

## Data-Practices Policy 2

### Requesting Your Data

#### 1. What this policy does.

When the government has information recorded in any form (paper, hard drive, voicemail, video, email, etc.), the information is called **government data** under the Minnesota Government Data Practices Act.<sup>1</sup> When we can identify you in government data, you are the **data subject** of that data. The act gives you, as a data subject, certain rights.

This policy<sup>2</sup> helps you in two ways:

- Explains your rights as a data subject.
- Tells you how to request data about you, your minor child, or someone for whom you are the legal guardian.

#### 2. When the Bureau of Mediation Services has data about you.

We have data on many people, such as employees, job applicants, and employees of other public agencies. We 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 manner that allows you to easily access your data.

Government data about an individual have one of three classifications. These classifications determine who is legally allowed to see the data. According to state law, data about you can be classified as (1) public, (2) private, or (3) confidential.

##### 2.1 Public data.

The act presumes that all government data are public unless a state or federal law says otherwise. We must give public data to anyone who asks. It doesn't matter who is asking for the data or why they want the data. We might have public data on you: job titles, wages, or employment length with a public agency, for example.

##### 2.2 Private data.

We can't give private data to the general public, but we can share your private data with (1) you, (2) someone who has your permission, (3) our staff

<sup>1</sup> Minnesota Statutes, chapter 13 (<https://www.revisor.mn.gov/statutes/cite/13>).

<sup>2</sup> This policy is required by Minnesota Statutes, sections 13.025 and 13.04.

whose job requires or permits them to see the data, and (4) others as permitted by law or court order. We might have private data on you: personal address, driver's license, or Social Security number, for example.

### **2.3 Confidential data.**

Confidential data have the most protection. Neither the public nor you can access confidential data even when the confidential data are about you. We can share confidential data about you (1) with our staff who have a work assignment to see the data, and (2) with others as permitted by law or court order. Examples of confidential data that we maintain include union cards and mediator notes.

## **3. Your rights as a data subject.**

As a data subject, you have several rights.

### **3.1 Inspecting your data.**

You may inspect—free of charge—all public and private data that we keep about you; you may also get copies of the data. Although we may charge you for copies, you may inspect the data before deciding if you want copies. If we charge you, you must prepay.

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

#### **If you are a parent**

You may inspect and get copies of public and private data about your minor children (under the age of 18).

#### **If you are a legally appointed guardian**

You may inspect and get copies of public and private data about an individual for whom you are the legal guardian.

#### **If you are a minor**

Minors are entitled 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. Additionally, we will:

- ask you to put your request in writing and explain why we should deny your parents' or your guardian's access to the data; and
- make the final decision about your request **based on your best interests.**

### **3.2 Collecting data from you.**

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

We will ask for your written permission if (1) we must use or release private data about you differently than in the notice, or (2) you ask us to release the data to another person. This permission is called **informed consent**.

### **3.3 Protecting your data.**

The act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe. If we determine that a security breach has occurred and an unauthorized person has accessed your data, we will notify you as required by law.

### **3.4 Inaccurate or incomplete data.**

You may challenge the accuracy or completeness of public and private data we have on you by notifying us in writing. If we determine that the data are accurate or complete, you may appeal our determination.<sup>3</sup> If you are a minor, your parent or legal guardian may challenge data about you.

### **3.5 Requesting your data.**

You may inspect public data at our office or ask for copies of the data that we have on you, your minor child, or an individual for whom you are the legal guardian.

#### **3.5.1 Using our form.**

To either inspect data or request copies, you must use the form on our website and mail it to us, give it to us in person, or email it to us as an attachment.

#### **3.5.2 Proof of identity.**

We require proof of your identity before we can respond to your data request. If you are requesting data about your minor child, you must show proof that you are the minor's parent, and if you are a legal guardian, you must show legal documentation of your guardianship.

**Note:** We can't fulfill your request if you don't provide proof that you are the data subject or requesting data on the subject's behalf.

<sup>3</sup> Minnesota Statutes, section 13.04, subdivision 4, paragraph (a).

See the form on our website for more details on proof of identity.

#### 4. How we will respond to your data request.

We will review your request when we receive it. We will ask you to confirm your identity as the data subject, and we may ask you to clarify what data you are requesting. Once we have confirmed your identity and understand your request, we will respond as follows:

If we	Then we will
↓	↓
<ol style="list-style-type: none"><li>1. Don't have the data</li><li>2. Have the data but the data are confidential or not public data about someone else</li><li>3. Have the data and the data are public or private data about you</li></ol>	<p>Notify you in writing within <b>10 business days</b>.</p> <p>Notify you within <b>10 business days</b> and identify the law that prevents us from providing you the data.</p> <p>Respond to your request within <b>10 business days</b> by:</p> <ul style="list-style-type: none"><li>• arranging a date, time, and place for you to inspect the data at our office; and</li><li>• notifying you about our requirement to prepay for copies.</li></ul> <p>If you prepay, we will provide you the data within <b>10 business days</b>.</p>

**Note:** Once you receive our response, you have **15 business days** to inspect the data or to prepay for copies. If we don't hear from you within that time, we will close your request.

After we have given you the data, we don't have to show you the same data again for **6 months** unless (1) there is a dispute about the data, or (2) we collect or create new data about you.

#### 5. How to get your copies.

You may either pick up your copies or ask us to mail or email them to you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in that format.

## 6. What we may charge you for copying data.

We may charge you for the cost of making copies.<sup>4</sup> You must prepay for the copies before we will give them to you. If you ask us, we will give you—if possible—an estimate of the total copy cost.

Copy type	Cost
100 pages or fewer of no color; letter or legal size	One-sided copy: <b>25 cents</b> Two-sided copy: <b>50 cents</b>
Other types of copies	See below

### 6.1 Other types of copies.

The charge for most other types of copies—when a charge is not set by statute or rule—is the cost of (1) searching for and retrieving the data, and (2) making the copies or electronically sending the data.

### 6.2 Determining cost of making copies.

When we determine the cost of making copies, we include:

- 1) employee time;
- 2) the cost of the materials that we are copying the data on (paper, CD, DVD, etc.); and
- 3) mailing costs, if any.

### 6.3 Calculating employee time.

We calculate the cost of employee time as follows:

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| <ol style="list-style-type: none"><li>1. Hourly salary of lowest-paid employee who can complete the copying</li></ol> <p style="text-align: center;"><b>Plus</b></p> <ol style="list-style-type: none"><li>2. 20% fringe benefits.</li></ol> |
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If, based on your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search-and-retrieval-charges at the higher salary.

If your request is for copies of data that we can't copy ourselves (such as photographs), we will charge you the cost that we must pay an outside vendor to make the copies.

<sup>4</sup> Minnesota Statutes, section 13.03, subdivision 3, paragraph (c).

## **7. Other factors for you to consider.**

Our response time may be affected by the size or complexity of your request; it may also be affected by how many requests that you make in a given period.

If you don't understand some of the data (technical terminology, abbreviations, acronyms, etc.), please tell the person who gave you the data, and we will explain any data that you don't understand.

## **8. Limitations of the Data Practices Act.**

The act doesn't require us to:

- 1) create or collect new data in response to a data request; or
- 2) provide data in a specific form or arrangement if we don't keep the data in that form or arrangement.

For example, if the data you request are on paper only, we aren't required to create electronic documents to respond to your request. But 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 also aren't required to respond to questions unrelated to your data request or to a request that isn't for government data.

## 9. Who to contact.

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### **Responsible authority**

Commissioner Johnny Villarreal  
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### **Compliance official**

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### **Designee**

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