

Collection and Use of Data

Under the Minnesota Government Data Practices Act, government entities may only collect the data on individuals that they need to administer their programs (Minn. Stat. sec. 13.05, subd. 3). Additionally, entities must give individuals a notice when collecting not public data about the individual directly from them. (Minn. Stat. sec. 13.04, subd. 4). This notice is often referred to as a Tennesen warning notice.

Questions to ask before collecting or storing data on individuals:

1. Is the collection or storage of this data necessary for the administration and management of a program specifically authorized by the legislature or local governing body, or mandated by the federal government?
Yes: Proceed to question 2.
No: The data may not be collected or stored. (Minn. Stat. sec. 13.05, subd. 3)
2. Are you asking an individual to supply data about themselves that are classified as private or confidential under the Data Practices Act?
Yes: A Tennesen warning notice must be given to the individual before collecting the data. (Minn. Stat. sec. 13.04, subd. 2)
No: This data may be collected without a Tennesen warning notice.

Questions to ask before using data about an individual:

1. Are the data classified as private or confidential under the Data Practices Act?
Yes: Proceed to question 2.
No: The data are public and may be used.
2. Is this use necessary for the administration and management of a program specifically authorized by the Legislative or local governing body, or mandated by the Federal Government?
Yes: Proceed to question 3.
No: The data may not be used.
3. Were these private or confidential data on the individual received directly from the data subject?
Yes: Proceed to question 4.
No: The data may be used for the administration and management of the program.
4. Was a Tennesen warning notice provided that informed the data subject of how the data would be used?
Yes: Proceed to question 5.
No: Data may only be used as authorized by state, local, or federal law. (Minn. Stat. sec. 13.05, subd. 4(b)).
5. Did the Tennesen warning notice describe the intended use of the data?
Yes: The data may be used as described in the Tennesen warning.
No: The data may not be used unless the entity receives informed consent from the data subject, or an approved request for new use of data from the Commissioner of Administration. (Minn. Stat. sec. 13.05, subd.4(c)).