that the requestor is making a data request under the MGDPA, (2) say whether the requestor wishes to inspect the data, have copies of the data, or both, and (3) describe very clearly the data to be inspected or copied. Anyone requesting public data has the right to inspect the data before deciding to request copies. Any member of the public also has the right to make a standing request to inspect or have copies of public data. Standing requests expire after 3 months. Standing requests must be made to the Responsible Authority.

### **How Houston County Responds to a Data Request**

First, if it is not clear exactly what data are being requested, the County will ask the person who is making the request, and then find out if the County has the data. If the County does not have the data, the requesting person will be notified as soon as reasonably possible. If we need more time to identify, find, or copy the data you are asking for, we will let you know and we will tell you when we will be able to provide you the data.

### **The County does not have to provide you data we do not keep.**

If the County does not have the data you are asking for, we will tell you as soon as is reasonably possible. The County does not have to collect or create data for you in order to respond to your request.

**If the County has the data but the data are not public,** the requesting person will be notified as soon as reasonably possible, and The County will identify the specific law that makes the data not public. The County will do this in writing upon request.

**If the County has the data and the data are public:**

- if the request is to inspect the data, The County will arrange a date, time and place for inspection. The County can't charge a fee for letting someone inspect data; and
- if copies are requested, The County will provide them as soon as reasonably possible by mail or fax, or they may be picked up. If The County keeps the data in electronic form and copies are requested in electronic form (such as by email or on disk), the copies will be provided in electronic form.

The County charges a fee for providing copies. If a person inspects data and then asks for copies of only some of the data, the County charges a fee only for the copies requested.

The County will respond to a data request in an appropriate and prompt way, and in a reasonable time. This depends on things such as how the size of the data request, how many staff members are available to respond to the request, and how many other data requests the County is responding to.

**The County may not have to give you public data in the form you want.**

If we have the data you are asking for, but we do not keep the data in the form you want, we may not be able to give you the data in that form. If we put the data in the form you want, we will let you know how long it will take us to provide the data and how much it will cost to do so. Then you can decide if you want the data in that format or not.

**The County cannot charge you a fee for looking at public data.**

You have the right to look at public data at no cost. We will let you look at computerized data on a computer screen, or print a copy, so that you can inspect the data at no charge.

You also may inspect public data on your own computer, and you may print or download the data using your own computer, at no cost.

The County cannot charge you a fee for separating public data from data that are Not Public.

**You have the right to have public data explained in a way you understand.**

If you have any questions about the meaning of public data that we keep, please contact an appropriate County official from the above list and ask for an explanation.

**The County has the right to charge you a reasonable fee for providing copies.**

We will require the payment of a fee for providing copies of data. If you ask us to mail or fax the copies, the fee will include postage or long distance phone charges. If you request a certified copy of a document, we will charge you a fee to certify the document.

The County may charge an additional fee for data having commercial value. The fee will be based upon the time and expense of creating the data, and the public value of the data. The fee for each type of commercial valued data will be approved annually by the County Board as part of its County Fee Schedule.

Our fee for providing copies is set out in the Houston County Fee Schedule, located on the County's website. We require prepayment of any fees connected to data practices requests.

**You have the right to see and have copies of summary data.**

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. We will prepare summary data for you if you make a request in writing- letter, fax, e-mail, etc. to any of the names listed below and pay the fee to prepare the data.

The County requires prepayment for this service. When we receive your request, we will contact you to make detailed arrangements to prepare the summary data.

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## HOUSTON COUNTY REQUEST TO INSPECT AND/OR COPY GOVERNMENT DATA

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Date of request:

Describe the data you are requesting. Please be as specific as possible. Please say whether you are asking to inspect the data, whether you want copies of the data, or both. If you need more space, please use the back of this form.

You have the right to *inspect* data at no cost. If you ask for *copies* of data, The County may charge a fee for providing the copies. If you would like more information about your right to inspect and have copies of data that the County keeps, contact Houston County's Data Practices Compliance Official: The Houston County Attorney, 304 South Marshall Street, Caledonia, MN 55921, 507-725-5803.

**If you are asking for data that are *not* about you**, The County will comply with your request as soon as reasonably possible. It may be helpful to know who you are and/or how to contact you in order to respond to your request – for example, if you want copies mailed to you or if you want to come in and inspect data at a later time. *You do not have to provide this kind of information.* You can decide to provide this kind of information now, later or not at all.

Name

[PLEASE PRINT]: \_\_\_\_\_

Contact information (phone number, e-mail or mailing address): \_\_\_\_\_

**If you are asking for data about yourself or your minor children**, or about someone for whom you have been appointed legal guardian, you may have to sign this form and show a driver license or State ID card as proof of your identity. You may be asked for other information if it is needed to verify your identity or respond to your request. The County will comply with your request within 10 business days.



## HOUSTON COUNTY

### SUMMARY OF FEES

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A current schedule of fees is listed on the official Houston County Website:

[http://www.co.houston.mn.us/Documents/Auditor/FEE\\_Schedule.pdf](http://www.co.houston.mn.us/Documents/Auditor/FEE_Schedule.pdf)



## HOUSTON COUNTY

### THE RIGHTS OF INDIVIDUALS UNDER THE MINNESOTA GOVERNMENT DATA PRACTICES ACT

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The Minnesota Government Data Practices Act (MGDPA) is a law that gives you important rights when Houston County collects, creates, keeps, uses or releases data about you.

#### **An important note about who may exercise individual rights**

The law defines an individual as a living human being. The law classifies data that the County keeps about individuals as public, private or confidential. The County must give public data about individuals to anyone who asks, no matter who is asking or why. The law says the County can give private data about individuals only to the individual, to someone with the individual's permission, to County staff on a need-to-know basis, and according to law or court order. The County can give confidential data about an individual only to County staff on a need-to-know basis and according to law or court order.

- ***If you are a minor*** (which means that you are not yet 18 years old), your parents or your guardian usually have the same rights as you do. This means that each of your parents or your guardian usually can look at and have copies of information we keep about you. Usually, they each have the right to give their consent to release the data about you. They each can challenge the accuracy and completeness of the data about you.

If you have no parents, or if your parents are not a part of your life, then your legal guardian has these rights.

In some cases, your parent or guardian does not have these rights. For example, we will not let your parent(s) or guardian exercise the rights the law gives you if there is a court order that takes these rights away from them. The court order might be about a divorce, separation, custody or some other matter, or it might take away the parental rights of your parent(s). Also, sometimes a state or federal law says that we cannot let your parents see information about you.

- ***If you have been appointed as the legal guardian for someone***, you may exercise that individual's rights under the MGDPA. To do so, you must show proof of your appointment as legal guardian.

**The law controls how the County collects, keep, use and release data about you.**

The County can collect, keep, use and release private and confidential data about you only when a state or federal law allows or requires us to do it. The law further provides that the County can collect, keep, use and release private and confidential data about you only in order to perform our jobs.

**The law requires the County give you a notice when we ask you to supply data about yourself.**

- When we ask you to give us private or confidential data about yourself, we will give you a notice. The notice sometimes is called a Tennessee Warning Notice. *For data collected by law enforcement see Minn. Stat. § 13.82 and related Minn. Rules, and other state and federal statutes; and Minn. Stat. §13.46 and related Minn. Rules regarding the collection of data by the County Human Services.*
- We will tell you why we are collecting the data from you and how we plan to use the data;
- If there is a law that says you must give us the data, we will tell you that. We also will tell you if you do not have to give us the data; We will tell you what might happen (consequences) to you if you give us the data;
- We also will tell you what might happen (consequences) to you if you do not give us the data; and
- We will tell you what other people or entities have the legal right to know about, see or have copies of the data you give us. When we tell you this, we will be as specific as we can be.

The County is only required to give you the Tennessee Warning Notice when we are asking you to give us private or confidential data about yourself. We *do not* have to give you the notice when:

- you give us information we haven't asked for;
- the information we are asking for is about someone else;
- the information we are asking for is public data about you; or
- the information is collected by a law enforcement officer who is investigating a crime. This includes police officers, and members of the fire department and sheriff's office.

**You have the right to know if we keep data about you.**

If you ask, the County will we will tell you if the County maintains information about you and we will tell you if the data are classified as public, private or confidential. To find out what information the County may maintain about you, contact the appropriate Responsible Authority listed at the end of this document. You have the right to see specific documents, files, records or types of data that we keep. You also have the right to ask for and see *all* of the public and private data about you that we keep. The law does not give you the right to see **confidential** data, (this may be data that is use for during active investigations etc.)

## **How an Individual Makes a Request for Data**

To inspect or have copies of public or private data about him/her or minor children, or about someone for whom s/he has been appointed legal guardian, an individual must make a data request to the County Responsible Authority or designee. The request must be in writing. It may be sent by letter, email or fax, or the individual may use the County data request form.

In the request, the individual should say that s/he is making a data request under the MGDPA. The individual should describe very clearly the data to be inspected or copied, and say whether s/he wishes to inspect the data, have copies of the data, or both. The individual has the right to inspect the data before deciding to request copies. The individual also has the right to make a standing request, which expires after 3 months. Standing requests must be made to the appropriate Responsible Authority listed below.

After you have looked at the data you requested, we do not have to let you see the data again for six months, unless we collect or create more information about you before six months have passed. You do not have to wait for six months to see the data again if we have collected new data about you, or if you have challenged any of the data, or if you are appealing the results of that challenge. See the information below about how to challenge the accuracy and/or completeness of government data.

In your request, tell us as clearly as you can what types of data or information you want to see. (Some departments may require you use their official form.) Once we have your data request, we will show you the data right away if we can. If we cannot show you the data right away, we will show you the data in no more than ten business days.

The law says we must protect private data about you. For this reason, a member of our staff may be with you when you inspect the information.

### ***Note regarding access to data about minors:***

If you are a minor, you have the right to ask us not to let your parents or guardian have private data about you. If you do not want us to give your parents information about you, you must write to the appropriate Responsible Authority listed below.

After you make your request, the County must decide if we will let your parents see the data. Before we make this decision, we must think about:

- Is there a law that says we must give the data to your parents?
- Do you have a good reason for asking us not to release the data?
- If we give your parents the data, would you be harmed in any way?
- Do you understand what will happen if we do not release the data?

We also must think about whether it is in your best interest for us not to give the data to your parents.

**You have the right to have public and private data about you explained to you.**

If you have questions about the data we keep about you, please contact the appropriate Responsible Authority listed below. We will explain the data in a way you understand.

**The County cannot charge you a fee for looking at data about yourself.**

You do not have to pay any money just to look at data about yourself, even if we must make a copy of the information so that you can look at it.

**Houston County will charge a fee for making the copies.**

The County requires the payment of a fee for providing copies of data. The County can only charge you the actual cost of making and compiling the copies. If you ask us to mail or fax the copies to you, the fee will include postage or long distance phone charges. If you request a certified copy of a document, we will charge you a fee to certify the document. See the Houston County Fee Schedule.

**You have the right to know why you cannot see or get copies of data we keep about you.**

If the information you want to see is Not Public or private data about you, we will tell you that, and we will tell you what part of the law says we cannot show it to you.

**You have the right to challenge the accuracy and/or completeness of data about you.**

If you believe that public or private data that we keep about you are inaccurate and/or incomplete, you may file a data challenge with us. You may challenge only *accuracy* and *completeness* of data.

- *Accurate* means the data are reasonably correct and do not contain any errors.
- *Complete* means that the data describe the history of your contracts with us in a complete way.

For example, data may be inaccurate or incomplete if a wrong word, name, or phrase is used; if the data give a false impression about you; if certain information is missing from the record; or if certain information should not be in the record.

Please refer to the Houston County document entitled “**Challenging the Accuracy and/or Completeness of Data the County Maintains about You.**”

The Houston County Data Practices Compliance Officer is the County Attorney, 306 South Marshall St, Caledonia, MN 55921, 507-725-5802. If you have any questions about your rights or this document, please contact the appropriate Responsible Authority listed below.

**Responsible Authorities:**

<u>Name</u>	<u>Title</u>	<u>Phone number</u>	<u>Location</u>
<u>Tom Dybing</u>	<u>Assessor</u>	<u>507-725-5801</u>	<u>304 South Marshall Street, Court House, First Floor</u>
<u>Char Meiners</u>	<u>Auditor</u>	<u>507-725-5803</u>	<u>304 South Marshall Street, Court House, First Floor</u>
<u>Samuel Jandt</u>	<u>County Attorney</u>	<u>507-725-5802</u>	<u>306 South Marshall Street, Justice Center, Second Floor</u>
<u>Brian Pogodzinski</u>	<u>County Engineer</u>	<u>507-725-3925</u>	<u>1124 E. Washington Street</u>
<u>Rick Frank</u>	<u>Zoning/Planning</u>	<u>507-725-5800</u>	<u>304 South Marshall Street, Court House, Second Floor</u>
<u>Carol Lapham</u>	<u>Finance Director</u>	<u>507-725-5825</u>	<u>304 South Marshall Street, Court House, Second Floor</u>
<u>Mary Marchel</u>	<u>Interim Human Services Director</u>	<u>507-725-5811</u>	<u>304 South Marshall Street, Court House, First Floor</u>
<u>Tess Kruger</u>	<u>Human Resource Director</u>	<u>507-725-5822</u>	<u>304 South Marshall Street, Court House, Second Floor</u>
<u>Mary Marchel</u>	<u>Public Health Director</u>	<u>507-725-5810</u>	<u>611 Vista Drive, Community Services Bldg.</u>
<u>Bev Bauer</u>	<u>Recorder</u>	<u>507-725-5813</u>	<u>304 South Marshall Street, Court House, First Floor</u>
<u>Mark Inglett</u>	<u>Sheriff</u>	<u>507-725-3379</u>	<u>306 South Marshall Street, Justice Center, First Floor</u>
<u>vacant</u>	<u>Surveyor</u>	<u>507-725-5814</u>	<u>304 South Marshall Street, Court House, Basement Level</u>
<u>Donna Trehus</u>	<u>Treasurer</u>	<u>507-725-5815</u>	<u>304 South Marshall Street, Court House, First Floor</u>
<u>Robert Thoen</u>	<u>Veteran Services</u>	<u>507-725-5805</u>	<u>611 Vista Drive, Community Services Bldg.</u>



## HOUSTON COUNTY

### CHALLENGING THE ACCURACY AND/OR COMPLETENESS OF DATA THAT HOUSTON COUNTY KEEPS ABOUT YOU

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The Minnesota Government Data Practices Act gives you the right to challenge the accuracy and/or completeness of public and private data being maintained about you by any government entity in Minnesota. **There are two steps in this process.**

The **first step** is to make a data challenge to Houston County. If the County agrees that the data are inaccurate or incomplete, the County must change the data so they are accurate and/or complete.

If the County does not agree with the data challenge, you have the right to take the **second step** and appeal the County's determination to the Commissioner of the Minnesota Department of Administration.

***It is important to follow the steps carefully and to perform all of the procedures described below.***

#### **Step One: Making a Data Challenge**

First, identify the County's Responsible Authority (s). This person is responsible for overseeing data practice compliance for his/her County department. The Responsible Authorities are listed in the following County documents. "The right of the public to Inspect and Copy Data Houston County" and "The Rights of Individuals under the Minnesota Government Data Practices Act.

Next, write to the Responsible Authority (s) and ask to look at all public and private data the County maintains about you. In order to protect your rights, it is very important that you make your data request to the Responsible Authority (s).

You may wish to make an appointment to inspect the data, which you may do free of charge. You also may ask for copies of the data. If you do, the government entity does have the right to charge you reasonable copying costs.

Review or inspect the data very carefully and make a note about any information that you believe is inaccurate or incomplete. *Inaccurate* means that the data are not correct or that there are errors in the data. For example, data might be inaccurate because a name is not spelled right, someone is not quoted correctly, wrong facts are stated, or a name, time or date are wrong. *Incomplete* means that the data do not describe all of your contacts with the County in a reasonable way. For example, data might be incomplete because words are left out of a report, a document is missing from a file, or an interviewer did not file a report about an interview.

Inaccurate or incomplete data can be a word, a sentence, a phrase, a paragraph, a number, a punctuation mark, etc. Sometimes it is difficult to decide exactly what makes the data inaccurate or incomplete.

The next step is to notify the County's Responsible Authority (s) that you are challenging the accuracy and completeness of data that the County maintains about you. To protect your rights, be sure to say clearly that you are challenging data under the provisions of Minnesota Statutes section 13.04, Subdivision 4. This challenge notice must be done in writing – such as by letter, e-mail or fax. If you are sending a letter, you may wish to send it by certified mail with return receipt requested. Be sure to keep a copy of your letters and any other correspondence.

In your challenge notice:

- Identify the data that you are challenging. There are many ways to do this. Because it is important to be very specific, a good way to identify the data is to make a copy of the document(s) containing the data, clearly mark the data you are challenging, and enclose the copy with your letter.
- Describe *why* or *how* the data are inaccurate or incomplete. Be very specific and write down as many reasons as you can.
- Say what you think should be done to make the data accurate or complete. For example, you may ask the County to *add* a word, phrase, page, etc., to make the data complete or accurate. You may ask the County to *change* the data to make them accurate or complete. You also may ask the County to *remove* data from a file or *delete* some of the data to make the rest of the data complete and/or accurate. Again, be very specific and explain very carefully what you want the County to do to make each piece of data accurate and/or complete.

When the Responsible Authority (s) receives your challenge notice, s/he has 30 days to review it and to decide if the data are inaccurate or incomplete. The Responsible Authority (s) may agree with all, part or none of your data challenge. The Responsible Authority (s) must notify you of his or her decision.

If the Responsible Authority (s) *agrees* with your challenge, the County must make the changes you requested and try to notify anyone who has received the data in the past. This includes anyone you name.

If the Responsible Authority (s) *does not agree* to correct or make changes to the data you have challenged, s/he must notify you. Then you have the right to take the second step in the process. The second step is to appeal the County's decision (determination) about your challenge.

## **Step Two: Appealing the County's Decision about Your Challenge**

If you do not agree with the results of your data challenge, you may appeal the County's decision to the Commissioner of the Minnesota Department of Administration.

If the County told you in writing that you have the right to appeal its decision about your data challenge, you must file your appeal within 60 days of the decision. If the County did *not* tell you in writing that you have the right to appeal, you have 180 days from the date of the decision to file your appeal.

You must send your appeal to the Commissioner of Administration in writing- a letter, an e-mail message, a fax, etc. You must include your name, address and a phone number (if any), the name of the entity that has the data you challenged, and the name of the Responsible Authority for that entity.

Describe the data that you believe are inaccurate or incomplete, and tell why you disagree with the County's decision about your challenge.

Also tell the Commissioner what you want to happen because of your appeal. For example: Do you want the County to remove data from its files? Do you want the County to change or add data?

Include a copy of your data challenge letter and copies of any other correspondence about your challenge that you have sent or received. Send your appeal to:

Commissioner of Administration  
State of Minnesota  
50 Sherburne Avenue  
Saint Paul, MN 55155

If the Commissioner determines that your appeal meets all of the requirements in the law, the appeal will be accepted. At that point, the Department's Information Policy Analysis Division

(IPAD) will try to resolve the dispute in an informal way, using conferences and/or conciliation. The IPAD also may suggest that you and the County take the matter to mediation.

If the dispute cannot be resolved informally, the Commissioner will, in most instances, order a hearing by the Administrative law judge in the state Office of The Administrative Hearings. The Administrative law judge then hears the case and makes a recommendation to the Commissioner. The Commissioner reviews the recommendation and issues an order about whether the data are accurate and/or complete. You and Houston County each have the right to appeal the Commissioner's order to the Minnesota Court of Appeals.

You do not need to be represented by an attorney to appeal the results of a data challenge, but legal advice can be helpful because the Administrative law process can be technical and complex.