

6-4-82

1 Waste Management Board

2

3 Adopted Rules Governing Inspection of Public Records Held by the

4 Waste Management Board and Defining Certain Terms

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6 Rules as Adopted

7 6 MCAR S 8.002 Definitions.

8 A.-G. [Unchanged.]

9 H. Service; serve. "Service" or "serve" means personal

10 service, or, unless otherwise provided by law, service by first

11 class United States mail, postage prepaid, addressed to a person

12 or party at his last known address. An affidavit verifying

13 service shall be signed by the person making service. Service

14 by mail is complete upon placing the item served in the mail.

15 Agencies of the State of Minnesota may also serve other agencies

16 of the State of Minnesota by depositing the item to be served

17 with the Central Mailing Section, Publications and General

18 Services Division, Department of Administration.

19 ~~6 MCAR S 8.015 Public records and information classified by law~~

20 ~~as nonpublic or private.~~

21 A- Inspection of public records. All records and data of

22 the board or copies thereof, which are public pursuant to Minn.

23 Stat. SS 15.1611-15.1698 shall be available for inspection and

24 copying by any person, Monday through Friday, excluding legal

25 holidays, between the hours of 9:00 a.m. and 4:00 p.m. at the

26 board offices. No public records shall be removed from the

27 board's offices. Any inspection or copying of records shall be

28 made in the presence of an officer, employee, or agent of the

29 board. The board may charge and collect a reasonable fee,

30 computed in accordance with 2 MCAR S 1.203 A.1.d.(1)-(5), for

31 the reproduction of any public records.

32 B- ~~Classification of private and nonpublic data.~~

33 1- Any data held by the board which consists of trade

34 secret information as defined by Minn. Stat. S 15.1673, subd. 1,

35 clause (b), sales information, or any other information which,

1 if public, would tend to adversely affect the competitive
2 position of the subject of the data, shall be classified as
3 private or nonpublic data as defined in Minn. Stat. S 15.162,
4 subds. 5a and 5e if it meets the following requirements:

5 a. A subject of the data must certify that the data
6 qualifies as nonpublic or private data under Minn. Stat. S
7 115A.06, subd. 13, by submitting a written statement to the
8 chairperson of the board setting forth those statutory grounds
9 which require the board to keep such data classified as
10 nonpublic or private, and

11 b. The chairperson must approve the classification in
12 writing.

13 2. Data meeting the requirements of 1-a. shall not be
14 released unless the chairperson fails to classify the data as
15 private or nonpublic.

16 3. Whenever the chairperson denies classification of data
17 as private or nonpublic, he shall notify the subject of the data
18 of the denial at least three days before making the records or
19 information available to the public. The subject of the data
20 may withdraw the records or information if that option is
21 available. An adverse determination by the chairperson may be
22 appealed to the Commissioner of Administration. The appeal
23 shall follow the procedures established for contested cases in
24 Minn. Stat. ch. 15, and the rules of the Office of
25 Administrative Hearings relating to contested case proceedings.

26 4. The subject of data classified as private shall be
27 notified by the board that the classification has been made. The
28 notification shall include a list identifying the purposes,
29 uses, and recipients of the particular data.

30 c. Use of private and nonpublic data. All data classified
31 as private or nonpublic shall be appropriately identified and
32 segregated at the offices of the board. Certified data approved
33 for classification as private or nonpublic by the chairperson
34 may be used by the board to compile and publish analyses or
35 summaries and to carry out its statutory responsibilities in a
36 manner which does not identify the subject of the data.

1 D. Disclosure of private and nonpublic information-

2 1- Data may be released when the board is specifically
3 authorized to do so by statute-

4 2- Data certified as private or nonpublic by the subject
5 of the data may be released if the chairperson does not approve
6 the requested classification-

7 3- Regardless of whether data is classified as private or
8 nonpublic, the board may disclose any data which it is obligated
9 to disclose in order to comply with federal law and regulation,
10 to the extent and for the purposes of the federally required
11 disclosure. Whenever the board is required to release
12 classified data pursuant to federal law, it shall notify the
13 subject of the data of the requirement at least three days
14 before making the records or information available to the
15 public. The subject of the data may withdraw the information if
16 that option is available-

17 4- The subject of data classified as private or nonpublic
18 pursuant to Minn. Stat. S 115A-06, subd. 13, may authorize the
19 disclosure of some or all of that data by the board-

20 6 MCAR S 8.016 Computation of time. In computing any period of
21 time prescribed by 6 MCAR SS 8.001-8.015, the day of the last
22 act, event, or default from which the designated period of time
23 begins to run shall not be included. The last day of the period
24 computed shall be included, unless it is a Saturday, Sunday, or
25 a legal holiday.