



Requesting Government Data

Right to Access Public Government Data

Under the Government Data Practices Act, Minnesota Statutes Chapter 13, all government data are public unless state or federal law classifies the data otherwise. Government data means all recorded information the Minnesota Department of Corrections (DOC) has, whether recorded on paper or in electronic format (e.g. email, DVDs, videos, photographs).

The DOC is required to keep government data in an easily accessible format for the public to access and to explain technical terminology, abbreviations, or acronyms upon request. The DOC is not required to create or collect new data in response to a data request or to provide data in a specific format if the data is not stored in that format.

The public has the right to inspect any public government data kept by the DOC free of charge or to receive copies of public data by paying copying costs or actual costs. Data practices requests must be in writing and submitted to the appropriate data practices designee (See list of Data Practices Designees). Persons wanting to request public government data may complete a Request for Government Data form and submit it to a data practices designee or submit a written communication that states:

- the request is made according to the Government Data Practices Act for data;
- whether the data will be inspected, copied, or both;
- a clear description of the data to be inspected or copied; and
- contact information for follow-up on the data request.

Classification of Data on Individuals

Data on individuals is classified as public, private or confidential.

1. **Public data:** Public data can be given to anyone who asks for it; it does not matter who is asking for the data or why. Examples of public data include information related to an adult conviction or names of DOC employees.
2. **Private data:** Private data cannot be released to the public, but subjects of the data may access their own private data, such as certain personnel, employment, medical, or financial records. Private data may be shared with persons authorized by the subjects of the data to access the data, DOC staff who need the data to do their work, and as permitted or required by law or court order.
3. **Confidential data:** Confidential data, such as active criminal, disciplinary, or employment investigations, are the most protected. Neither the public nor subjects of the data can access

confidential data. Confidential data may be shared with DOC staff who need the data to do their work, and as permitted or required by law or court order.

Rights of Persons who are the Subject of the Data

Subjects of the data have the following rights:

1. **To receive a Tennessee Warning when providing private or confidential data:** When asking individuals to provide private or confidential information about themselves, the DOC must provide a privacy notice, sometimes called a Tennessee warning notice, that specifies how the data will be used and to whom it may be released.
2. **To have their data protected:** The DOC is required to protect data it collects, creates, and keeps, especially on individuals. Safeguards are in place to ensure the data are protected. If a security breach occurs and an unauthorized person accesses individual data, the individuals will be notified as required by law.
3. **To inspect or obtain copies of their data:** Persons who are the subject of the data have the right to inspect public and private data about themselves free of charge. They may also obtain copies of their public and private data by paying actual costs of making and certifying copies.
4. **To challenge the accuracy of individual data:** Persons who are the subject of the data have the right to challenge the accuracy and/or completeness of their public and private data by completing a Data Accuracy and/or Completeness form and submitting it to the DOC Data Practices Compliance Official or submit a written communication that:
 - states the challenge is to the accuracy and/or completeness of the data held by the DOC;
 - states the identity of the data being challenged;
 - states why and how the data is inaccurate or incomplete;
 - provides documentation that supports the challenge;
 - states what should be done to make the data accurate and complete; and
 - provides contact information so the DOC can respond in writing.

Parents or guardians of minor children may challenge the accuracy or completeness of their minor children's individual public and private data. Persons challenging the accuracy or completeness of individual data may appeal a DOC decision.

Rights of Minors and Parents or Guardians of Minor Children

Minors and parents or guardians of minor children have the following rights:

1. **Minor Children May Request Their Private Individual Data Not Be Released:** A minor child (under the age of 18) may request the DOC not release the minor child's private data to the minor's parents or guardian. The request may need to be in writing and include reasons why parents or guardian should be denied access to the data. DOC will make a final decision that is in the best interest of the minor child. Note: Minor children do not have the right to deny their parents or guardian access to educational data maintained by an educational agency or institution.

2. **Parents or Guardians May Access Minor Children's Private Data:** Unless a minor child has requested and the DOC has agreed not to release a minor child's private data, parents or legal guardians may inspect and get copies of their minor child's private data.

How to Request Private Data

Persons who are the subject of the data, authorized by the subject of the data, or the parent or guardian of a minor child who is the subject of the data, who want to inspect or get copies of private data must follow the instructions listed above under Rights to Access Public Government Data **and** provide information that proves they are the subject of the data, authorized by the subject of the data, or the parent or guardian of a minor child who is the subject of the data. See the Proof of Identity document for valid form of identification. After the DOC provides an individual with access to private data, the DOC is not required to make that data available again for 6 months unless there is a dispute or new individual data is collected.

DOC Response to a Data Request

Upon receipt of a data request, a data practices designee will process the request in a manner and within the timeframe required by law. (See the Data Request Response form for a list of DOC responses).