



# Data Practices Policy and Procedures for Data Subjects

Last Updated April 2021

## Data about You

The Government Data Practices Act (Minnesota Statutes, Chapter 13) says that you, as a data subject, have certain rights related to a government entity collecting, creating, and keeping government data about you. Data about you includes data about horses that you own. 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, DVDs, photographs, etc.

### Classification of Data about You

The Government 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 some examples.

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

The following is an example of public data about you:

- Name and address on a license application.
2. **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 our staff who need the data to do their work, and as permitted by law or court order.

The following is an example of private data about you:

- Social Security Number
3. **Confidential data:** Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. We can share confidential data about you with our government entity staff who need the data to do their work and to others as permitted by law or court order. We cannot give you access to confidential data.

The following is an example of confidential data about you:

- Investigative data while the investigation is still active.

## Your Rights Under the Government Data Practices Act

We 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 a data subject, you have the following rights.

- **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 Government 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 the data are public, private, or confidential.

As 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). As 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 this government entity 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 that explains how we may use the data that we collect from you. We call this a Tennessee notice. 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 the data to another person. This permission is called informed consent. If you want us to release data to another person, we will provide you with a consent form to sign.

- **Protecting Your Data**

The Government 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 Make a Request for Your Data

You can look at data, or request copies of data we have about you, your minor children, or an individual for whom you have been appointed legal guardian. You must make your request for data in writing to the Data Practices Compliance Official listed on page 5. You may make your request by mail, fax or e-mail using the Data Request Form on page 7.

If you choose not use to use the Data Request Form, your request must still be in writing and should include the following:

- You are making a request, under the Government Data Practices Act (Minnesota Statutes, Chapter 13), as a data subject, for data about yourself or horses that you own;
- Whether you would like to inspect the data or get copies of the data;
- A clear description of the data you would like to inspect or have copied; and
- Acceptable identifying information that proves you are the data subject, or data subject's parent/guardian. (See page 8.)

We require proof of your identity 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 child's parent. If you are a guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity located on page 8.

## How We Respond to a Data Request

Once you make your request, we will work to process your request as follows:

- 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 within 10 business days and explain which specific law says you cannot access the data. Upon request, we will provide you with release forms you can have signed to allow us to give you private data about others.
- If we have the data and the data are public, or are private data about you, we will respond to your request within 10 business days, by doing one of the following:
  - Arranging a date, time and place for you to inspect the data for free; or
  - Providing you with copies of the data. You may choose to pick up your copies, or we will mail or fax them to you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format. You must pay any copying and mailing costs before we provide the data.

**Information about copy costs is on page 6.**

After we have provided you with access to data about yourself, we do not have to provide you the same 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 (such as technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.

**Please be advised that the Government 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 that 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). In addition, we are not required under the Government Data Practices Act to respond to questions that are not specific requests for data.**

## **Data Practices Contacts**

### **Responsible Authority**

Name: Joseph Newton  
Address: 15201 Zurich St. Suite 212. Columbus MN 55025  
Phone Number: 651-925-3956  
Fax Number: 651-925-3953  
Email Address: [joseph.newton@state.mn.us](mailto:joseph.newton@state.mn.us)

### **Data Practices Compliance Official**

Name: E. Joseph Newton  
Address: 15201 Zurich St. Suite 212. Columbus MN 55025  
Phone Number: 651-925-3956  
Fax Number: 651-925-3953  
Email Address: [joseph.newton@state.mn.us](mailto:joseph.newton@state.mn.us)

## Copy Costs – Data Subjects

We charge data subjects for the actual cost of making copies of government data. These charges are authorized under Minnesota Statutes, section 13.04, subdivision 3. However, we do not charge for copies if the cost is less than \$10.00. Before you pick up the data or before we send it to you, we will notify you of the cost. You must pay for the copies before we give them to you. In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, flash drive, CD, DVD, etc.), and mailing costs (if any).

We always use the lowest cost employee that is available and capable of making the copies for you. Our charges for employee time currently range from \$19.35 to \$57.25 per hour. 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 the copies.

There is no charge to come in and inspect data. If you inspect data and then decide you would like copies of certain data, we will provide copies. In that case, you must pay costs as described above.

## Data Request Form – Data Subjects

Date of request: \_\_\_\_\_

To request data as a data subject, you must show a valid form of identification, such as a driver’s license, military ID, or passport as proof of identity.

**I am requesting access to data in the following way:**

Inspection

Copies

*Note: inspection is free but the Minnesota Racing Commission will charge for copies when the cost is over \$10.00. If you come to inspect the data and then decide to request copies, charges may apply. See Page 6 for details regarding copy costs.*

**These are the data I am requesting:**

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form or attach additional pages.

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### Contact Information

Data subject name \_\_\_\_\_

Parent/Guardian name (if applicable) \_\_\_\_\_

Address \_\_\_\_\_

Phone number \_\_\_\_\_ Email address \_\_\_\_\_

Staff verification by \_\_\_\_\_ Date \_\_\_\_\_

Identification provided \_\_\_\_\_

We will respond to your request within 10 business days.

## Standards for Verifying Identity

The following constitute acceptable proof of identity:

- An adult individual must provide a valid photo ID, such as
  - a state driver's license
  - a military ID
  - a passport
  - a state ID
  - a tribal ID
  
- A minor individual must provide a valid photo ID, such as
  - a state driver's license
  - a military ID
  - a passport
  - a state ID
  - a Tribal ID
  - a school ID
  
- The parent or guardian of a minor must provide 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
  
- The legal guardian for an individual must provide 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

Note: Individuals who do not exercise their data practices rights in person must provide either notarized or certified copies of the documents that are required or an affidavit of identification.