

DATA PRACTICES POLICY FOR DATA SUBJECTS

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

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 THE MINNESOTA BOARD OF SOCIAL WORK HAS DATA ABOUT YOU

The Minnesota Board of Social Work has data on many people, such as employees, applicants for licensure, licensees, Board Members, complaints against licensees, public disciplinary action, etc. We can collect and keep data about you only when we have a legal purpose to have the data. The Board 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.

Here are some examples:

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. 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. The following are examples of public data about you that we might have:

- Name, license type, license number, issue date
- Designated public mailing address, designated email address
- Once licensed, your academic degree, supervised practice data
- Public disciplinary or corrective actions

PRIVATE DATA

We cannot give private data to the general public. We can share your private data with you, with someone who has your 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. The following are examples of private data about you that we might have:

- Social security number
- Closed or dismissed complaints against you
- Application data prior to an application being approved

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. The following is an example of confidential data about you:

- Active complaint investigation data

YOUR RIGHTS UNDER THE GOVERNMENT DATA PRACTICES ACT

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.

ACCESS TO DATA ON YOUR MINOR CHILD

It is unlikely that the Board would have data on your minor children. However, 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. If you are a minor, your parent or guardian has the right to challenge data about you. 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.

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. If you want us to release data to another person, you may use the consent form we provide.

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 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

You can ask to look at (inspect) data at our office or ask for copies of data that we have about you, your minor child, or an individual for whom you have been appointed legal guardian. In order to look at data or to request copies of data that the Board maintains, you must make a written request to our responsible authority or designee listed in the Data Practices Contacts section of this policy on page 4.

Make a Written Public Data Request: there are 2 options:

- Public Data Request Form Submit the completed form via mail or email social.work@state.mn.us. See Data Practices contacts on page 4 of this policy.

OR

- **Written Request:** include the following information:
 - Indicate 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.
 - If you are requesting non-public data about yourself, we require proof of your identity before we can respond to your request for data. Please see the Standards for Verifying Identity on page 5. If you do not provide proof that you are the data subject, we cannot respond to your request.

HOW WE RESPOND TO A DATA REQUEST

When Your Request is Received: Upon receiving your request, we will review it.

- We may ask you to clarify what data you are requesting.
- If you are requesting non-public data about yourself, we will ask you to confirm your identity.
- 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 within 10 business days. You may choose to pick up your copies, or we will mail or email them to you. Other formats such as fax or CD-ROM may be available upon request.
- We will notify you about our requirements to prepay for copies if there is an applicable cost. See Copy Costs on page 5 of this document.
- Following our response, if you do not make arrangements within 30 business days to inspect the data or pay for copies if there is an applicable cost, we will conclude that you no longer want the data and will consider your request closed.
- If you requested to collect or inspect data and we notify you that some of the data is ready for you to inspect or collect and you do not inspect or collect the data within five business days, we may suspend any further response until that data has been inspected or collected.
- 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.

We are also not required to respond to questions that are not about your data requests, or that are not requests for government data.

DATA PRACTICES CONTACTS

RESPONSIBLE AUTHORITY – EXECUTIVE DIRECTOR

Youa Yang, LICSW, Executive Director
Minnesota Board of Social Work
335 Randolph Ave Suite 245
Saint Paul MN 55102
612.617.2110 | fax 651-215-0956
Email: youa.yang@state.mn.us

DATA PRACTICES COMPLIANCE OFFICIAL – COMPLIANCE UNIT MANAGER

Rebecca Moskow, JD, Compliance Unit Manager
Minnesota Board of Social Work
335 Randolph Ave Suite 245
Saint Paul MN 55102
612.617.2110 | fax 651-215-0956
Email: rebecca.moskow@state.mn.us

DATA PRACTICES DESIGNEE(S) – OFFICE MANAGER

Connie Oberle, Office Manager
Minnesota Board of Social Work
335 Randolph Ave Suite 245
Saint Paul MN 55102
612.617.2110 | fax 651-215-0956
Email: connie.oberle@state.mn.us

COPY COSTS – WHEN YOU REQUEST YOUR OWN DATA

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

- You must pay for copies before we will give them to you.
- We do not charge for copies if the cost is less than \$15.00.

ACTUAL COST OF MAKING THE COPIES

We will charge the actual cost of making copies for data about you. In determining the actual cost, we include the employee-time to create and send the copies, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs such as postage (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.

In most cases, the cost of employee time to make copies is \$25.00 per hour.

STANDARDS FOR VERIFYING IDENTITY

The following constitute proof of identity:

- An adult individual must provide a valid photo ID, such as
 - a driver's license
 - a state-issued ID
 - a tribal ID
 - a military ID
 - a passport
 - the foreign equivalent of any of the above
- A minor individual must provide a valid photo ID, such as
 - a driver's license
 - a state-issued ID (including a school/student ID)
 - a tribal ID
 - a military ID
 - a passport
 - the foreign equivalent of any of the above
- 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:
 - 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)
 - valid power of attorney

Note: Individuals who do not inspect data or pick up copies of data in-person may be required to provide a notarized statement affirming your identity.