

Western Prairie Human Services Policy

Policy: Data Practices Policy
Requests for Data About You and Your Rights as a Data Subjects

Reference (Rule / Statute):

Minnesota Statutes, sections 13.025 and 13.03

Division / Unit:
Human Services

Date Effective:
06/02/2023

Purpose

Minnesota Statutes, sections 13.025 and 13.03 requires this policy.

Employee Responsibilities

What is a “Data Subject”?

When government has information recorded in any form (paper, hard drive, voicemail, video, email, etc.), that information is called “government data” under the Government Data Practices Act (Minnesota Statutes, Chapter 13). When we can identify you in government data, you are the “data subject” of that data. The Data Practices Act gives you, as a data subject, certain rights. This policy explains your rights as a data subject, and tells you how to request data about you, your minor child, or someone for whom you are the legal guardian.

When Western Prairie Human Services Has Data About You

Western Prairie Human Services has data on many people, such as employees, job applicants, vendors, and constituents. We can collect and keep data about you only when we have a legal purpose to have the data. We must also keep all government data in a way that makes it easy for you to access data about you.

Government data about an individual have one of three “classifications.” These classifications determine who is legally allowed to see the data. Data about you are classified by state law as public, private, or confidential. Here are some examples:

Public Data

The Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. We must give public data to anyone who asks. It does not matter who is asking for the data or why the person wants the data.

Private data

We cannot give private data to the general public. We can share your private data with you, with someone who has your permission, with our government entity staff whose job requires or permits them to see the data, and with others as permitted by law or court order.

Confidential Data

Confidential data have the most protection. Neither the public nor you can access confidential data even when the confidential data are about you. We can share confidential data about you with our government entity staff who have a work assignment to see the data, and to others as permitted by law or court order.

Your Rights Under the Government Data Practices Act

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 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 us 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 will 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 "Tennessee warning." The content of 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 the data to another person. This permission is called informed consent. If you want us to release data to another person, you must provide us with a written document specifically giving the other person such permission.

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 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 ask to look at (inspect) data at our offices, or ask for copies of data that we have about you, your minor child, or an individual for whom you have been appointed legal guardian.

In order to request data about you, your minor child, or an individual for whom you've been appointed legal guardian, you must make a written request. Make your request by mail or by hand delivery to the appropriate contact as listed in Appendix A regarding responsible authorities based on the type of record being requested. For best service, consider using the data request form included in this policy as Appendix C.

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

- Say that you are making a request as a data subject, for data about you (or your child, or person for whom you are the legal guardian), under the Government Data Practices Act (Minnesota Statutes, Chapter 13).
- Include whether you would like to inspect the data, have copies of the data, or both.
- Provide a clear description of the data you would like to inspect or have copied.
- Provide proof that you are the data subject or data subject's parent/legal guardian.

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 minor's parent. If you are a legal guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity included in this policy as Appendix D. If you do not provide proof that you are the data subject, or someone entitled to the data on behalf of the subject, we cannot respond to your request.

How We Respond to a Data Request

Upon receiving your request, we will review it.

- We may ask you to clarify what data you are requesting.
- We will ask you to confirm your identity as the data subject.
- If we do not have the data, we will notify you in writing within ten (10) business days of actual receipt of your request.
- If we have the data, but we are not allowed to give it to you, for example, if the data are confidential or not public data about someone else to whom you're not entitled to access data, we will notify you within 10 business days and identify the law that prevents us from providing the data.

- If we have the data, and the data are public or private data about you or about your minor child or about someone to whom you serve as guardian, we will respond to your request within 10 business days by doing one of the following:
 - Contact you to arrange a date, time, and place to inspect data in our offices, for free, or
 - Provide you with the data within 10 business days. We will contact you to give you notice as to whether there is a prepayment requirement to receive copies, and, if so, how to fulfill that requirement before the data will be provided. Costs are listed in Appendix B.
 - For non-electronic records, you may choose to pick up your copies thereby avoiding any mailing charges, or you can ask that we mail them to you at your expense. For electronic records, we will provide electronic copies upon request, if we keep the data in that format and we can reasonably make a copy. If there are any materials or mailing expenses for providing electronic copies, those must be paid by you before the records will be sent. Costs are listed in Appendix B.
 - Response time may be impacted by the size and/or complexity of your request, and also by the number of requests you make in a given period of time.
 - Following our response, if you do not make arrangements within ten (10) business days to inspect the data or pay for and retrieve the copies, we will conclude that you no longer want the data and will consider your request closed. If you make arrangements, then fail to appear or follow through with those arrangements, and you must arrange to inspect or pay for and retrieve copies within an additional ten (10) business days, or your request will be considered closed.
 - After we have provided you with your requested data, we do not have to show you the same data again for 6 months unless there is a dispute about the data or we collect or create new data within the scope of your prior request.

- If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please tell the person who provided the data to you. We will give you an explanation to the best of our ability if you ask.

- The Data Practices Act does not require us to create or collect new data in response to a data request, 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. 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.

- We are also not required to respond to questions that are not about your data requests or are not requests for government data.

Appendix A: Western Prairie Human Services Data Practices Contacts

Responsible Authority

Stacy Hennen
Director
211 Minnesota Avenue East
Glenwood, MN 56334
P: 320-634-7755
P: 218-685-8200
stacy.hennen@westernprairiemn.us

Data Practices Compliance Official

Kari Rude
Deputy Director
Human Resources Director
211 Minnesota Avenue East
Glenwood, MN 56334
P: 320-634-7755
P: 218-685-8200
kari.rude@westernprairiemn.us

Appendix B: Copy Costs – When You Request as a Data Subject

Minnesota Statutes, section 13.03, subdivision 3(c) allows us to charge for copies.

In all cases, you must pay for the copies before we will give them to you, either in person or by mail or electronic delivery. In the case of requests where the estimated total expense of providing copies exceeds \$10.00, we may require pre-payment of all estimated expenses before expending time and resources to fulfill the request. A responsible authority may require you to pre-pay estimated expenses, regardless of amount, before expending time and resources to fulfill your request if you have previously made a request for records and failed to pay required expenses associated with that request. A responsible authority may exercise his or her discretion in waiving the requirement for payment or pre-payment of expenses if less than \$10.00, but may not otherwise fail to collect such payment before providing copies.

Actual Costs of Making Copies

The charge for most types of copies, when a charge is not set by statute or rule, is the actual cost of creating and sending the copies or electronically sending the data.

In determining the actual cost of making copies, we include employee time, the cost of the materials 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 copy ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies. Please inquire of the appropriate responsible authority for charges for various material types.

Labor charges: The standard rate for employee time to prepare, create copies of and send the records will be assessed at the base hourly rate of wages/salary plus cost of benefits of the class of employee who can complete the task and will be billed in quarter-hour increments. Search and retrieval costs are not charged to data subjects.

Mailing charges: Actual costs of packaging and mailing, if mail delivery is requested.

Some copy charges for particular types of records are specially set by statute or rule. The responsible authority receiving your request will notify you if your requested record is subject to a different rate based on these special laws or rules.

If, based on the nature of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate search and retrieval charges based on the employee's higher hourly salary/wage.

Multiple requests made in within the same ten (10) business day period will be treated as a single request for the purposes of calculating total copy costs.

Appendix C: Western Prairie Human Services Data Request Form – Data Subject

<p>Request Date:_____ Time:_____</p> <p>I am requesting data access in the following way:</p> <p><input type="checkbox"/> Inspection <input type="checkbox"/> Copies</p> <p><input type="checkbox"/> Both inspection and copies</p> <p>You may be required to pay or pre-pay for copies by Western Prairie Human Services policy. Inspection only is generally free.</p> <p>If copies are requested, I am requesting they be:</p> <p><input type="checkbox"/> Held for in-person pickup <input type="checkbox"/> Mailed</p> <p><input type="checkbox"/> E-mailed, if able</p>	<p>Contact information*</p> <p>Name: _____</p> <p>Phone number: _____</p> <p>Mailing address: _____</p> <p>_____</p> <p>Email address: _____</p> <p>Requestor Signature: _____</p>
<p style="text-align: center;">YOU MUST SHOW REQUIRED ID TO VERIFY IDENTITY</p>	

The data I am requesting: *Describe the data you are requesting as specifically as possible.*

We will respond to your request within 10 business days.

Office Use Only:

Requestor/Parent/Guardian Identity Verified by ID (describe type/number) : _____

The Data Requested Is Classified as: Public Private Confidential Combination: _____

The Request is: Denied Approved Approved in Part: _____

Rationale for Action Taken: _____

If denied or only approved in part, the requestor was notified on _____ In Person By Mail By Email

Approved or approved in part, the request was fulfilled on _____ In Person By Mail By Email

Charges for fulfilling request, if any: _____ Charges Paid

Signature of Employee Handling Request: _____

*You are not compelled to provide contact information or ID, but failure to do so will prohibit us from fulfilling your request as a data subject/parent/guardian, as verification of identity is a requirement for these types of requests under Minnesota law. We may also need contact information to be able to mail/email copies of data if requested, arrange for payment required to fulfill a request, or to clarify your request if we do not understand it.

Appendix D: Standards For Verifying Identity

The following constitute proof of identity:

- An adult individual must provide a valid photo ID, such as
 - a driver's license
 - a state-issued ID
 - a tribal ID
 - a military ID
 - a passport
 - the foreign equivalent of any of the above
- A minor individual must provide a valid photo ID, such as
 - a driver's license
 - a state-issued ID (including a school/student ID)
 - a tribal ID
 - a military ID
 - a passport
 - the foreign equivalent of any of the above
- 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 inspect data or pick up copies of data in person may be required to provide either notarized or certified copies of the documents that are required or an affidavit of ID.

Notice of Adoption of Model Policies

[Minnesota Statutes, section 13.025, subdivisions 2 and 3](#), require government entities to prepare written policies that relate to public access to government data, and rights of subjects of data and [Minnesota Statutes, section 13.03, subdivision 2](#), requires entities to establish procedures so that data requests are complied with appropriately and promptly.

[Minnesota Statutes, section 13.073, subd. 6](#), requires the Commissioner of Administration to prepare [model policies and procedures](#) to help government entities comply with those requirements. Entities that choose to adopt the Commissioner's model policies must notify the Commissioner. Please use the following statement to notify the Commissioner if you choose to adopt the model policies and procedures.

Notice to Commissioner of Administration: Adoption of Model Policies

Western Prairie Human Services has adopted the Commissioner's Model Policy for the Public and Model Policy for Data Subjects. This notice to the Commissioner satisfies Western Prairie Human Services' obligation under Minnesota Statutes, section 13.073, subdivision 6.

Kari Rude
Western Prairie Human Services
Deputy Director
Human Resource Director
June 2, 2023

**Government entities may submit this notification by mail or email:*

Commissioner of Administration
c/o Data Practices Office
658 Cedar Street
Suite 320
St. Paul, MN 55155
info.dpo@state.mn.us
