

Minnesota Board of Pharmacy

DATA REQUESTS POLICY

In the course of conducting its duties, the Minnesota Board of Pharmacy (“Board”) collects, creates, uses, and disseminates large amounts of data. Data includes all recorded information possessed by the board, including paper, emails, DVDs, photographs, etc. Under the Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13), individuals have varying degrees of rights associated with data maintained by the Board.

The Board must keep all data in a way that makes it easy for subjects to access data about themselves. The Board only collects and keeps data necessary for administering and managing programs permitted or required by law.

The topics below explain the various classifications of data; your rights as a data subject; and the process for requesting data, either as a member of the public or as a subject of the data maintained by the Board.

**Note that there is a special section below concerning data requests related to the Minnesota Prescription Monitoring Program.*

CLASSIFICATIONS OF DATA

Data maintained by the Board is classified in one of three categories: public, private, or confidential. All data maintained by the Board are presumed to be public unless there is a federal law, a state statute, or a temporary classification of data that specifies that certain data are not public.

- **Public data:** Data classified as public are available for all individuals. The Board provides public data to anyone submitting a valid request, regardless of the purpose for such request.
- **Private data:** Data classified as private are unavailable to the general public; however, the data may be shared with the subject of the data, board members and staff who require the data to perform their work, people whom the subject has authorized to access the data, or others as permitted by law or court order.
- **Confidential data:** Data classified as confidential may not be accessed by anyone except board members and staff who require the data to conduct their work and others as permitted by law or court order.

In summary, you have access to all public data or private data about yourself. You are not entitled to confidential data about yourself or anyone else.

YOUR RIGHTS AS A SUBJECT OF DATA

If the Board has collected, created, or keeps data about you, you have certain rights related to that data under the Minnesota Data Practices Act. You are the subject of data if you can be identified from the data -- for example, if a document contains your name or social security number.

Access to Data

You are entitled to access all public data and private data that the Board keeps about you. You may request to inspect this data free of charge. You may also request to have copies made of this data for a fee. Also, if requested, the Board will tell you whether it keeps data about you and whether the data are public, private, or confidential.

Parents/Guardians: As a parent, you have the right to access data about your minor children as if the data were about yourself. The same goes for guardians with data about those for whom they are appointed guardian.

Restrictions on Access to Data about You

- Private data about you may only be shared with you, someone who has your permission to access the data, Board staff members who need the data to perform their duties, and others as permitted by law or court order.
- When requesting or collecting nonpublic data about you, the Board will provide notice to you of what it may do with the data. This notice is typically called a Tennessean warning. With limited exceptions, the Board may only collect, use, store, or release information about you as stated in the Tennessean warning. The Board will ask for your written permission if it needs to use the information other than as described in the Tennessean warning.
- If you want the Board to release private data about you to another individual, you must provide written consent on a form provided by the Board.
- If you are a minor (person under 18 years of age), you may make a written request that the Board not allow specified parents or guardians to have access to your private data. The request must specify whom you wish to deny access to your records, provide the reasons you wish to deny access, and be signed by you. The Board will then consider your request and decide based on your best interests.

Challenging Inaccurate or Incomplete Data

You have the right to challenge any public and private data about you which you believe is inaccurate or incomplete.

All Data is Protected

The Board has established procedures to make sure all data on individuals are secure. Private data are only accessible to individuals whose work assignments reasonably require access to the data. In the event that a security breach occurs, and an unauthorized person has gained access to your data, you will be notified as required by law.

STAFF WITH DATA PRACTICES RESPONSIBILITIES

The Board of Pharmacy has appointed individuals to oversee the management of data collected by the Board, address questions or concerns from the public or those requesting data and receive and respond to requests for data. These individuals and their contact information are included on the Data Practices Contacts page. Their titles and duties are as follows:

1. **Responsible Authority** - the responsible authority oversees and is responsible for the collection, use, and dissemination of the data possessed by the Board of Pharmacy.
2. **Data Practices Compliance Official** - the data practices compliance official is the individual to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.
3. **Data Practices Designees** - data practices designees are individuals appointed to respond to data requests related to particular subject areas. The designees are:
 - The designee for the Prescription Monitoring Program and the Opiate Product Registration Fee Program is Brock Reed.

DATA PRACTICES CONTACTS

Responsible Authority and Data Practice Compliance Official

Aaron Patterson, Executive Director
335 Randolph Ave., Suite 230
St. Paul, MN 55102
Phone: (651)201-2825
Email: aaron.patterson@state.mn.us

Data Practices Designees

Data related to the Prescription Monitoring Program and the Opiate Product Registration Fee Program: Brock Reed, Controlled Substances Reporting Section Director
335 Randolph Ave., Suite 230
St. Paul, MN 55102
Phone: (651)201-2836
Email: brock.reed@state.mn.us

MAKING A DATA REQUEST

Data requests must be made in writing unless the information is otherwise available on the Board website. You may submit the request via mail, fax, and/or email.

AS A MEMBER OF THE PUBLIC, FOR PUBLIC DATA

Members of the public are entitled access to all data classified as public. To request data as a member of the public, you may complete and submit the provided Data Request Form. If you choose to not use the form, the request must include:

1. that you, as a member of the public, are making a request for public data under the Minnesota Government Data Practices Act;
2. whether you would like to inspect (look at) the data, obtain copies of the data, or both; and
3. a clear description of the data you would like to inspect and/or have copied.

The Board does not require you to identify yourself or explain the reason for your data request. However, you must submit enough information for the Board to appropriately respond to the request. For example, if you want copies mailed to you, you must provide an address. If the Board does not understand your request and has no way to contact you, the request will not be processed.

REQUESTS FOR SUMMARY DATA

Summary data is data derived from private or confidential data maintained by the board and produced in a manner so that no individuals may be identified from the data. The preparation of summary data is not a means to gain access to private or confidential data. Members of the public may request summary data in the same manner as a request for public data. The requesting party must prepay for any costs incurred in preparing the summary data.

AS A SUBJECT OF DATA, FOR PRIVATE DATA ABOUT YOU

As a subject of data, you are entitled to access all public data and private data about you. You may complete and submit the Data Request Form. If you choose not to use the form, your request must include:

1. that you, as a subject of data, are making a request for private data under the Minnesota Government Data Practices Act;
2. whether you would like to inspect (look at) the data, obtain copies of the data, or both;
3. a clear description of the data you would like to inspect and/or have copied; and
4. identifying information proving you are the data subject.

NOTE: If you are submitting your request via mail, fax, or email, the request must be signed and notarized.

APPROPRIATE IDENTIFYING INFORMATION

When submitting a request for data about you, you must provide appropriate identifying information to prove you are the data subject. Appropriate identifying information is as follows:

- For **adults**, a valid photo ID, such as:
 - a state driver's license
 - a Minnesota ID
 - a Minnesota tribal ID
 - a passport
 - a military ID
- For **minors** (persons under 18 years of age), a valid photo ID, such as:
 - any of the above
 - a Minnesota school ID

AS A PARENT OR GUARDIAN OF A DATA SUBJECT, FOR PRIVATE DATA ABOUT THE SUBJECT

As a parent or guardian of a data subject, you may access private data of which your minor child or ward is the subject as if the data were about you. To make a request for data concerning a minor child or incapacitated person of whom you are parent or guardian, you must submit a completed form or a written request including the following:

1. that you, as a parent or guardian of a subject of data, are making the request for private data under the Minnesota Government Data Practices Act;
2. the name and date of birth of the data subject;
3. whether you wish to inspect (look at) the data, obtain copies of the data, or both;
4. a clear description of the data you would like to inspect and/or have copied; and
5. identifying information proving you are the parent or guardian of the data subject.

If you are submitting the request via mail, fax, or email, the request must be signed and notarized.

NOTE: A minor child or ward may restrict parents or guardians from obtaining private data about them upon written request and the Board determining it is in the child or ward's best interest to restrict access to data about them.

APPROPRIATE IDENTIFYING INFORMATION

When submitting a request for data about your child or ward, you must provide appropriate identifying information to prove you are the data subject's parent or appointed guardian. Appropriate identifying information is as follows:

- For **parents or guardians of minors**, 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, or foster care;
 - a foster care contract; or
 - an affidavit of parentage

- For **legal guardians of incapacitated individuals**, a valid photo ID *and* a certified copy of appropriate documentation of formal or informal appointment as guardian, such as:
 - court order(s); or
 - valid power of attorney.

WHERE TO SEND YOUR REQUEST

The request must be submitted to the responsible authority, or the data practices designee appointed to the particular subject area of your requested data. Please see the Data Practices Contacts and staff with data practices responsibilities section for further information.

If you have comments or concerns related to a data request, please contact the data practices compliance official.

RESPONSE TO DATA REQUESTS

If you are requesting private data about yourself or summary data, the board will respond to your request in writing within ten (10) business days unless you agree to extend the time required to respond to your request. If you are requesting public data, the board will respond in a reasonably timely manner that may exceed ten (10) days.

The board's response will be one of the following:

- The board will inform you that it has the data, that you are allowed to access the data, and either:
 - arrange a date, time, and place for you to inspect the data at no charge, if you have requested to inspect the data;
 - provide copies of the data within 10 business days, if you have requested copies of the data; or
 - propose a timeline and an estimate of costs if you have requested summary data.
- The Board will inform you that it does not possess the requested data; or
- The board will inform you that you are not entitled to inspect or obtain copies of the requested data. If so, the Board will tell you which statute or rule prevents you from accessing the data.

If there is a fee for the requested data, the board will first arrange for prepayment prior to providing the requested data. The Board must receive payment before responding to the data request.

The board is not required to respond to any questions or requests that are not specific requests for data.

If you do not understand some of the data, such as terminology, abbreviations, or acronyms, please let the board know, and a board employee will give you an explanation.

Once the board has provided you the requested data, it is not required to show you the data again for six (6) months unless there is a dispute about the data or new data has been collected or created.

CREATION OF NEW DATA

The board is not required to create or collect new data not already collected or maintained by the board in order to respond to a data request. Additionally, the board is not required to provide data in a specific form or arrangement if the board does not already keep the data in that form or arrangement. For example, if the data you request are on paper only, the board is not required to create electronic documents to respond to your request. However, the board may agree to create data in response to your request, provided you and the board reach an agreement on the details of your request, including cost and response time.

CHARGES FOR COPIES

Depending on the type, form, and amount of data requested, the board may charge a fee for providing the requested data. Any fee must be paid before the board provides the data. The board will arrange for prepayment of the fees in the original response to your data request.

The fees are determined as follows:

- **Public Data**
 - Up to 100 black and white paper copies: 25 cents per page.
 - Over 100 paper copies: Actual costs incurred in searching for, retrieving, and providing the data – including costs of labor*, materials**, and delivery.
 - Copies of photographs, audiotapes, data on CD, DVD, or data stored electronically: Actual costs incurred in searching for, retrieving, and providing the data – including costs of labor*, materials, and delivery.
 - Summary Data: Actual costs as noted above, as well as costs incurred in creating the data, either by Board staff or a third party.
 - Data containing commercial value developed with significant public expenditure: Reasonable fees related to developing the data and the commercial value of the data. An explanation and justification for the fee charged will be provided upon request.
- **Private Data**
 - Actual costs for making the paper copies or printing electronically stored data. There is no charge for searching for and retrieving the data.

*The cost of labor will depend on which staff person is required to retrieve the data.

**Cost for materials may include costs for any paper, CDs, DVDs, audiotapes, etc.

NOTE: The board will only charge if the fees above exceed \$15.00.

If the board must seek third-party assistance to make requested copies, you will be charged for the cost paid for any third-party services.

Minnesota Prescription Monitoring Program Data

Data submitted to the Board's Minnesota Prescription Monitoring Program (PMP) database in accordance with Minnesota Statutes, Chapter 152.126, Subdivision 4 is classified as private data on individuals.

Private data: Data classified as private are unavailable to the general public; however, the data may be shared with the subject of the data, and other permissible users identified in Minnesota Statutes, Chapter 152.126, Subdivision 6 and for purposes outlined in Minnesota Statutes, Chapter 152.126, Subdivision 5.

Access to Data

You are entitled to access all public data and private data that the PMP keeps about you. You may request to have copies made of this data.

Parents/Guardians: As a parent, you have the right to access data about your minor children as if the data were about yourself. The same goes for guardians with data about those for whom they are appointed guardian.

Restrictions on Access to Data about You

- Private data about you may only be shared with you, someone who has your permission to access the data, PMP staff members who need the data to perform their duties, and others as permitted by law.
- If you want the PMP to release private data about you to another individual, you must provide written consent on a form provided by the PMP.

Challenging Inaccurate or Incomplete Data

You have the right to challenge private data about you which you believe is inaccurate or incomplete.

All Data is Protected

The PMP has established procedures to make sure all data on individuals are secure. Private data are only accessible to individuals whose work assignments reasonably require access to the data. In the event that a security breach occurs, and an unauthorized person has gained access to your data, you will be notified as required by law.

MAKING A PMP DATA REQUEST

PMP Data requests must be made in writing unless the information is otherwise available on the PMP website. You may submit the request via mail, fax, or email.

AS A MEMBER OF THE PUBLIC, FOR PUBLIC DATA

Members of the public are entitled access to all data classified as public. To request data as a member of the public please contact the PMP office at Minnesota.pmp@state.mn.us to obtain a request form.

REQUESTS FOR PMP SUMMARY DATA

PMP summary data is data derived from private data maintained by the PMP and produced in a manner so that no individuals may be identified from the data. The preparation of PMP summary data is not a means to gain access to private data. Members of the public may request summary data in the same manner as a request for public data. The requesting party must prepay for any costs incurred in preparing the summary data.

AS A SUBJECT OF DATA, FOR PRIVATE DATA ABOUT YOU

As a subject of data, you are entitled to access all public data and private data about you. You must complete and submit a data request form available on the PMP Web site:

<http://pmp.pharmacy.state.mn.us/data-requests.html> - select the appropriate form for your request.

NOTE: When submitting your request via mail, fax, or email, the request must be signed in the presence of a notary.

AS A PARENT OR GUARDIAN OF A DATA SUBJECT, FOR PRIVATE DATA ABOUT THE SUBJECT

As a parent or guardian of a data subject, you may access private data of which your minor child or ward is the subject as if the data were about you. To make a request for data concerning a minor child or incapacitated person of whom you are parent or guardian, you must submit a completed form

NOTE: When submitting the request via mail, fax, or email, the request must be signed in the presence of a notary.

APPROPRIATE IDENTIFYING INFORMATION:

When submitting a request for data about your child or ward, you must provide appropriate identifying information to prove you are the data subject's parent or appointed guardian. Appropriate identifying information is as follows:

- For **parents or guardians of minors**, one of the following
 - a certified copy of the minor's birth certificate (showing you as the parent) 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, or foster care
 - a foster care contract
 - an affidavit of parentage
- For **legal guardians of incapacitated individuals**, a certified copy of appropriate documentation of formal or informal appointment as guardian, such as:
 - court order(s)
 - valid power of attorney

WHERE TO SEND YOUR REQUEST

The request for PMP related data must be submitted to the data practices designee for the Minnesota Prescription Monitoring Program. This information is available on the request forms or see the DATA PRACTICES CONTACTS and Staff with Data Practices Responsibilities section for further information.