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## **DATA PRACTICES POLICY**

### **Guide for Members of the Public Requesting Information**

This document is required by Minnesota Statutes, Sections 13.025 and 13.03.

## **Right to Access Public Data**

The Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public unless a state or federal law specifically classifies them differently. Government data is a term that means all data collected, created, received, maintained, or disseminated by any government entity regardless of its physical form, storage media, or conditions of use.

The Data Practices Act also provides that Shakopee Public Utilities 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 Data Practices Act allows us to charge for copies. You have the right to look at public data, free of charge, before deciding to request copies.

## **How to Request Data**

To look at (inspect) data or request copies of data that Shakopee Public Utilities keeps, make a written request. Make your written request for data to the appropriate individual listed in the Data Practices Contacts document on page 4. You may make your written request for data by fax, mail, email, or in person, using the data request form on page 6.

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

- State that you, as a member of the public, are making a request for data under the Data Practices Act, Minnesota Statutes, Chapter 13;
- State whether you would like to look at the data, get copies of the data, or both; and
- 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, depending on how you want us to process your request (if, for example, you want us to mail you copies of data, you need to provide us with an address or P.O. Box), we may need some information about you. Please keep in mind that if we do not understand your request and have no way to contact you, we cannot respond to your request.

## **How We Respond to a 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 notify you in writing 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 to inspect data at our offices, 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 email them to you. Information about copy charges is on page 5. We also will arrange for you to pre-pay for the copies. If you

want us to send you copies, you will need to provide us with an address or email address. 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.

- Response time may be affected 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 10 business days to inspect the data or pay for the copies, we will conclude that you no longer want the data and will consider your request 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 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 requests for government data.

### **Requests for Summary Data**

Summary data are statistical records or reports that are prepared by removing identifying information about individuals from entirely private or confidential data. The preparation of summary data is not a means to gain access to private or confidential data. Shakopee Public Utilities will prepare summary data if you make your request in writing and pre-pay for the cost of creating the data. Upon receiving your written request (you may use the data request form on page 6) 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 you.

## Data Practices Contacts

### Responsible Authority

Greg Drent  
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952-445-1988 Phone  
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### Data Practices Compliance Official

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### Data Practices Designees

Director of Field Operations – Brad Carlson - [bcarlson@shakopeeutilities.com](mailto:bcarlson@shakopeeutilities.com)

Director of Planning and Engineering – Joe Adams - [jadams@shakopeeutilities.com](mailto:jadams@shakopeeutilities.com)

Director of Finance Administration – Kelley Willemsen – [kwillemsen@shakopeeutilities.com](mailto:kwillemsen@shakopeeutilities.com)

Director of IT & Technical Services – Philip Dubbe – [pdubbe@shakopeeutilities.com](mailto:pdubbe@shakopeeutilities.com)

Director of Communication, Key Accounts & Conservation – Sharon Walsh -  
[swalsh@shakopeeutilities.com](mailto:swalsh@shakopeeutilities.com)

## Copy Costs – Members of the Public

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

The cost of employee time to search for data, retrieve data, and make copies is determined according to the applicable employee's hourly rate. 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.

## Data Request Form – Public Data Minnesota Government Data Practices Act

A. COMPLETED BY REQUESTER

### Request date:

**The public data I am requesting** (Describe the data you are requesting as specifically as possible. Use additional pages, if needed):

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

- Inspection
- Copies
- Both inspection and copies

*Minn. Stat. § 13.03, subd. 3 authorizes us to charge fees to recover costs to provide copies of data, including costs associated with searching, compiling, copying, mailing, or otherwise transmitting data. Prepayment is required before receiving copies of data. We do not charge for inspection of data.*

### 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.

**B. COMPLETED BY DEPARTMENT**

<p><b>INFORMATION CLASSIFIED AS:</b></p> <p><input type="checkbox"/> Public                      <input type="checkbox"/> Non-Public</p> <p><input type="checkbox"/> Private                      <input type="checkbox"/> Protected Non-Public</p> <p><input type="checkbox"/> Confidential</p>	<p><b>ACTION:</b></p> <p><input type="checkbox"/> Approved                      <input type="checkbox"/> Approved in Part (explain below)</p> <p><input type="checkbox"/> Denied (explain – include statute)</p>
<p><b>REMARKS OR BASIS FOR DENIAL, INCLUDING STATE STATUTE:</b></p>	
<p><b>COPY CHARGES:</b></p> <p><input type="checkbox"/> None</p> <p><input type="checkbox"/> ___ Pages x 25¢ per page (per side) = \$ _____</p> <p><input type="checkbox"/> Employee Time (only charge if over 100 pg) = \$ _____ (15 min minimum)</p>	<p><input type="checkbox"/> Other Charges: _____ = \$ _____</p> <p><input type="checkbox"/> Special Rate: (attach explanation) = \$ _____</p> <p style="text-align: right;">Total Charges: \$ _____</p>
<p><b>AUTHORIZED SIGNATURE:</b></p>	<p><b>DATE:</b></p>



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## **DATA PRACTICES POLICY**

### **Guide for Requests for Data About You and Your Rights as a Data Subject**

Minnesota Statutes, Sections 13.025 and 13.03 require this policy.

## **Data about You**

Under the Data Practices Act (Minnesota Statutes, Chapter 13), “government data” means all data collected, created, received, maintained, or disseminated by any government entity regardless of its physical form, storage media, or conditions of use. When you can be identified in government data, you are the “data subject” of that data. The Data Practices Act gives you, as a data subject, certain rights. This policy explains your rights as a data subject, and tells you how to request data about you, your minor child, or someone for whom you are the legal guardian.

### **Classification of Data about You**

Shakopee Public Utilities can collect and keep data about you only when we have a legal purpose to have the data. We must also keep all government data in a way that makes it easy for you to access data about you. The Data Practices Act presumes that all government data are public unless a state or federal law specifically classifies them differently. Data about you are classified by state law as public, private, or confidential. See below for some examples.

Public data: We must give public data to anyone who asks. It does not matter who is asking for the data or why. The following is an example of public data: *If you are an employee of a government entity, the fact that you work for the entity, your job title, and terms and conditions of employment relationship is public.*

Private data: We cannot give private data to the general public. We can share your private data with you, with someone who has your permission, with government entity staff whose job requires or permits them to see the data, and with others as permitted by law or court order. The following are examples of private data about you that we might have: *Social security numbers are private data. Data on customers of a municipal electric utility, such as consumption data, are private data.*

Confidential data: Confidential data have the most protection. Neither the public nor you may access confidential data - even when the confidential data are about you. We can share confidential data about you with government entity staff who have a work assignment to see the data, and to others as permitted by law or court order. The following is an example of confidential data about you: *If you register a complaint with a government entity concerning violations of state laws or local ordinances concerning the use of real property, your identity is confidential.*

### **Classifying Data Not About Individuals**

Nonpublic Data and Protected Nonpublic Data: As to data that does not pertain to individuals, the statutes refer to nonpublic data and protected nonpublic data. Nonpublic data is defined as data not on individuals made by statute or federal law applicable to the data: (a) not accessible to the public; and (b) accessible to the subject, if any, of the data. Protected nonpublic data is defined as data not on individuals made by statute or federal law applicable to the data (a) not public and (b) not accessible to the subject of the data.

## **Your Rights under the Data Practices Act**

As a data subject, you have the following rights:

### Access to Your Data

You have the right to look at (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. 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. Also, if you ask, we will tell you whether we keep data about you and whether the data are public, private, or confidential.

As a parent, you have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask us not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have this right. We will ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on your best interests.

#### When We Collect Data from You

When we ask you to provide data about yourself that are not public, we must give you a notice called a Tennessen warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent. If you want us to release data to another person, we must use the consent form that we provide.

#### Protecting Your Data

The Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe. In the unfortunate event that we determine a security breach has occurred and an unauthorized person has gained access to your data, we will notify you as required by law.

#### When your Data are Inaccurate and/or Incomplete

You have the right to challenge the accuracy and/or completeness of public and private data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

### **How to Make a Request for Your Data**

To look at data, or request copies of data that Shakopee Public Utilities keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, make a written request. Make your request for data to the appropriate Designee listed in the Data Practices Contacts document on page 5. You may make your written request by mail, fax, or email, using the data request form on page 8. We recommend using this form.

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

- State that you are making a request as a data subject, for data about you (or your child, or person for whom you are the legal guardian), 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.
- Provide proof that you are the data subject or data subject's parent/legal guardian.

Shakopee Public Utilities requires proof of your identity before we can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a legal guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity on page 7. If you do not provide proof that you are the data subject (or authorized to receive the data), we cannot respond to your request.

### **How We Respond to a Data Request**

Upon receiving your request, we will review it.

- We may ask you to clarify what data you are requesting.
- We will ask you to confirm your identity as the data subject or as a person authorized to receive the data.
- If we have the data, but the data are confidential or not public data about someone else, we will notify you within 10 business days and identify the law that prevents us from providing the data.
- If we have the data, and the data are public or private data about you, we will respond to your request within 10 business days by doing one of the following:
  - Arrange a date, time, and place to inspect data in our offices, for free, or
  - Provide you with a copy of the data within 10 business days. Information about copying costs is on page 5. We also will arrange for you to prepay for the copies. You may choose to pick up your copies, or we will mail or fax them to you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format.
- Following our response, if you do not make arrangements within 10 business days to inspect the data or pay for the copies, we will conclude that you no longer want the data and will consider your request closed.
- After we have provided you with your requested data, we do not have to show you the same data again for 6 months unless there is a dispute about the data or we collect or create new data about you.

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 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. In addition, we are not required to respond to questions that are not about your data requests, or that are not requests for government data.

## Data Practices Contacts

### Responsible Authority

Greg Drent  
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952-445-1988 Phone  
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### Data Practices Compliance Official

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### Data Practices Designees

Director of Field Operations – Brad Carlson - [bcarlson@shakopeeutilities.com](mailto:bcarlson@shakopeeutilities.com)

Director of Planning and Engineering – Joe Adams - [jadams@shakopeeutilities.com](mailto:jadams@shakopeeutilities.com)

Director of Finance Administration – Kelley Willemsen – [kwillemsen@shakopeeutilities.com](mailto:kwillemsen@shakopeeutilities.com)

Director of IT & Technical Services – Philip Dubbe – [pdubbe@shakopeeutilities.com](mailto:pdubbe@shakopeeutilities.com)

Director of Communication, Key Accounts & Conservation – Sharon Walsh -  
[swalsh@shakopeeutilities.com](mailto:swalsh@shakopeeutilities.com)

## Copy Costs – Data Subjects

Shakopee Public Utilities charges data subjects for copies of government data. These charges are authorized under Minnesota Statutes, Section 13.04, subdivision 3. You must pay for the copies before we will give them to you.

### Actual Cost of Making the Copies

We will charge the actual cost of making copies for data about you. In determining the actual cost, we include the employee time to create and send the copies, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs such as postage (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.

The cost of employee time to make copies is determined according to the applicable employee's hourly rate.

### Data Request Form – Data Subject

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**Request date:**

**Contact information:**

Data Subject Name:

Parent/Guardian Name (if applicable):

Phone number:

Email address:

*To request data as a data subject, you must verify your identity. See reverse for acceptable forms of identification.*

**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

*Minn. Stat. § 13.04, subd. 3 authorizes us to charge fees to recover costs to provide copies of data, including costs associated with copying, mailing, or otherwise transmitting data. Prepayment is required before receiving copies of data. We do not charge for inspection of data.*

**We will respond to your request within 10 business days.**

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**To Be Completed By Staff Member Responding to Data Request:**

Identity Confirmed:

<b>INFORMATION CLASSIFIED AS:</b> <input type="checkbox"/> Public <input type="checkbox"/> Non-Public <input type="checkbox"/> Private <input type="checkbox"/> Protected Non-Public <input type="checkbox"/> Confidential	<b>ACTION:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Approved in Part (explain below) <input type="checkbox"/> Denied (explain – include statute)
<b>REMARKS OR BASIS FOR DENIAL, INCLUDING STATE STATUTE:</b>	

**COPY CHARGES:**

- None
  - \_\_\_ Pages x 25¢ per page (per side) = \$ \_\_\_\_\_
  - Employee Time (to create and send the copies ) (15 min minimum) = \$ \_\_\_\_\_
  - Other Charges (mailing, paper, CD, DVD) = \$ \_\_\_\_\_
  - Special Rate: (attach explanation) = \$ \_\_\_\_\_
- Total Charges: \$ \_\_\_\_\_

Staff Name:

Date:

## Standards for Verifying Identity

The following constitute proof of identity:

- An adult individual must provide a valid photo ID, such as
  - a driver's license
  - a state-issued ID
  - a tribal ID
  - a military ID
  - a passport
  - the foreign equivalent of any of the above
  
- A minor individual must provide a valid photo ID, such as
  - a driver's license
  - a state-issued ID (including a school/student ID)
  - a tribal ID
  - a military ID
  - a passport
  - the foreign equivalent of any of the above
  
- The parent or guardian of a minor must provide a valid photo ID and either
  - a certified copy of the minor's birth certificate or
  - a certified copy of documents that establish the parent or guardian's relationship to the child, such as
    - a court order relating to divorce, separation, custody, foster care
    - a foster care contract
    - an affidavit of parentage
  
- The legal guardian for an individual must provide a valid photo ID and a certified copy of appropriate documentation of formal or informal appointment as guardian, such as
  - court order(s)
  - valid power of attorney

Note: Individuals who do not inspect data or pick up copies of data in person may be required to provide either notarized or certified copies of the documents that are required or an affidavit of ID.