



# MILLE LACS BAND OF CHIPPEWA INDIANS

Legislative Branch of Tribal Government

SECRETARIAL ORDER 22-01

Repealed by Sec Order 23-03

## A SECRETARIAL ORDER REGULATING ACCESS TO BAND GOVERNMENT FINANCIAL DATA AND FINANCIAL DATA ON INDIVIDUALS IN THE OFFICE OF MANAGEMENT AND BUDGET

**WHEREAS,** 3 MLBSA § 7 authorizes the Secretary-Treasurer of the Non-Removable Mille Lacs Band of Ojibwe to administer the financial affairs of the Band; and

**WHEREAS,** 3 MLBSA § 7(a) further authorizes the Secretary-Treasurer of the Non-Removable Mille Lacs Band of Ojibwe to superintend and manage all Band fiscal operations, planning and budgeting activities; and

**WHEREAS,** the laws of the Non-Removable Mille Lacs Band of Ojibwe do not expressly authorize the Office of Management and Budget to collect, create, store, maintain, and disseminate Band financial government data and financial data on individuals; and

**WHEREAS,** the laws of the Non-Removable Mille Lacs Band of Ojibwe do not regulate access to Band government financial data and financial data on individuals maintained by the Office of Management and Budget; and

**WHEREAS,** implementing the powers and duties of the Secretary-Treasurer of the Non-Removable Mille Lacs Band of Ojibwe under 3 MLBSA § 7 requires that the Office of Management and Budget collect, create, store, and maintain Band government financial data and financial data on individuals; and

**WHEREAS,** in the absence of Band law, there is a need to authorize the Office of Management and Budget to collect, create, store, maintain, and disseminate Band government financial data and financial data on individuals and to direct that office as to the conditions for granting or denying access to that data.

**NOW THEREFORE, BE IT ORDERED,** that it shall be the policy of the Office of Management and Budget that establishes a presumption that Band government financial data are public and are accessible by the Band public for both inspection and copying unless there is a federal statute, Band statute, or the financial data is classified as *not public*.

**IT IS FURTHER ORDERED,** that until such time as legislation is enacted with regard to Band government financial data and financial data on individuals, the Commissioner of Finance is authorized to classify Band government financial data and financial data on individuals as either "*public data*" or "*not public data*."

Repealed by Sec. Order 23-03

**IT IS FURTHER ORDERED**, that any financial data classified as "*public data*" shall be accessible only to any enrolled member of the Band under the following guidelines:

A request to inspect or obtain copies of public financial data shall be made to the Commissioner of Finance and may be made orally or in writing. The Commissioner of Finance may insist on a written request only if the complexity of the request or the volume of records requested would jeopardize the efficiency or accuracy of the response to a request. All requests must include sufficient information to reasonably identify the public financial data being sought, but the requesting Band member shall not be required to have detailed knowledge of the Office of Management and Budget's filing system or procedures, nor shall the requesting Band member be required to disclose the purpose of the request.

Upon receipt of such request, a Band member shall be allowed to inspect or to obtain copies of original versions of financial data classified as "*public data*" during regular working hours.

If the Commissioner of Finance cannot promptly grant a request for public financial data, or at all, an explanation shall be given to the requesting Band member as soon as possible. The requesting Band member has the right to at least the following information: the nature of any problem preventing access, and the specific reason for the delay or denial in granting the Band member's request for the financial data.

If the Commissioner of Finance is uncertain as to the status of any financial data, the Commissioner of Finance may ask for a determination from the Solicitor General of the Band's Department of Justice. The Solicitor General shall promptly make a determination and deliver or forward it by any electronic means or by mail to the Commissioner of Finance.

The Commissioner shall not charge any fee to inspect any public financial data, but shall charge a copy fee of 10 cents per copy.

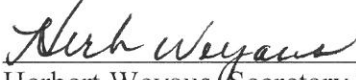
**IT IS FURTHER ORDERED**, that the Commissioner of Finance shall classify any Band government financial data or financial data on an individual as "*not-public data*" if the disclosure of such data would be likely to substantially jeopardize the Band's financial security interests, the security of records, possessions, individuals, or property in the possession or custody of the Office of Management and Budget.

Repealed by Sec. Order  
23-03

**IT IS FURTHER ORDERED**, that nothing in this Secretarial Order is intended to restrict access to Band government data in the performance of official duties by any elected official or executive officer.

**IT IS FURTHER AND FINALLY ORDERED**, any decision of the Commissioner of Finance to classify financial data or deny access to Band government financial data or financial data on individuals must be appealed, in writing, to the Secretary-Treasurer within five working days from the date of the decision.

Dated this 2nd day of February 2001.

  
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Herbert Weyaus, Secretary-Treasurer

Expiration Date: OPEN

**APPROVED AS TO FORM AND EXECUTION:**

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Solicitor General

**OFFICIAL SEAL OF THE BAND**