

Data Practices Policy:

Requests for Data About You and Your Rights as a Data Subject

For persons who ARE the subject of the data being requested.

Policy and procedures required by Minnesota Statutes, sections 13.025 and 13.03.

Data About You

The 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, et cetera.

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 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 makes it easy for you to access data about you. 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 public and private data about you. The Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

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. The notice is called a Tennessean warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

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. If you want us to release data to another person, you may use the consent form we provide in Appendix A.

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 security breach has occurred and an unauthorized person has gained access to your data, we will notify you as required by law.

When your Data are Inaccurate and/or Incomplete

You have the right to challenge the accuracy and/or completeness of public and private 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.

How to Request Your Data

This document will guide you in making a data practices request for private and public data to Minnesota Management and Budget (MMB) as the data subject under the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13.

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 the Data Practice Compliance Official listed in Appendix C of this document. You may submit your request via mail, or email. Using the Data Request Form listed as Appendix B 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, have copies of the data, or both;
- a clear description of the data you would like to inspect or have copied; and
- Identify information that proves you are the data subject, or data subject's parent or guardian

MMB requires proof of your identify (valid state ID such as a driver's license, military ID, or passport) before we can respond to your request for 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 make your written request, we will work to process your request. If it is not clear what data you are requesting, we will ask you for clarification.

- 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 look at the data
 - 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.
- Minnesota Management and Budget may charge data subjects for copies of government data. These charges are authorized under Minnesota Statutes, section 13.04, subd. 3.
- 100 or fewer pages of black and white, letter or legal size paper copies may cost 25 cents for a one sided copy, or 50 cents for a two-sided copy. The charge for most other types of copies is the actual cost of making and certifying the copies or electronically transmitting the data (e.g. sending the data by e-mail). In determining the actual costs of making copies, we factor in employee time, the cost of the material onto which we are copying the data (paper, CD, DVD, etc.) and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for copies.
- Fees cannot be charged for separating public data from private, confidential, nonpublic, or protected nonpublic data.

MMB will waive charges if the cost to provide the data is less than the cost to process the payment.

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 you on the details of your request, including cost and response time.

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

APPENDIX A: CONSENT TO RELEASE DATA-REQUEST FROM AN INDIVIDUAL

Explanation of Your Rights and Permission to Release

If you have a question about anything about this consent form, or would like more explanation before you sign it, please contact the Data Practice Compliance Official, located in Appendix C.

I, *[name of individual data subject]*, give my permission for MMB to release data about me to *[name of the entity or person data released to]* as described in this consent form.

1. The specific data I want MMB to release is my *(explanation of data to be released)*.
2. I understand that I have asked MMB to release the data.
3. I understand that although the data are classified as private at MMB, the classification/treatment of the data at *[name of the entity or person data released to]* depends on laws or policies that apply to *[name of the entity or person data released to]*.

This permission to release expires *(date/time of expiration)*. A photocopy is as valid as an original.

Individual data subject's signature _____ Date: _____

Parent/guardian [if needed] _____ Date: _____

Appendix B

DATA REQUEST FORM – Data Subjects

Date of Request: _____

To request data as a data subject, you must show a valid state ID, such as a driver’s license, military ID, or passport as proof of identity. If you are unable to present identification in person, you must provide either notarized or certified copies of the documents listed above that are required.

I am requesting access to data in the following way:

Note: inspection of data is free but MMB charges for copies of data pursuant to Minnesota Statute, 13.04, subd. 3.

___ Inspection ___ Copies ___ Both inspection and copies

These are the data I am requesting

Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of the form or another page.

Contact Information:

Data Subject Name: _____

Parent/Guardian (if applicable) _____

Address: _____

Phone Number: _____ Email Address: _____

Signature of Data Subject or Parent/Guardian _____

Staff Verification (to be completed by MMB staff)

Type of Identification Provided by Requester _____

Submit this request to the Data Practices Compliance Official listed in Appendix C.

We will respond to your request within 10 business days.

Appendix C

Data Practices Contacts for Minnesota Management and Budget

Responsible Authority

Commissioner Jim Schowalter
658 Cedar Street
Saint Paul MN 55155

Data Practices Compliance Official (DPCO)

Chris Kelly
658 Cedar Street
Saint Paul MN 55155
data.requests.mmb@state.mn.us