

PROCEDURE DATA PRACTICES

Sec/Num: 3.1	Unit Oversight: Program Development
Effective: 8/16	Supersedes: All Previous

Policy Statement:

It is the policy of the Minnesota Department of Human Rights to protect data and information, permit the sharing of it through accurate and consistent definitions, and provide a coordinated approach to its use and management. In all cases, compliance is required with applicable state statute, and federal laws and regulations that guarantee either protection or accessibility of data and information.

Purpose:

1. To provide guidance on access to data in investigative files (human rights investigative data) as governed by the Minnesota Human Rights Act (MHRA) and the Minnesota Government Data Practices Act (MGDPA). See [Minn. Stat. §§ 363A.06, subd. 4; 363A.28, subd. 9; 363A.35; and 13.552, subd. 6.](#)
2. To provide guidance on access to data maintained by the department that are not part of an investigative file as governed by the MGDPA. The MGDPA, [Minn. Stat. § 13.01 et seq.](#), provides a classification system for government data that regulates access to that data.

Responsible Individuals for Responding to Data Requests/Questions:

- **Data Practices Responsible Authority:** Kevin M. Lindsey, Commissioner;
- **Data Practices Compliance Official:** (interim) Jessica Brennan, Legal Analyst, Freeman Building, 625 N. Robert Street, St. Paul, MN 55155, Jessica.Brennan@state.mn.us, 651-539-1112;
- **Case Access Support:** Noelle Hanson, Office & Administrative Specialist Intermediate, 625 N. Robert Street, St. Paul, MN 55155, Noelle.E.Hanson@state.mn.us, 651-539-1167;
- **Media Requests:** Christine Dufour, Communications Director; Jeffrey Holman, Deputy Communications Director

The designated data practices compliance official is responsible for ensuring the department's data practices policies and procedures are updated, as necessary, by August 1st of each year.

Data requests and requests for copies of the department's data practices policies and procedures are to be directed to Case Access Support. A copy of the department's data practices policies and procedures can be obtained physically at the department's main office at 625 Robert Street North, St. Paul, MN 55155, or via email at no cost.

Procedure/Instructions:

GOVERNMENT DATA CATEGORIES

The MGDPA establishes two major categories for government data: data on individuals and data not on individuals. The classification assigned to the data within each category determines the level of access to the data. For non-investigative data, the classification is assigned by the MGDPA. Human rights investigative data are classified by the MHRA. *See* MGDPA classification grid on next page.

- **Data on individuals.** These data are defined as "all government data in which any individual is or can be identified as the subject of the data, unless the appearance of the name or other identifying data can clearly be demonstrated to be only incidental to the data and not accessed by the name or other identifying data of any individual." *See* Minn. Stat. § 13.02, subd. 5. Data on individuals may be classified as confidential, private or public.
- **Data not on individuals.** This category applies to data that are not on individuals as defined above. Data not on individuals may be classified as protected nonpublic, nonpublic, or public. *See* Minn. Stat. § 13.02, subs. 4, 9, and 14.

<i>Data on Individuals</i>	<i>Meaning of Classification</i>	<i>Data not on Individuals</i>
<i>Public</i>	Available to anyone for any reason	Public
<i>Private</i>	Available only to the data subject and to anyone authorized by the data subject or by law to see it	Nonpublic
<i>Confidential</i>	Not available to the public or the data subject	Protected Nonpublic

EEOC DATA

Pursuant to the Department's work-sharing agreement with the Equal Employment Opportunity Commission (EEOC), no EEOC documents may be released with the exception that EEOC charges and dispositions may be given to the parties to a case. The Department may disclose EEOC case dispositions but may not release any documentation relating to the disposition. EEOC data are subject to access under the federal Freedom of Information Act. Requests for EEOC data should be referred to **Case Access Officer (CAO)**.

CERTIFICATES OF COMPLIANCE DATA

Files related to certificates of compliance include the affirmative action plan submitted by contractors and bidders, correspondence and certificates of compliance. All requests for contract compliance files must be directed to the **Contract Compliance Supervisor**.

ACCESS TO DATA MAINTAINED BY THE DEPARTMENT

A. Non-Investigative Data

Access to non-investigative data maintained by the Department is governed by the MGDPA. Pursuant to the MGDPA, the following non-investigative data are classified as public:

1. All data not on individuals including:

- workload statistics
- official rulemaking records of the Department
- the department's affirmative action plan
- data on Department staff pursuant to **Minn. Stat. § 13.41, subd. 2**
- the Department's policies and procedures
- file data on other Department projects and activities

2. Files maintained to monitor settlements. If the charging party has filed a complaint alleging non-compliance and the allegations concern continuing discrimination, the settlement file is maintained as confidential, the same as an open investigative file. If the allegations concern respondent's failure to fulfill settlement terms (e.g., submission of sexual-harassment training reports), the settlement file is public.

3. Request for data from personnel and payroll files. All such requests shall be directed to the **Human Resources Manager**. Non-human resource employees shall not provide personnel or payroll records but shall direct such requests to Human Resources. All personnel and payroll data requests shall comply with **Minn. Stat. § 13.43**.

B. Investigative Data

Access to human rights investigative data are governed by the MHRA and the MGDPA. Department case files are mainly comprised of human rights investigative data. Human rights investigative data are currently defined as "written documents issued or gathered by the Department for the purpose of investigating and prosecuting alleged or suspected discrimination." *See* **Minn. Stat. § 363A.03, subd. 21**.

The availability of human rights investigative data to persons other than department employees is limited to the access provisions listed below. A court order is required to gain access to data that are not available pursuant to these provisions.

C. Non-Disclosure of Data Covered by Attorney-Client Privilege and Data Related to Settlement Efforts

Data that are protected by attorney-client privilege and data related to efforts to resolve a case through settlement are not subject to disclosure. If provided an opportunity, the Department will request exclusion of these data in court orders requiring release of data. If a court order is received without the Department's opportunity to request this exclusion, the data will be withheld. The parties requesting the data will be notified that data that fall under these two categories have been withheld.

Attorney-Client Privilege

These data include:

Communications between members of the attorney general's office and charging parties (including members of a class) whose charges have been referred to the attorney general's office following a finding of probable cause by the department. *See* [Minn. Stat. § 363A.32](#).

Any communication between the department and members of the attorney general's office in which the attorney general's office is acting as the department's attorney. *Id.*

Settlement Efforts

Any information concerning efforts to resolve a case through education, conference, settlement, and persuasion shall not be disclosed, except that, under certain circumstances, the commissioner has discretion to disclose information about an open case file. *See* Section D (Access to Open Case Files).

D. Open Case Files

Open case files are any files containing human rights investigative data in which there has not been an order or decision issued by the commissioner, an administrative law judge or a court resolving the discrimination charge. Open case files include files in which an order or decision has been issued but (a) the time for reconsideration or appeal has not expired; or (b) the appeal or reconsideration is pending. *See* [Minn. Stat. § 363A.03, subd. 26](#).

For purposes of this provision, cases that have been dismissed or issued a no-probable-cause determination are considered open case files until the periods for appeal and reconsideration have expired or an appeal determination has been issued. All requests for data from cases that are within the appeal timeframe and that contain requests for data except data provided under [Minn. Stat. § 363A.35, subd. 2\(a\)](#), must be directed to the **designated data practices compliance official** for consideration under [Minn. Stat. § 363A.35, subd. 2\(b\)](#).

Cases with probable cause determinations are considered open case files until closed through settlement, litigation or a change in the disposition.

Access to Open Files

In an open case file, human rights investigative data not on an individual are classified as protected nonpublic data, and human rights investigative data on an individual are classified as confidential. *See* [Minn. Stat. § 363A.35, subd. 2\(a\)](#). As a result, these data are not accessible as of right to any requester, even the data subject. After a charge has been filed, however, the commissioner has discretion to disclose information (1) to facilitate investigation or disposition of the charge; or (2) to promote public health or safety. The commissioner may also disclose data about an open case file to another governmental entity to assist that entity or the department in processing a complaint or to eliminate duplication of efforts in the investigation of same or similar facts as alleged in the charge. In addition, in an open case file in which the commissioner has found probable cause, the commissioner may release data if the data will aid the investigative and enforcement process. *See* [Minn. Stat. §§ 363A.06, subd. 4](#) and [363A.35, subd. 2\(b\)](#) and

(c)

As discussed previously, disclosure of any information concerning efforts in a particular case to eliminate an unfair discriminatory practice through education, conference, conciliation and persuasion is prohibited (except for human rights investigative data that are accessible under Minn. Stat. § 363A.35). A charging party has access to a copy of his/her settlement proposal, but other data related to settlement in an open file are accessible as of right according to the access provisions listed below.

The following access is allowed in open case files without a court order:

1. Charging party or representative: copy of the charge. *See* Minn. Stat. § 363A.35, subd. 2(a) and respondent's answer to the charge. *See* Minn. Stat. § 363A.28, subd. 9. "Respondent's answer" to the charge is defined as "respondent's initial written reply to a charge that contains information sufficient to explain the respondent's defense." *See* Minn. R 5000.0050, subp.5. The answer includes all documents supplied as attachments to, or incorporated by reference into, the respondent's answer. *Shocker v. State, Dep't of Human Rights*, 477 N.W.2d 767 (Minn. Ct. App. 1991), *review denied* (Minn. 1992). The department's practice is to clearly explain this fact when respondent is served with the charge and directed to submit its answer. Staff should confirm this and attempt to further clarify this issue, if the respondent contacts the department to discuss the content of its answer and/or Initial Information Request response.

2. Respondent or its representative: copy of charge. *See* Minn. Stat. §§ 363A.35, subd. 2(a) and 363A.28, subd. 9.

A charging party and a respondent are also entitled to copies of documents that the department has sent them, as well as copies of any documents that they have respectively provided to the department, regardless of whether the case is open or closed.

3. Other Requesters:

Except as provided in Minn. Stat § 363A.35, subd. 2(a), (b) & (c), no other "person," as defined in Minn. Stat. § 363A.03, subd. 30, is entitled as of right to data in an open case file.

E. Closed Case Files

Closed case files are any files containing human rights investigative data in which there has been an order or decision issued by the commissioner, an administrative law judge or a court resolving the discrimination charge, and the time for reconsideration or appeal has expired. *See* Minn. Stat. § 363A.03, subd. 6.

Access to Closed Files

In a closed file, human rights investigative data not on an individual are classified as nonpublic, and human rights investigative data on an individual are classified as private. The following is public information:

- Name and address of the charging party and respondent
- Factual basis of the allegations
- Statute under which the action is brought
- The part of the summary of the investigation that does not contain identifying data on an individual or entity other than the complainant or respondent
- Commissioner's memorandum determining whether probable cause has been shown.

The commissioner may make human rights investigative data in a closed case file inaccessible to the charging party or the respondent to protect medical or other security interests of the parties or third persons. **See Minn. Stat. § 363A.35, subd. 3(b)**. Subject to that exception, the department may permit access to closed files as follows:

1. Charging party or its representative/No Court Order:

Without a court order, the charging party may obtain the following information from a closed file:

- Public information, defined above
- A copy of respondent's answer. **See Minn. Stat. § 363A.28, subd. 9**
- A copy of any documentation submitted by charging party during the course of the investigation, including correspondence from the department to the charging party. (Basically, this is merely an additional copy of what charging party has already submitted or received).
- Investigative data of which charging party is the subject, with all other identifying data redacted. **See Minn. Stat. § 363A.35, subd. 3(a)** ("Except as otherwise provided in this subdivision, human rights investigative data contained in a closed case file are private data on individuals or nonpublic data.")

2. Charging Party or its representatives/With A Court Order:

With a court order, charging party may have access to the entire contents of the file, with the exceptions noted below:

- Attorney/client privileged data between the department and the Attorney General's Office
- Attorney/client privileged data between charging parties and the Attorney General's Office
- Information concerning settlement negotiations
- Internal memoranda of a procedural nature that do not contain factual information pertaining to the issues underlying the claims of discrimination.

We require an order from a court for this information. We ask that the parties use the sample court order we provide, which allows us to withhold the data enumerated above. We will not release data in response to a subpoena or an order from an administrative law judge.

3. Respondent or its representative/No Court Order:

Without a court order, the respondent may obtain the following information from a closed file:

- a. Public information, defined above
- b. A copy of any documentation submitted by respondent during the course of the investigation, including correspondence from the department to the respondent. (Basically, this is merely an additional copy of what respondent has already submitted or received).
- c. Investigative data of which respondent is the subject, with all other identifying data redacted. *See Minn. Stat. § 363A.35, subd. 3(a)* ("Except as otherwise provided in this subdivision, human rights investigative data contained in a closed case file are private data on individuals or nonpublic data.") Respondent is **not** entitled as of right to a copy of charging party's rebuttal, which is considered investigative data.

4. Respondent or its representative/With A Court Order:

With a court order, respondent may have access to the entire contents of the file, with the exceptions noted below:

- a. Attorney/client privileged data between the department and the Attorney General's Office
- b. Attorney/client privileged data between charging parties and the Attorney General's Office
- c. Information concerning settlement negotiations
- d. Internal memoranda of a procedural nature that do not contain factual information pertaining to the issues underlying the claims of discrimination.

We require an order from a court for this information. We ask that the parties use the department's sample court order that allows us to withhold the data enumerated above. We will not release data in response to a subpoena or an order from an administrative law judge.

5. General public, charging party, respondent:

copy of the charge, copy of those parts of an investigation summary that do not contain identifying data on an individual other than the charging party or respondent; the department's memorandum. *See Minn. Stat. § 363A.35, subd. 3* (Access to Closed Files).

The commissioner may "publish an account of a case in which the complaint has been dismissed or the terms of settlement of a case that has been voluntarily adjusted." *See Minn. Stat. § 363A.06, subd. 4*. This subdivision prohibits the disclosure of any information concerning efforts in a particular case to eliminate an unfair discriminatory practice through education, conference, conciliation and persuasion except for documents which are accessible under other access provisions in this chapter. Therefore, data related to settlement in a closed case file may only be released pursuant to the commissioner's authority to publish accounts of cases and the access provisions listed above.

If the requester is the subject of any data obtained during the investigation (for example, a witness) he/she is also entitled to that data, provided all other identifying data are redacted.

F. Time to Respond to Case Access Requests

If the requester is a data subject, the department must respond to a case access request within ten (10) working days. The response includes informing the individual that s/he is the subject of data maintained by the agency and how those data are classified.

If the requester is not the data subject, the department must respond to a data request appropriately and promptly. What is appropriate and prompt depends on the scope of the request and may vary depending on such factors as size, the types and/or quantity of data requested, and the clarity of the request. The department will address extended staff absences and other barriers to responding to data requests as necessary to ensure appropriate and prompt responses.

G. Challenges Concerning Accuracy

The data subject has the right to challenge the accuracy and/or completeness of public and private data about her/himself. The subject may challenge only *accuracy* and *completeness* of data. The department of Administration provides the following definitions:

- *Accurate* means the data are reasonably correct and free from error.
- *Complete* means that the data describe all of the subject's transactions with the entity in a reasonable way.

Data may be inaccurate or incomplete because a wrong word, name, or phrase was used; because the data give a false impression about the data subject, because certain information is not in the record; because certain information in the record should not be there; or for other reasons.

To challenge the accuracy and/or completeness of data, the data subject must communicate in written form to the responsible authority for the entity that the subject is challenging the accuracy and completeness of data the entity maintains about her/him. Written form includes communication via letter, e-mail message, or fax.

The written communication must identify the specific data being challenged; describe *why* or *how* the data are inaccurate or incomplete; and state what the subject wants the responsible authority to do to make the data accurate or complete, (i.e., add, alter or delete data).

Upon receipt of the challenge notice, the responsible authority, or someone designated by the responsible authority, must review the notice and the challenged data promptly. Although it is not required, appointing a disinterested person to review the challenge often enables a more expeditious resolution of the dispute.

Within thirty (30) business days, the responsible authority must determine if the data are inaccurate or incomplete. The responsible authority may agree with all, part or none of the data challenged, and must notify the subject of the determination about the challenge.

If the responsible authority agrees that challenged data are inaccurate and/or incomplete, the responsible authority must make the changes requested and try to notify anyone who has received the data in the past, including anyone named by the data subject.

If the responsible authority *does not agree* that the challenged data are inaccurate and/or incomplete, the responsible authority must notify the data subject, who then has the right to: 1) include a written statement of disagreement with the disputed data; and/or 2) appeal the entity's determination to the Commissioner of the Minnesota Department of Administration.

The form of the statement of disagreement is of the data subject's choosing, and must be included with the disputed data whenever the disputed data are accessed or released. The data subject has the right to appeal the responsible authority's determination that the data are not inaccurate and/or incomplete to the Commissioner of the Minnesota Department of Administration only after both the data subject and responsible authority have properly completed all steps in the data challenge process. The data subject may appeal only the responsible authority's determination about the accuracy and/or completeness of data.

Once the responsible authority has given the data subject written notice of the right to appeal its determination, the data subject must exercise the right to appeal within sixty (60) calendar days. If the responsible authority has not given the subject written notice of this right, the data subject has 180 days within which to file an appeal. The requirements for filing an appeal are set out at Minn. R. 1205.1600.

MINNESOTA GOVERNMENT DATA PRACTICES ACT (MGDPA) PENALTIES

Section 13.08 of the MGDPA provides damages, civil penalties and injunctive relief for parties who have been damaged by the unauthorized release or withholding of government data which are not directly controlled by the MGDPA.

The MGDPA also provides that willful violation of data access provisions covered by this section exposes a government agency to these damages and penalties and is just cause for suspension without pay or termination of the public employee(s) involved.

MINNESOTA GOVERNMENT DATA PRACTICES ACT NOTICE

The MGDPA requires the department to inform anyone asked to provide private or confidential data concerning her/himself of: (1) the purpose and intended use of the requested data; (2) whether he/she may refuse or is legally required to supply the requested data; (3) any known consequence arising from his/her supplying or refusing to supply private or confidential data; and (4) the identify of other persons or entities authorized by state or federal law to receive the data. *See Minn. Stat. § 13.04, subd. 2.*

This information is contained in the department's Data Practices Notice, attached at the end of this section.

Pursuant to the MGDPA notice requirement, all persons who are interviewed in the course of an investigation must be notified of their rights under the MGDPA.

Charging parties are asked to sign the Data Practices Notice. The Data Practices Notice is given at the following times:

- (1) To charging party at intake
- (2) To respondent with charge letter
- (3) All witness interviews
- (4) Fact finding conference participants

There must either be a signed copy of the Data Practices Notice in the file or written documentation that the notice was given verbally. A refusal to sign the Data Practices Notice should be documented in the file. For example, the interview report for a telephone interview should start with the statement, "Data Practices Notice given." In telephone interviews, the actual text of the notice shall be read and further explanation given if necessary.

ACCESS PROCEDURES

All discretionary decisions on file access are to be made by the department's Case Access Officer or the designated data practices compliance official.

Procedures

1. Open Files

Access requests from charging parties and respondents are handled by the individual who has formal possession of the case. The department responds to requests within the access framework set out below and fully documents its responses in case files, using the File Access/Request for Information Form. *See File Access/Request for Information Invoice at the end of this section.*

Procedure for Handling Requests for Copies from Open Case Files

	Action	Staff
1.	Receive request for information from an open case. Confirm request and inform requester of copy fee.	EO
2.	Extract relevant materials from file	EO
3.	Prepare File Access/Request for Information Form (# of copies and contact information of requester)	EO
4.	Review materials for data practices implications	EO
5.	Inform requester of actual copy and postage costs	EO
6.	Arrange for payment and delivery	EO
7.	Upon receipt of payment, note payment on File Access/Request for Information Form and make copies of requested materials; then forward payment to Account	EO

	Technician	
8.	Provide receipt and requested materials to requester	EO
9.	Place copy of File Access/Request for Information Form in the case file	EO
10.	Deposit payment	ACCT

2. Closed Files

Closed file access requests are referred to the Case Access Officer. The Case Access Officer makes closed-file data available in accordance with the framework set out below:

Procedure for Handling Requests for Copies from Closed Case Files:

	Action	Staff
1.	Receive request for closed case. Confirm request and inform requester of copy fee.	CAO
2.	Locate and pull file(s)	CAO
3.	Review information for data privacy implications	CAO
4.	Inform requester of actual copy and postage costs	CAO
5.	Prepare File Access/Request for Information Form (# of copies and contact information of requester)	CAO
6.	Upon receipt of payment, note payment on File Access/Request for Information Form and make copies of requested materials; then forward payment to Account Technician	CAO
7.	Provide receipt and requested materials to requester	CAO
8.	Place copy of the File Access/Request for Information Form in the case file	CAO
9.	Deposit payment	ACCT

3. Court Orders

A court order is required to obtain access to data that is not available under the statutory and interpretive

limitations outlined in this section. Access requests involving a court order are referred to the designated data practices compliance official.

4. Large Volume and Media Data Requests

Members of the media, researchers, government agencies and other persons that request large volumes of data have the same rights under and are subject to the same restrictions of the MGDPA that apply to non-parties requesting data. They are subject to all costs necessary to respond to the request. *See Minn. Stat. § 13.05, subd. 7*. They are not entitled as of right to any data from open case files. *See Minn. Stat. § 363A.35, subd. 2*.

If the request is from the media, the staff person should immediately advise the requester that all communication with the media, including responding to data requests, is handled by the Communications Officer, who should be advised of any such media inquiries. If the request is received in person or via telephone from a source other than the media, the staff person receiving the request should inform the requester that the request **must** be in writing and be addressed to the attention of:

Communications Officer
Minnesota Department of Human Rights
190 East Fifth Street, Suite 700
St. Paul, MN 55101

The Communications Officer will provide this and other appropriate information in the case of media inquiries.

See Minn. Stat. § 13.05, subd. 7. Large volume requests include all requests for summary data, including statistical compilations. *See* Minn. R. 1205.0200, subp. 16 (defining summary data.) The Commissioner and the CO should be immediately informed of any large volume request. The CO will handle all communications when members of the media make a request.

The CO will confer, if necessary, with the designated data practices compliance official regarding data practices implications and with Information Technology (IT) regarding availability of the requested data and an estimate of time necessary to retrieve and compile the data.

It is understood that, consistent with the requirements of the MHRA, the department may choose to make summary and other data available to the press, along with press releases, flyers and other printed and/or audio-visual materials, as part of its ongoing effort to educate Minnesotans about their rights and responsibilities under the Act. The department will not customarily charge for materials it chooses to distribute, and encourages the press to publish, as part of the department's professional public relations/outreach efforts.

If you are unsure whether data or other information is being supplied to the media as a result of a media-initiated request, or as part of an educational/outreach effort initiated by the department, check with the Communications Officer.

	Action	Staff		
	1. Receive request for summary data or media request. Confirm request and inform requester of copy fee.	CO		
	2. Locate and pull file(s) or access electronic database and extract relevant information	CAO or IT		
	3. Review information for data practices implications	CO	Procedure for Handling Summary Data or Media Requests:	
	4. Inform requester of actual copy and postage costs	CAO		
5.	5. Prepare File Access/Request for Information Form (# of copies and contact information of requester)	CAO or CO		Access Cost Recovery Policies
The	6. Upon receipt of payment, note payment on File Access/Request for Information Form and make copies of requested materials, then forward payment to Account Technician	CAO or CO		
fee	7. Provide receipt and requested materials to requester	CO		
	8. Place copy of the File Access/Request for Information Form in the case file or in case of electronic or summary data requests, file copy of File Access/Request for Information Form with the CO	CAO or CO	department does not charge a fee to inspect data. Pursuant to the MGDPA, however, the department may charge a to prepare copies, create summary data (e.g., statistical records and reports) and for faxing materials to requester.	
The	9. Deposit payment	ACCT	fee charged depends on classification of the data.	

Refer to the schedule at the end of this section for details on determining the correct fee.

The MGDPA permits the department to charge a person requesting copies and/or faxes of public data "the actual cost of searching for and retrieving government data, including the cost of employee time, and for making, certifying, compiling, and [faxing] the copies of the data or the data, but it may not charge for separating public from not public data." *See Minn. Stat. § 13.03, subd. 3.*

If the requester is the subject of the data, the data are classified as private or nonpublic. The department may charge only the actual cost of making, certifying, and compiling copies of private or nonpublic data; it may not charge for searching for and retrieving the data. *See Minn. Stat. § 13.04, subd. 3.*

The department may charge persons requesting summary data (which are classified as public) all costs associated with preparing the data. *See Minn. Stat. § 13.05, subd.7.*

In determining the fee for copies and faxes, the department has been guided by the criteria set out in Minn. R. 1205.0300, subp. 4 (specifying material, labor, special costs, necessary to produce such copies from machine based record-keeping systems, and mailing costs as recoverable.) The cost of material includes the cost of paper and mailing costs, if mailed. The cost of labor includes the tasks detailed above. Refer to the **cost schedule** for details on determining the correct fee.

6. Walk-in Copy Requests

Documents that charging parties submit to the department are private data and accessible to charging parties in accordance with the MGDPA and the MHRA. *See* Minn. Stat. § 363A.35, subd.4.

The department has ten (10) business days to make data accessible to a data subject. *See* Minn. Stat. § 13.04, subd. 3.

The department may charge a fee to prepare copies, including the mailing costs. *Id.* Effective 8/1/05, the Department's fee for copying private data is \$.25 per page for requests for 100 or fewer pages. If the request is for 101 or more copies, the charge is \$.33 per page.

To request copies of the documents, the requester must put the request in writing, providing the following information:

Name

Phone number

Address

Date of request

Statement that the copies are to be mailed (if applicable)

Case file number or questionnaire number

Description of documents to be copied

Total number of copies requested

We must receive the **exact amount** either in the form of the requester's check, cash, or money order for the cost of copying (including postage, if applicable) before we will make the copies. Within ten (10) business days after receiving the request **and** payment, the department will prepare and mail the copies (if mailing is requested.)

7. Requests for Return of Originals

As of February 1, 2004, the department no longer returns originals. The department will advise potential charging parties at the intake stage, as well as parties at the case-preparation stage, that they should retain their originals and submit copies. Persons requesting return of originals may have copies of those documents if they pay the appropriate copy cost.

8. Settlement Information

We withhold information on settlement negotiations, even with a court order. After a case is closed, the commissioner has discretion to release the terms of settlement of a case that has been voluntarily adjusted. *See Minn. Stat. § 363A.06, subd. 4*

Forms, Files or Reports:

MDHR Government Data Practices Notice