



The Rights of Individuals Under the Minnesota Government Data Practices Act

The Minnesota Government Data Practices Act (MGDPA) gives every individual important rights when the Department of Administration (Admin) collects, creates, stores, uses or releases data about him or her. This document explains these rights and how to use them in Admin. For more information about these rights, contact the Admin data practices compliance official (DPCO) identified in Attachment A.

General Information About the Data Admin Keeps

In this document, ‘data’ means individual items or elements of data. Each document, record or file contains many data elements.

An individual is a living human being. The law classifies data that Admin keeps about individuals as public, private or confidential. Admin must give public data about individuals to anyone who asks, no matter who is asking or why. The law says Admin can give private data about individuals only to the individual, to someone with the individual’s permission, to Admin staff on a need-to-know basis, and according to law or court order. Admin can give confidential data about an individual only to Admin staff on a need-to-know basis and according to law or court order.

A Word About Data Subjects

If Admin has data about an individual, and the individual can be identified from the data, then the individual is the data subject. That individual has the right to inspect (look at) and have copies of all public and private data that Admin keeps about him or her.

Generally, an individual also has the right to inspect and have copies of public and private data about his or her children if they are minors (under the age of 18). Minors have the right to ask Admin not to give private data about them to a parent or guardian, and Admin tells minors that they have this right. An individual generally shares the other rights the MGDPA gives to his/her minor children.

If someone has been appointed as the legal guardian for an individual, the guardian has that individual’s rights under the MGDPA.

The Rights of an Individual When Admin Collects Data

Admin can't collect or keep any data about an individual unless there is a law that permits it and Admin needs the data to do its work. When Admin asks an individual to provide private or confidential data about himself or herself, Admin must give a notice. This notice sometimes is called a Tennessee warning. Admin will explain anything in the notice if the individual asks.

The notice controls what Admin does with the data collected from the individual. Usually, after the notice is given and the individual chooses to provide the data requested, Admin can use and release the data only in the ways stated in the notice. If Admin needs to use or release the data in a different way, or if the individual asks Admin to use or release the data in a different way, Admin will ask the individual to give permission in writing. This permission is called an informed consent.

If the individual is a minor, Admin will give another notice that explains what to do if the minor does not want Admin to give private data about him/her to a parent or guardian.

The Data Subject's Right to Know What Data Admin Keeps

If an individual asks, Admin will tell the individual whether Admin keeps data about him/her and how the data are classified (public, private or confidential). To find out what data Admin keeps about him or her, an individual must contact the Admin DPCO identified in Attachment A.

How an Individual Makes a Request for Data

To inspect or have copies of public or private data about him/herself or minor children, or about someone for whom s/he has been appointed legal guardian, an individual must make a data request to the Admin DPCO identified in Attachment A. The request must be in writing. It may be sent by letter, email or fax, or the individual may use the data request form in Attachment B.

In the request, the individual should say that s/he is making a data request under the MGDPA. The individual should describe very clearly the data to be inspected or copied, and say whether s/he wishes to inspect the data, have copies of the data, or both. The individual has the right to inspect the data before deciding to request copies.

The individual also has the right to make a standing request, which expires after 3 months. Standing requests must be made to the Admin DPCO identified in Attachment A.

How Admin Responds to a Data Request

First, if it is not clear exactly what data are being requested, Admin will ask the individual who is making the request and then find out if Admin has the data. If Admin does not have the data, the individual will be notified right away or within ten business days.

If Admin has the data but the individual does not have the right to have the data, the individual will be notified when the request is made, or Admin will notify the individual in writing within 10 business days. Admin also will identify the specific law that says the individual cannot have the data. Usually, if Admin has provided the data to the individual within the previous six months, Admin does not have to provide the data again.

If Admin has the data and the individual has the right to see and have copies:

- If the request is to inspect the data, Admin will make the data available for inspection within ten business days. Admin will ask the individual to show a driver license or State ID card as proof of identity. Admin cannot charge a fee for letting the individual inspect the data.
- If copies are requested, Admin will provide them within ten business days by mail or fax, or they may be picked up. If Admin keeps the data in electronic form and copies are requested in electronic form (such as by email or on disk), the copies will be provided in electronic form.

Admin charges a fee for providing copies. If an individual inspects data and then asks for copies of only some of the data, Admin charges a fee only for the copies requested. Admin charges the actual costs making and compiling copies of data. If Admin is asked to mail the copies, the fee will include postage.

If the cost of the copies is \$10.00 or more, payment must be made before copies are provided.

Admin will explain the data in an understandable way upon request.

If the subject of the data is a minor, his/her parents or guardian usually have the right to inspect and have copies of the data, but the minor has the right to ask Admin not to give them the data. If a parent or guardian asks for private data about a minor, and the minor has asked Admin in writing not to give the data to the parent or guardian, Admin will decide whether it is in best interest of the minor not to give the data to the parent or guardian.

If someone who has been appointed as the legal guardian for an individual asks for private data about that individual, the guardian must show proof of identity and appointment as legal guardian.

The Data Subject's Right to Challenge Accuracy and/or Completeness of Data

An individual who is the subject of public or private data that Admin keeps has the right to challenge the *accuracy* and *completeness* of those data, and the right to appeal Admin's decision about that challenge. The individual also has the right to include a statement of disagreement with the data that are challenged. For complete information about these rights, contact the Admin DPCO identified in Attachment A.

For more information about the rights of subjects of data that Admin keeps, contact the Admin DPCO identified in Attachment A.

Attachment A

Administration Department Data Practices Contacts

Data Practices Compliance Official

Ryan Church
ryan.church@state.mn.us
Phone: 651.201.2568
Fax: 651.297.7909

200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Responsible Authority

Spencer Cronk, Commissioner
spencer.cronk@state.mn.us

200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Attachment B

Minnesota Department of Administration Request to Inspect and/or Copy Government Data

Date of request:

Describe the data you are requesting. Please be as specific as possible. Please say whether you are asking to inspect the data, whether you want copies of the data, or both. If you need more space, please use the back of this form.

If you are asking for data that are *not* about you, Admin will comply with your request as soon as reasonably possible. It may be helpful to know who you are and/or how to contact you in order to respond to your request – for example, if you want copies mailed to you or if you want to come in and inspect data at a later time. *You do not have to provide this kind of information.* You can decide to provide this kind of information now, later or not at all.

Name [PLEASE PRINT]: _____

Contact information (phone number, e-mail or mailing address): _____

If you are asking for data about yourself or your minor children, or about someone for whom you have been appointed legal guardian, you may have to sign this form and show a driver's license or State ID card as proof of your identity. You may be asked for other information if it is needed to verify your identity or respond to your request. Admin will comply with your request within 10 business days.

Name [PLEASE PRINT]: _____ Signature: _____

You have the right to *inspect* data at no cost. If you ask for *copies* of data, Admin may charge a fee for providing the copies. If you would like more information about your right to inspect and have copies of data that Admin keeps, contact Ryan Church, 200 Administration Building, Saint Paul, MN 55155. Telephone 651.201.2568. Email ryan.church@state.mn.us.