



## **Minnesota Board on Aging Data Practices Policy for Private Information:**

### **Requests for Data About You and Your Rights as a Data Subject**

Minnesota Statutes, sections 13.025 and 13.03 require this policy.

#### **What is a “Data Subject”?**

When government has information recorded in any form (paper, hard drive, voicemail, video, email, etc.), that information is called “government data” under the Government Data Practices Act (Minnesota Statutes, Chapter 13). When we can identify you in government data, you are the “data subject” of that data. The Data Practices Act gives you, as a data subject, certain rights. This policy explains your rights as a data subject, and tells you how to request data about you, your minor child, or someone for whom you are the legal guardian.

#### **When Minnesota Board on Aging Has Data About You**

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The Minnesota Board on Aging (MBA) and its direct programs, the Senior Linkage Line and Office of Ombudsman for Long Term Care collects some data on individuals. We can collect and keep data about you only when we have a legal purpose to have the data. The MBA must also keep all government data in a way that makes it easy for you to access data about you.

Government data about an individual have one of three “classifications.” These classifications determine who is legally allowed to see the data. Data about you are classified by state law as public, private, or confidential.

##### **Public Data**

The Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. If we have the data, we must give public data to anyone who asks. It does not matter who is asking for the data or why the person wants the data.

## **Private data**

We cannot give private data to the general public. We can share your private data with you, with someone who has your written permission, with our government entity staff whose job requires or permits them to see the data, and with others as permitted by law or court order.

## **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 with our government entity staff who have a work assignment to see the data, and to others as permitted by law or court order.

# **Your Rights Under the Government Data Practices Act**

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As a data subject, you have the following rights.

## **Access to Your Data**

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 Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

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

As a parent, you have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right 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. We will ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on your best interests.

Any request for private data must include signed data practice consent form from you, the person who is the subject of record, and an identity verification document. If you are giving permission for another person to request or review your private data, we require that both you and the person who will be requesting the information submit a signed data consent form and identify verification documents. This form must be submitted each time a data practice request is made for private information.

## **When We Collect 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 in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent.

## **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.

In the unfortunate event that we determine a security breach has occurred and an unauthorized person has gained access to your data, we will notify you as required by law.

## **When Your Data are Inaccurate or Incomplete**

You, or your legal guardian, have the right to challenge the accuracy and/or completeness of public and private data about you. You also have the right to appeal our decision.

## **How to Make a Request For Your Data**

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You can ask to look at (inspect) data electronically or in person at our offices in downtown St. Paul. You may also ask for copies of data that we have about you, your minor child, or an individual for whom you have been appointed legal guardian. If you are not the person who is the data subject, nor the parent or legal guardian of a person who is the data subject, you will not be able to access private data without following the procedures established through this policy regarding obtaining verifiable written consent from the person who is the data subject.

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Data requests may be made using the form available at the end of this document. The MBA prefers written data requests to use the designated form. If you are unable to access the form electronically, you may contact our offices and ask for a form to be sent to you.

Completed forms can be submitted to the office by letter or e-mail. Requests should be addressed directly to the Executive Director of the Minnesota Board on Aging, Kari Benson, who is the Responsible Authority for data practices questions. The Minnesota Board on Aging does not consider questions or inquiries that are directed at the MBA, its staff or the Responsible Authority to be data practices requests unless either the form or the following specific information is provided within the body of the request.

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If you do not use the data request form, your request must still be in writing and include the following specific information:

- Say that you are making a request as a data subject, for data about you (or your child, or person for whom you are the legal guardian), under the Government Data Practices Act (Minnesota Statutes, Chapter 13).
- Include whether you would like to inspect the data, have copies of the data, or both.
- Provide a clear description of the data you would like to inspect or have copied.
- Provide proof that you are the data subject or data subject's parent/legal guardian.

We require 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 legal guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity on page 10. If you do not provide proof that you are the data subject or that you have consent from the data subject to access the information, we cannot respond to your request.

## How We Respond to a Data Request

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Upon receiving your request, we will review it.

- We may ask you to clarify what data you are requesting.
- We will ask you to confirm your identity as the data subject if you are requesting private data. We will not provide private data to a person who is not the subject of record or the verifiable legal guardian of the subject of record.
- If we do not have the data, we will notify you in writing within 10 business days.
- If we have the data, but the data are confidential or not public data about someone else, we will notify you within 10 business days and identify the law that prevents us from providing 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:
  - Arrange a date, time, and place to inspect data in our offices, for free, or
  - Provide you with the data as soon as possible based on the complexity of your request. You may choose to pick up your copies, or we will mail or fax them to you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format. Please note that paper copies, if available, will be provided at the charge of \$.25/page and you will be asked to prepay for copies prior to scheduling a date for collection.
- Following our response, if you do not make arrangements within 10 business days to inspect the data or pay for the copies, we will conclude that you no longer want the data and will consider your request closed.
- After we have provided you with your requested data, we do not have to show you the same data again for 6 months unless there is a dispute about the data or we collect or create new data about you.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please tell the person who provided the data to you. We will give you an explanation if you ask.

The Data Practices Act does not require us to create or collect new data in response to a data request, 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. 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 to respond to questions that are not about your data requests, or that are not in the form we require for government data requests.

## **Copy Costs – Data Subjects**

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Minnesota Statutes, section 13.04, subdivision 3 allows us to charge for copies.

If available, you are entitled to request copies of data we have about you. However, there is a charge for copies which must be paid before we will give them to you. If possible, and upon request, we will provide you with an estimation of the total cost of supplying the copies.

### **Actual Cost of Making the Copies**

#### **For 100 or fewer paper copies – 25 cents per page**

100 or fewer pages of black and white, letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy.

#### **Most other types of copies – actual cost**

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

We will charge the actual cost of making copies for data about you. In determining the actual cost of making copies, we include employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot copy ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

**Multiple data requests** within the same 15 business-day period will be treated as a single request for the purposes of calculating total copy costs.

## Data Practices Contacts

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### Send Data Requests to:

Mail:

**Kari Benson, Responsible Authority**

**Minnesota Board on Aging**

**PO Box 64976**

**St. Paul, MN 55104-0976**

E-mail:

**Attn: Kari Benson, Responsible Authority**

[Mba.dhs@state.mn.us](mailto:Mba.dhs@state.mn.us)

### Responsible Authority

Kari Benson

### Data Practices Compliance Official

Kari Benson

### Data Practices Designee(s)

None

## Data Request Form – Data Subject

**Purpose:** The information below will assist the Minnesota Board on Aging and its programs in verifying your identity and the identity of others whose private information you may be entitled to see. The information provided will be used for identity verification and information retrieval purposes related to public or private information only. Please complete the relevant sections of p. 7-9 and submit to the Minnesota Board on Aging by mail or e-mail along with a copy of your identification verification document. Requests should be sent to address listed in the contact section on p. 6 of this document.

**Request date:**

**Contact information:**

Data Subject Full Legal Name:

Requestor's Name and Relationship to Data Subject:

Parent/Guardian Name (if applicable):

Phone number:

E-mail address:

Mailing address (if asking for documents to be copied and mailed):

**Please provide as much information as you know regarding the person about whom the information is requested. If you are requesting information about yourself, write "Self" in the Relationship Area.**

Relationship:

Birth Date:

Is the individual deceased:

If yes, date of death (if known):

**If information relates to a legal proceeding provide the following information:**

Case Caption or Court File Number:

Clerk of Court's Phone Number:

Location of Court:

**The data I am requesting:**

Describe the data you are requesting as specifically as possible, including timeframe and program within the Minnesota Board on Aging which you believe collected the information.

**I am requesting access to data in the following way:**

- Inspection
- Copies
- Both inspection and copies

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Note: Inspection is free but copies generally incur a cost based on the number of pages or complexity of the document production. For more information, see information about copy costs on page 5-6.

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**Signatures:**

**If you are requesting data about yourself, please sign below.**

I am the subject of the data request and I am asking for access to review this information. I am providing the above information to the Minnesota Board on Aging to help identify the information I am requesting. I have provided verification of my identity with a copy of my \_\_\_\_\_, one of the approved documents listed on p. 10. The information that I provided above, including my legal authority to access the information I am requesting is, to the best of my knowledge, true, accurate and complete.

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Signature of subject of information

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Date

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Signature of parent or guardian (if applicable)

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Date



**If you would like a Requestor, other than yourself, to access private data about you, please sign below. The Requestor who will be receiving or reviewing the data must also sign below.**

I am the subject of the data request. I give permission for the Minnesota Board on Aging to release the above requested information about me to \_\_\_\_\_. I have provided verification of my identity with a copy of my \_\_\_\_\_, one of the approved documents listed on p. 10. I understand that by allowing release of this information to a person other than myself, the Minnesota Board on Aging cannot be held liable for the actions of that person in relation to my private data. The information I have provided within this release form is, to the best of my knowledge, true, accurate and complete.

I am the requestor asking for permission to review private information about \_\_\_\_\_. The data subject of record has provided me with authority to request and review private data maintained by the Minnesota Board on Aging on his / her/ their behalf. I have provided verification of my identity with a copy of my \_\_\_\_\_, one of the approved documents listed on p. 10. The information that I provided above is, to the best of my knowledge, true, accurate and complete.

\_\_\_\_\_  
Signature of data subject consenting to release of data

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of requestor viewing data

\_\_\_\_\_  
Date

**We will provide an initial response to your request within 10 business days**

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**To Be Completed By Staff Member Responding to Data Request:**

Identity Confirmed:

Date:

Staff Name:

## Standards For Verifying Identity

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The following constitute proof of identity:

- An individual, minor or adult, must provide a valid photo ID, such as
  - An unexpired driver's license
  - An unexpired state-issued ID
  - An unexpired tribal ID
  - An unexpired military ID
  - An unexpired passport
  - The foreign equivalent of any of the above, with English translation
- The parent or guardian of a minor must provide a valid photo ID and either
  - A certified copy of the minor's birth certificate or
  - A certified copy of documents that establish the parent or guardian's relationship to the child, such as
    - a court order relating to divorce, separation, custody, foster care
    - a foster care contract
    - an affidavit of parentage
- The legal guardian for an individual must provide a valid photo ID and a certified copy of appropriate documentation of formal or informal appointment as guardian, such as
  - Court order(s)

Note: Individuals who do not inspect data or pick up copies of data in person may be required to provide either notarized or certified copies of the documents that are required or an affidavit of ID