# Guide for requesting data about you

This document explains the rights and process for people to request data about themselves (“you”) from the Direct Care and Treatment (DCT). The purpose of this document is, in part, to fulfill the requirements of Minnesota Statutes, section 13.025, subdivision 3.

## Data Practices Contacts

#### Responsible Authority

**Name**: Marshall Smith, DCT CEO

**Address**: 3200 Labore Road, Suite 104,

Vadnais Heights, MN 55110-5186

**Email address**: Privacy.Office.DCT@state.mn.us

#### Data Practices Compliance Official

**Name**: Amy Chantry

**Address**: 3200 Labore Road, Suite 104,

Vadnais Heights, MN 55110-5186

**Email address**: Privacy.Office.DCT@state.mn.us

## What law governs my right to access data about me?

The Minnesota Government Data Practices Act (MGDPA) says that you have rights when DCT has government data about you, including the right to access the data. “Government data” means all information that DCT, as a state agency, collects, creates, receives, maintains, or sends out. The MGDPA requires DCT to keep government data in a way that makes it easily accessible.

## What are my rights to access data about me?

DCT may only collect and keep data about you that DCT needs to manage programs. You have the following rights:

* You have the right to inspect public and private data that we keep about you free of charge. You also have the right to get copies of public and private data about you for a fee. More information about these fees can be found on page 6 of this document. You have the right to look at data, free of charge, before deciding to request copies. Also, if you ask, DCT will tell you whether DCT keeps data about you and whether the data are public, private or confidential.
	+ Parents have the right to look at and get copies of public and private data about their minor children, which means under the age of 18.
	+ Legally appointed guardians have the right to look at and get copies of public and private data about an individual for whom they are appointed guardian.
	+ Minors have the right to ask DCT not to give data about them to their parent or guardian. If you are a minor, DCT will tell you that you have this right. DCT may ask you to put your request in writing and to include the reasons that DCT should deny your parent/guardian access to the data. DCT will make the final decision about your request based on your best interests.

## How does the law classify data about me?

The MGDPA presumes that all government data are public unless a state or federal law or a temporary classification says that the data are not public. Under state law, data about you can be classified as public, private or confidential. This is what those terms mean to you:

* Public data: DCT must give public data to anyone who asks. It does not matter who is asking for the data or why they are asking for it.
* Private data: DCT cannot give private data to the general public, but you have the right to access private data about you. Your private data can also be accessed by another person who has your permission to access the data, by DCT employees whose work assignment reasonably requires access to the data, and by others as permitted by law or court order.
* Confidential data: DCT cannot give your confidential data to you or the general public. Your confidential data can only be accessed by DCT employees whose work assignment reasonably requires access to the data and by others as permitted by law or court order.

## How do I make a data request?

Data requests must be made in writing. DCT recommends you use the form linked here. However, DCT will also respond to requested mailed to the Central Office. You print and submit the form linked here if you would like to make a requested via mail. You do not have to use the form but must include enough information for DCT to begin processing your request.

If you choose not to use the available form, your written request should include:

Data requests must be made in writing. DCT recommends submitting your Data Request through the [DCT Data Request Form.](https://tnt06.agileapps.dhs.mn.gov/networking/WebFormV2.jsp?sid=b12da10fc41146d9aa766e68266bc8af&cid=766174375&oid=d884d0d3fc9847439c5c4fe14ec62207) However, if you may print a data request form and submit my mail.

If you choose not to use the available online form, write down a specific description of the data you are seeking. Your written request should include:

* A statement that you are a member of the public and you are making a request for data under the Minnesota Government Data Practices Act
* A clear description of the data you would like to access

A statement that you would like to receive copies of the data or look at (“inspect”) the data

## How do I verify my identity?

Before DCT discloses your data to you, DCT will need to verify that you are who you say you are. DCT will reach out via email after you have submitted your request. You may also verify your identity by providing an acceptable proof of identity, including any of these:

For adults, a valid photo ID, such as:

* State driver’s license
* Military ID
* Passport
* State ID
* Tribal ID

For Minors, a valid photo ID, such as:

* State driver’s license
* Military ID
* Passport
* ID
* Tribal ID
* Minnesota school ID

For Clients of Direct Care and Treatment, you may provide your Client ID Number.

For parents or guardians of a minor, 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

For the legal guardian for an individual, 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

## Where do I send my data request?

If you submitted your request through the [DCT Data Request Form](https://tnt06.agileapps.dhs.mn.gov/networking/WebFormV2.jsp?sid=b12da10fc41146d9aa766e68266bc8af&cid=766174375&oid=d884d0d3fc9847439c5c4fe14ec62207), you request will instantly be submitted and review will begin.

The responsible authority is the official designated by law as the individual responsible for the collection, use, and dissemination of a government entity’s data. At DCT, the responsible authority is the Data Privacy Officer, currently Amy Chantry.

The form provided will send the data request directly to DCT.

Data requests and concerns generally are handled by staff members assigned to respond to requests for the DCT responsible authority. Please see the following for where to send your data request if you are submitting a written request:

DCT Central Officeby U.S. mail to:

Direct Care and Treatment

Attention: Data Request

3200 Labore Road, Suite 104,

Vadnais Heights, MN 55110-5186

## How does DCT respond to a data request?

DCT responds to data requests in three ways:

* **No responsive data**: If DCT does not have any data responsive to a request, DCT will notify you.
* **Responsive data classified as confidential or private not about you**: If DCT has data responsive to the request, but the data not public protected DCT will notify you. The MGDPA requires that when DCT withholds data DCT will provide the law that classifies the data as protected not public in its notification when notifying.
* **Responsive data collected, reviewed and disclosed**: If DCT has data responsive to your request, and the data is classified as public or private about you, DCT will begin the process to collect, review and disclose the data.

After DCT determines that responsive data exists, DCT collects the data from DCT employees, reviews the data to ensure that it meets the criteria for public data or private data about you, and discloses the data to you. DCT makes copies of the data or makes the data available for in-person inspection. DCT generally provides copies of data electronically, unless paper copies are requested. When the volume of responsive data is high, DCT may disclose data on a rolling basis, until the response is complete.

Once you have requested data about you or your minor child, DCT does not have to let you see the data again for six months, unless DCT collects or creates more data about you or you have a dispute to action pending, within that time frame.

## How long will it take to get the data I requested?

If you request access to data about you, the MGDPA requires DCT to respond within 10 days of receiving your request, unless we make arrangements with you for extra time. DCT must respond to other data requests within a reasonable time. The time it takes to fulfill a request depends on the volume of responsive data and the complexity of the request. If you write your request to be specific and concise, DCT will be more able to efficiently locate, review and disclose the data. Requests that seek a broad range of data, or unclear types of data, often yield high volumes of data, which take longer to process.

## What if my request requires DCT to create new data, or I request data in a particular file format?

The MGDPA does not require DCT to create or collect new data to respond to a data request. This means that if data does not exist at DCT, DCT cannot disclose it in response to a data request. If DCT agrees to create data to respond to a request, DCT will work out the details of that request with you, including the cost of creating data.

The MGDPA also does not require DCT to create new formats of the requested data. This means that DCT is not required to disclose data in a particular electronic format. DCT is also not required to scan data that is only in paper form to respond to a request that seeks the data in an electronic format.

The MGDPA does not require DCT to answer questions that are not data requests. However, DCT typically attempts to answer questions from the public. Direct your questions to the DCT division that you think can best answer it. You can find contact information for DCT divisions on DCT's website.

### What if my data is inaccurate or incomplete?

You have the right to challenge the accuracy and completeness of public and private data about you. If you are a minor, your parent or guardian has the right to challenge the accuracy and completeness of data about you. You also have the right to appeal a decision denying your challenge.

## How much does it cost to look at or “inspect” data?

DCT does not charge to inspect data. The inspection must take place at DCT, at a time and place arranged by DCT, and you may not take data from DCT without first paying the costs outlined below.

## What if I want to take the data after “inspecting” it?

If you request copies of data after inspecting the data, DCT may charge you a prorated amount of the actual costs related to the request unless you are requesting paper copies of 100 or fewer pages, in which case you are only responsible for the copy charges listed below. For example, if 1000 pages of data are made available to you to inspect, and you want copies of 200 pages, you must pay 20 percent of the actual costs to receive the copies.

## How does DCT calculate the actual costs of a request?

If you request data about you, DCT computes the actual costs of a request by multiplying the hourly pay rates of the DCT staff involved in the request by the time required to make, certify, sort, and electronically transmit or mail the data. Unlike requests for public data from members of the public, DCT does not include the time to search and retrieve data about you when computing the actual costs of your request.

DCT uses hourly staff pay rates determined annually by DCT Human Resources to calculate the actual costs related to a request. These rates reflect the median wage for DCT staff members and do not include any adjustment for benefits, indirect costs or other surcharges.

## What happens if I do not collect the data?

If you do not collect your data, DCT may considered your request abandoned after 5 business days. You will need to resubmit your data request through the online form.