Data Practices Policy for Requests for Data About You as the Data Subject

This document covers the policy and procedures for data requests from persons who **ARE** the subject of the data being requested, as required by Minnesota Statutes, sections 13.025 and 13.03.

Right to Access Data About You

The Minnesota Government Data Practices Act (Minnesota Chapter 13) says that data subjects have certain rights related to a government entity collecting, creating, and keeping government data about them. You are the subject of data when you can be identified from the data. Government data is a term that means all recorded information a government entity has, including paper, email, CD-ROMs, photographs, etc.

Classification of Data About You

The Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. Data about you are classified by state law as public, private, or confidential. See below for examples.

Public Data

We must give public data to anyone who asks; it does not matter who is asking for the data or why.

Private Data

We cannot give private data to the general public, but you have access when the data are about you. We can share your private data with you, with someone who has your permission, with Minnesota Management and Budget (MMB) staff who need the data to do their work, and as permitted by law or court order.

Confidential Data

Confidential data have the most protection. Neither the public nor you can get access even when the confidential data is about you. We can share confidential data about you with MMB staff who need the data to do their work and others as permitted by law or court order. We cannot give you access to confidential data.

Your Rights under the Data Practices Act

MMB must keep all government data in a way that is "easily accessible for convenient use." Also, we can collect and keep only those data about you that we need for administering and managing programs that are permitted by law. As the data subject, you have the following rights.

Your 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 all public data and any private data about you. The Data Practices Act allows us to charge for copies. You have the right to inspect data, free of charge.

Also, if you ask, we will tell you whether we keep data about you and whether or not the data are public, private, or confidential.

If you are 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). If you are 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 MMB 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 may 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.

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 Tennessen warning. The notice informs you of what data we are collecting, how we plan to use it, any known consequences of providing us with the data (or not providing it), whether you are legally required to provide the data, and who will have access to the data if you choose to provide it.

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 data to another person. This permission is called informed consent.

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 data breach has occurred, we will notify you as required by law.

When you believe Data about you are Inaccurate and/or Incomplete

You have the right to challenge the accuracy and/or completeness of government data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you. If you believe the data about you which we maintain is inaccurate or incomplete, send us a detailed

explanation of the data and why you believe it is in accurate or incomplete to data.requests.mmb@state.mn.us (email).

Copy Costs – Data Subjects

Minnesota Management and Budget may charge data subjects for copies of government data in the manner described below, as authorized under Minnesota Statutes, section 13.04, subd. 3. Charges for data that is not about you is governed by Minnesota Statutes, section 13.03 and is calculated differently.

We will charge the actual cost of making copies of data about you. In determining the actual cost, we include the employee-time to create and the copies and send them to you, the cost of the materials onto which we are copying the data (paper, USB Drive, etc.), and the cost of mailing 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.

MMB will waive charges if the cost to provide the data is $25.00 or less. Multiple data requests by the same requestor that are received within 30 days of each other will be considered a single request for data practices purposes. Copy costs must be paid in full before the data will be provided.

How to Request Your Data

To inspect data or request copies of data that MMB keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, make a written request to MMB's Data Practices Compliance Official. You may submit your request via MMB's online request form. Using the Data Request Form is encouraged but not required.

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

- that you are making a request under the Data Practices Act, (Minnesota Statutes, Chapter 13), as a data subject, for data about you;
- whether you would like to inspect the data, or receive copies of the data;
- a clear description of the data you would like to inspect or have copied; and
- proof of identity sufficient to establish you are the data subject, or data subject's parent or guardian.

MMB requires proof of your identity (valid state ID such as a driver's license, military ID, or passport) before we can respond to your request for private data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a guardian, you must show legal documentation of your guardianship.

If you are unable to present identification in person, you must provide either notarized or certified copies of the documents that are required.

How We Respond to a Data Request

Once you complete a written data request, including valid proof of identity, we will work to process your request. If it is not clear what data you are requesting, we will ask you for clarification which we require before we will consider the request as being complete.

- 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 private data that are not about you, we will notify you in writing within 10 business days and state which specific law says you cannot access 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, for free, if your request is to inspect the data. Note that the inspection must take place at the Minnesota Management and Budget Offices between 9:00 AM and 4:00 PM and is dependent on staff and space availability.
    - Provide you with copies of the data within 10 business days. You may choose to pick up your copies, or we will mail them to you. We will provide electronic copies (such as email, or CD-ROM) upon request if we keep the data in electronic format. We will also arrange for you to prepay for the copies.

After we have provided you with access to data about you, we do not have to show you the data again for 6 months unless there is a dispute or we collect or create new data about you.

If you do not understand some of the data (technical, abbreviations, or acronyms), please let us know. 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 if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in the 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.

In addition, we are not required under the Data Practices Act to respond to questions that are not requests for data.

Responsible Authority

Erin Campbell, Minnesota Management and Budget Commissioner. As Responsible Authority, the Commissioner orders the following individual(s) as data practices official designee(s):

As Responsible Authority, the Commissioner orders the following individuals as data practices compliance official and designee:

Taya Moxley-Goldsmith
400 Centennial Building
658 Cedar Street

St. Paul, MN 55155
data.requests.mmb@state.mn.us