

Appendix C

Your Rights As The Subject Of Government Data: Guide for Requesting Information about Yourself

Data about You

The Government Data Practices Act (Minnesota Statutes, Chapter 13) gives you important rights whenever a government agency collects, creates, keeps, uses or releases data about you. You are the subject of data when you can be identified from the data. "Government data" is a term that means all recorded information a government entity has, including paper, email, CD-ROMs, photographs, and so on.

Classification of Data about You

The law says that all the data government agencies have are **public** (can be seen by anybody) *unless* there is a state or federal law that classifies data as not public. Data about an individual (you) are classified by state law as public, private, or confidential.

Public data: We must give public data to anyone who asks; it does not matter who is asking for the data or why.

Private data: We cannot give data that is classified as private by a state or federal law to the general public, but you have access when the data are about you. We can share your private data with you, with someone who has your permission (authorization), with WCCA staff who need the data to do their work, and as permitted by law or court order. A list of the kinds of private or confidential data that this court keeps is posted on our web site: <http://mn.gov/workcomp/dpa.html>. We will provide a paper copy of the list if you ask for one.

Confidential data: Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. We can share confidential data about you only with WCCA staff who need the data to do their work and to others as permitted by law or court order. We cannot give you access to confidential data.

Your Rights under the Data Practices Act

The WCCA must keep all government data in a way that makes it easy for you to access data about yourself. We can collect and keep only those data about you that we need for administering and managing programs that are permitted by law.

As a data subject, you have the following rights:

Access to Data About Yourself:

If you ask, we must tell you whether we keep data about you and whether the data are public, private, or confidential.

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 WCCA does not charge a fee for a reasonable amount of copying.

Minors and People with Guardians:

A parent has the right to look at and get copies of public and private data about his or her minor child or children (under the age of 18). A legally appointed guardian has the right to look at and get copies of public and private data about the person for whom they are the appointed guardian.

Minors have the right to ask the WCCA not to give private data about them to their parent(s) 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 why we should deny your parent(s) or guardian access to the data. The WCCA makes the final decision about your request based on your best interests.

When Data Is Collected from You:

When a government agency asks you to provide data about yourself that are not public, the agency must give you a notice. The notice is sometimes called a “Tennessee warning.” The notice controls what government agencies can do with data that is collected from you. Usually, agencies can use and release the data only in the ways described in the notice.

The WCCA does not have to give you a Tennessee notice when:

- you give us information or data we did not ask you for;
- the information we ask you for is about someone else;
- we request or receive information about you from someone else;
- the information is public data about you.

The WCCA will ask for written permission or an authorization, signed by you, if we need to use or release private data about you in a way that was not included in a Tennessee notice, or if you ask us to release the data to someone else, such as your attorney.

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. If we determine a security breach has occurred and an unauthorized person has gained access to your data, we must notify you as required by law.

When your Data are Inaccurate and/or Incomplete:

If you believe that public or private data that the WCCA keeps about you is not accurate or not complete, you can write to the responsible authority, the Chief Judge, and ask the responsible authority to correct the data. If you are a minor, your parent or guardian has the right to challenge data about you. You may challenge only the accuracy and completeness of data. If you do not agree with the WCCA’s decision about your data challenge, you may appeal the decision to the Commissioner of the Minnesota Department of Administration.

How to Make a Request for Your Data

You may make a request to look at data, or request copies of data that the WCCA keeps about you, your minor child(ren), or a person for whom you are the appointed legal guardian, by mail, fax, e-mail, telephone or in person. The request may be made by someone else with your written permission or authorization.

The WCCA 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 guardian, you must show legal documentation of your guardianship. If you are requesting data about someone else, you must have a written authorization or written permission to see or obtain copies of the data.

Your request should include:

- that you are making a request, under the Data Practices Act (Minnesota Statutes, Chapter 13), as a data subject, for data about yourself;
- whether you would like to inspect the data, have copies of the data, or both;
- a description of the data, as specific as possible, that you would like to inspect or have copied; and
- identifying information that proves you are the data subject or the data subject's parent or guardian; or that establishes that you have written permission or authorization from the data subject.

How We Respond to a Data Request

We will begin working on your request as soon as possible after receiving it.

- If we do not understand what data you want to look at or copy, we will ask for more information to help us understand exactly what you are asking for.
- If we do not maintain (keep) or have the data, we will notify you in writing within 10 business days.
- If we have the data, but the data are confidential or private data that are not about you, we will notify you in writing within 10 business days. The WCCA must tell you the specific state statute or federal law that states you may not access 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:
 - o arrange a date and time (during business hours) to inspect data at the WCCA office if your request is to look at the data.
 - o provide you with copies of the data within 10 business days. You may choose to pick up your copies, or we will mail or fax them to you.
 - o We will provide electronic copies by email upon request if we keep the data in electronic format and can reasonably provide the data in that format. The WCCA does not have to provide the data in a format that is different from the format in which the agency keeps the data.

You have the right to have the data explained to you in a way you understand. If you do not understand some of the data (technical terms, abbreviations, or acronyms - like "WCCA"), ask us what it means.

After we have provided you with access to data about you, we do not have to show you the data again for 6 months unless there is a dispute or we collect or create new data about you.

The Data Practices Act does not require the WCCA to create or collect new data in response to a 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 are on paper only, we are not required to create electronic documents to respond to your request. Or if the data you want is contained in many different records, we are not required to compile it (put it together) for you. 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 under the Data Practices Act to respond to questions that are not requests for data.

To find out about or ask to see or get a copy of data the agency keeps about you, or to make a complaint or to challenge the accuracy or completeness of data about you, contact:

**Minnesota Workers' Compensation Court of Appeals
25 Dr. Martin Luther King Blvd.
St. Paul, Minnesota 55155**

**Telephone: (651) 539-1210 • Fax: (651) 539-1212
E-mail: wcca.mail@state.mn.us**

Responsible Authority:
Patricia J. Milun, Chief Judge

This document is required by Minnesota Statutes, § 13.025, subdivision 3.