

# CHISAGO COUNTY DATA PRACTICES PROCEDURAL GUIDELINES FOR DATA SUBJECTS

## I. PURPOSE

As a government agency, Chisago County collects, creates, manages and disseminates data in order to conduct government business. The Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes, Chapter 13, sets out certain requirements relating to the public's right to access government data and the rights of individuals who are the subjects of government data. The purpose of this Data Practices Policy for Data Subjects is to explain to employees what the MGDPA requires of Chisago County in handling government data practices requests from subjects of data and other government units and agencies.

## II. DATA ABOUT YOU

The MGDPA, Minnesota Statutes, 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, DVDs, photographs, etc.

## III. AN IMPORTANT NOTE ABOUT WHO MAY EXERCISE YOUR RIGHTS

- A. The law defines an individual as a living human being and gives every individual all of the rights discussed in this document.
- B. *If you are a minor* (which means that you are not yet eighteen years old), your parents or your guardian usually have the same rights as you do. This means that each of your parents or your guardian usually can look at and have copies of information we keep about you. Usually, they each have the right to give their consent to release the data about you. They each can challenge the accuracy and completeness of the data about you.
  - 1. If you have no parents, or if your parents are not a part of your life, then the person who is caring for you has these rights.
  - 2. In some cases, your parent or guardian does not have these rights. For example, we won't let your parent(s) or guardian exercise the rights the law gives you if there is a court order that takes these right away from

them. The court order might be about a divorce, separation, custody or some other matter, or it might take away the parental right of your parent(s). Sometimes a state or federal law says that we cannot let your parents see information about you.

- C. ***If you have been appointed as the legal guardian for someone***, you may exercise that individual's rights under the MGDPA. To do so, you must show proof of your appointment as legal guardian.

#### IV. **CLASSIFICATION OF DATA ABOUT YOU**

The MGDPA 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.

- A. **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:

*The names of Minnesota government employees*

- B. **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 government entity 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 numbers*

- C. **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:

*The identity of the subject of an active criminal investigation*

## V. YOUR RIGHTS UNDER THE MGDPA

Chisago County must keep all government data in a way that makes it easy for you to access data about you. We can collect, keep, use and release private and confidential data about you only when a state or federal law allows or requires us to do it. The law also says we can collect, keep, use and release private and confidential data about you only if we need to in order to do our job. As a data subject, you have the following rights.

### A. **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 MGDPA 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.

1. **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.
2. **Minors:** Minors have the right to ask Chisago County 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. **Note:** Minors do not have this right if the data in question are educational data maintained by an educational agency or institution.

### B. **When We Collect Data from You**

1. When we ask you to give us private or confidential data about yourself, we will give you a notice. The notice sometimes is called a Tennessee Warning or Tennessee Notice. The notice tells you these things:
  - a. We will tell you why we are collecting the data from you and how we plan to use the data.
  - b. If there is a law that says you have to give us the data, we will tell you that. We also will tell you if you do not have to give us the data.
  - c. We will tell you what might happen (consequences) to you if you give us the data.
  - d. We also will tell you what might happen (consequences) to you if you do not give us the data.

- e. We will tell you what other people or entities have the legal right to know about, see, or have copies of the data you give us. When we tell you this, we will be as specific as we can be.
2. Chisago County departments may collect information about you for different reasons and use it in different ways, so we may give you more than one notice, and the notices may be different. We will explain anything in the notice if you ask us.
  3. Whenever we can, we will give you the notice in writing for you to read and sign and we will give you a copy of the written and signed notice to keep. If we ask you for information over the phone, we will give you the notice when we talk to you, and we will give or send you a copy in writing for you to sign as soon as we can after. You do not have to sign the notice.
  4. We only have to give you the Tennessee Notice when we are asking you to give us private or confidential data about yourself. We *do not* have to give you the notice when:
    - a. You give us information we have not asked for,
    - b. The information we are asking for is about someone else,
    - c. The information we are asking for is public data about you, or
    - d. The information is collected by a law enforcement officer who is investigating a crime. This includes police officers, and members of the Fire Department and Sheriff's Office.

**C. Protecting your Data**

The MGDPA 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, per the **Chisago County Privacy & Information Security Protocol: Breach Notification & Mitigation Policy; Policy Nbr: 2014-04.**

**D. The Notice puts limits on what we can do with data we keep about you.**

Usually, after we give you the Tennessee Notice and you choose to give us the data we ask for, we will use and release the data only in the ways that were stated in the Notice. There are some exceptions to this rule. These exceptions are:

1. If a federal, state or local law is passed after we give you the notice and collect the data from you, and if that law says we may or must use or release the data in a way we didn't tell you about in that notice, then we will use or release the information in order to comply with the new law.

2. Sometimes, after we collect private or confidential data about people for one purpose, we need to use or release the information for a different purpose. If there is no law that says we can use the data for the new purpose, we need permission from those people in order to use or release the information in the new way. Sometimes we are unable to get their permission. This might happen if we need to ask hundreds or thousands of people for permission to use data about them, or if the people are unable to give us their permission to use the data in the new way. If this happens, we may ask the Commissioner of the Minnesota Department of Administration to approve the new use or the new release of the information. We will use or release the data in the new way if the Commissioner approves.
3. If we collected private or confidential data about you before August 1, 1975, we have the right to use, keep and release the data for the reasons we collected it. We may also ask the Commissioner of Administration for permission to use, keep or release the data to protect public health, safety or welfare.
4. If a court orders us to release private or confidential data about you, we have to release the data.

**E. If we need to use or release data about you in a new way, we need your permission.**

1. If we need to use or release private data about you in a way that we didn't tell you about in the Tennesen Notice, or if you ask us to release the data to another person, we will ask you for your informed consent. This permission is called informed consent. This has to be done in writing, so we will ask you to read and sign a consent form. A copy of the form we use is available from County Administration, 651-213-8830, 313 North Main Street, Room 174, Center City, MN 55012.
2. The consent form tells you:
  - a. What information we want to release, or what information we want someone to give us. You may consent to release *all* of the information, *some* of the information or *none* of the information that is listed on the form.
  - b. The reasons we are asking for your consent and how the information will be used. You may consent to *all*, *some* or *none* of the uses/purposes listed on the form.
  - c. Who will release the information and who will receive it? You may consent to release information to *all*, *some*, or *none* of the entities or people listed on the form.
  - d. What will happen (the consequences) if you let us release or use the information in a new way.
  - e. Who to talk to if you have any questions.

3. You don't have to let us use or release the information in the new way. Before you decide, you have the right to look at the information. The consent form tells you who to talk to if you want to look at the information or have copies of it.
4. We have to explain everything on the consent form in a way that you understand. After you read and understand the consent form, we will ask you to sign it.
5. If you give us your consent, we can release the information for the length of time that is written on the consent form. You may stop your consent any time before that time is over. If you want to stop your consent, you must write to the person named on the form and clearly say that you want to stop all of part of your consent. Stopping your consent will not affect information that has already been released pursuant to your consent.
6. We also will ask for your consent if someone asks us for private data about you and the law doesn't allow us to give the data to that person.
7. If *you* ask for your informed consent to release private data about you. We don't need to ask for your consent to release public data about you because the law says we have to give public data to anyone who asks. The law does not give you the right to see confidential data about you or to let anyone else see the data.
8. We only ask for your informed consent to release *private* data about you. You don't need to ask for your consent to release public data about you because the law says we have to give public data to anyone who asks. The law does not give you the right to see confidential data about you or to let anyone else see the data.

**F. You have the right to know if we keep data about you.**

1. If you ask us, we will tell you if we keep information about you and we will tell you if the data are classified as public, private or confidential. To find out what information we keep about you, contact the appropriate individual listed on the Data Practices Contacts on page 12. **You must use the Information Disclosure Request Form to make your request or put your request in writing.**
2. In your request, tell us as clearly as you can what types of data or information you want to see. You have the right to see specific documents, files, records or types of data that we keep. You also have the right to ask for and see *all* of the public and private data about you that we keep.
3. Once we have your data request, we will show you the data right away if we can. If we can't show you the data right away, we will show you the data in no more than ten business days.

4. The law says we have to protect private data about you. For this reason, a member of our staff may be with you when you inspect the information.
5. After you have looked at the data you requested, we do not have to let you see the data again for six months, unless we collect or create more information about you before six months have passed. You do not have to wait for six months to see the data again if we have collected new data about you, or if you have challenged any of the data, or if you are appealing the results of that challenge. See the information below about how to challenge the accuracy and/or completeness of government data.
6. *Note about access to data about minors:*
  - a. If you are a minor, you have the right to ask us not to let your parents or guardian have private data about you. If you don't want us to give your parents information about you, you must write to the appropriate individual listed in the Data Practices Contacts on page 12. Tell us why you don't want us to release the information to your parents; then sign your name, on your request.
  - b. After you make your request, we have to decide if we will let your parents see the data. Before we make this decision, we have to think about:
    1. Is there a law that says we have to give the data to your parents?
    2. Do you have a good reason for asking us not to release the data?
    3. If we give your parents the data, would you be harmed in any way?
    4. Do you understand what will happen if we don't release the data?
  - c. We also have to think about whether it is in your best interest for us not to give the data to your parents.

**G. We may not charge you a fee for looking at data about yourself.**

You do not have to pay any money just to look at data about yourself, even if we have to make a copy of the information so that you can look at it.

**H. You have the right to have public and private data about you explained to you.**

If you have questions about the data we keep about you, please contact the specific department that keeps the data or use the Information Disclosure Request Form available from any department. We will explain the data in a way you understand. If you ask, we will provide an interpreter or explain the data in some other way.

**I. You have the right to have copies of data about yourself.**

1. You have the right to have a copy of public and private data about yourself – in other words, you may have a copy of any information you have the right to see. To get a copy of public or private data that we keep about you, contact the specific department that keeps the data or use the data request from available from any department.
2. In your request, tell us as clearly as you can what data or information you want copied. You have the right to have copies of specific documents, files, records or types of data that we keep. You also have the right to have copies of *all* of the public and private data about you that we keep.
3. Once we have your request for copies, we will give you the copies right away if we can. If we can't give you the copies right away, we will give the copies of your private data to you within ten business days and copies of your public data within a reasonable time.

**J. We have the right to charge a fee for making the copies.**

We will charge you a fee for making copies of the data you ask for including, but not limited to the cost of any media storage device. We can only charge you the actual cost of making and compiling the copies. If you ask us to mail or fax the copies to you, the fee will include postage or long distance phone charges. If you request a certified copy of a document, we will charge you a fee to certify the document.

**K. You have the right to know why you cannot see or receive copies of data we keep about you.**

If the information you want to see is protected non-public, confidential, or otherwise inaccessible to you, we will tell you that, and we will tell you what part of the law says we may not show it to you.

**L. You have the right to challenge the accuracy and/or completeness of data about you.**

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.

1. If you believe that public or private data that we keep about you are inaccurate and/or incomplete, you may file a data challenge with us. You may challenge only *accuracy* and *completeness* of data.
  - a. *Accurate* means the data are reasonably correct and do not contain any errors.
  - b. *Complete* means that the data describe the history of your contacts with us in a complete way.



For example, data may be inaccurate or incomplete if a wrong word, name, or phrase is used; if the data give a false impression about you; if certain information is missing from the record; or if certain information should not be in the record.

2. To make a data challenge, write a letter to the Data Practices Compliance Official at the address listed in the Data Practices Contacts on page 12 and indicate that you are challenging the accuracy and completeness of data we maintain about you.
  - a. *Tell us very clearly what data you are challenging.* Be very specific. For example, make it clear whether you are challenging a specific word, sentence, date, time, or name.
  - b. Tell us very clearly *why* or *how* the data is inaccurate or incomplete. Be very specific and write down as many reasons as you can.
  - c. Tell us very clearly *what you think should be done* to make the data accurate or complete.

For example, you may ask us to add information, change the data we have, or remove information from our records.

3. When we receive your letter, the law says that we have 30 days to review it and the data you are challenging, to decide whether all, some or none of the data are inaccurate or incomplete, and respond to your challenge.
  - a. If we *agree* with all or part of your challenge, we will correct the inaccurate or incomplete data and try to notify anyone who has received the data in the past. This includes anyone you tell us has received the data.
  - b. If we *don't agree* with all or part of your challenge, we will tell you we believe that the data you are challenging are accurate and/or complete.

**M. You have the right to include a statement with the inaccurate and/or incomplete data.**

If you believe that public or private data we have about you are not accurate or complete, you have the right to include a statement of disagreement with the data. If we release the disputed data to anyone else, we have to include your statement of disagreement with the data.

**N. You can appeal our decision about your challenge.**

If you don't agree with our decision about your challenge, you may appeal the decision to the Commissioner of the State Department of Administration. When we respond to your challenge letter, we will tell you that you have the right to appeal our decision. You then have 60 days to file your appeal. If we do not tell you about your right to appeal our decision, you have 180 days to file your appeal.

## **VI. HOW TO MAKE A REQUEST FOR YOUR DATA**

- A. To look at data, or request copies of data that Chisago County keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, make a written request. Make your request for data to the appropriate individual listed in the Data Practices Contacts on page 12. You may make your request by mail, fax or in person, using our Information Disclosure Request Form. You can make your request during our normal working hours, which are 8:00 a.m. – 4:30 p.m., Monday through Friday.
- B. If you choose not use to use our Information Disclosure Request Form, your request should include:
  - 1. That you are making a request, under the MGDPA, Minnesota Statutes, Chapter 13, as a data subject, for data about you;
  - 2. Whether you would like to inspect the data, have copies of the data, or both;
  - 3. A clear description of the data you would like to inspect or have copied; and
  - 4. Identifying information that proves you are the data subject, or data subject's parent/guardian.
- C. Chisago County requires 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 guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity located on page 14.

## **VII. HOW WE RESPOND TO A DATA REQUEST**

- A. Once you make your request, we will work to process your request. If it is not clear what data you are requesting, we will ask you for clarification.
  - 1. If we do not have the data, we will notify you in writing within 10 business days.
  - 2. 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 state which specific law says you cannot access the data.
  - 3. 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:

- a. Arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
  - b. Provide you with copies of the data within 10 business days. 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. Information about copy charges is on page 13. We also will arrange for you to prepay for the copies.
- B. 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.
- C. If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.
- D. The MGDPA 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.) 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.
- E. In addition, we are not required under the MGDPA to respond to questions that are not specific requests for data.

## **VIII. QUESTIONS OR COMMENTS**

Any questions regarding your rights, please contact the Data Practices Compliance Official (DPCO) listed in the Data Practices Contacts on page 12.

## Data Practices Contacts

### Responsible Authority (RA) – Attorney’s Office

Janet A. Reiter  
County Attorney  
313 N Main St, Room 373  
Center City, MN 55012  
Phone: 651-213-8400  
Fax: 651-213-8401  
Email: [Janet.Reiter@chisagocountymn.gov](mailto:Janet.Reiter@chisagocountymn.gov)

### Responsible Authority – Sheriff’s Office

Brandon Thyen  
County Sheriff  
15230 Per Road  
Center City, MN 55012  
Phone: 651-213-6300  
Fax: 651-213-6330  
Email: [Brandon.Thyen@chisagocountymn.gov](mailto:Brandon.Thyen@chisagocountymn.gov)

### Responsible Authority – Health & Human Services

Robert Benson  
Health & Human Services Director  
313 N Main St, Room 230  
Center City, MN 55012  
Phone: 651-213-5600  
Fax: 651-213-5685  
Email: [Robert.Benson@chisagocountymn.gov](mailto:Robert.Benson@chisagocountymn.gov)

### Responsible Authority

Chase Burnham  
County Administrator  
313 N Main St, Room 174  
Center City, MN 55012  
Phone: 651-213-8877  
Fax: 651-213-8876  
Email: [Chase.Burnham@chisagocountymn.gov](mailto:Chase.Burnham@chisagocountymn.gov)

### Data Practices Compliance Official

Chase Burnham  
County Administrator  
313 N Main St, Room 174  
Center City, MN 55012  
Phone: 651-213-8877  
Fax: 651-213-8876  
Email: [Chase.Burnham@chisagocountymn.gov](mailto:Chase.Burnham@chisagocountymn.gov)

## **Copy Costs – Members of the Public**

Chisago County charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c).

You must pay for the copies before we will give them to you.

We do not charge for copies if the cost is less than \$10.

### **For 100 or Fewer Paper Copies – 25 cents per page**

100 or fewer pages of black and white, letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy.

### **Most Other Types of Copies – Actual cost**

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email).

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, 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 the copies.

The cost of employee time to search for data, retrieve data, and make copies is \$18.00 per hour. If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.

## Standards for Verifying Identity

The following constitute 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 Minnesota ID
  - a Minnesota tribal ID
- A **minor individual** must provide a valid photo ID, such as
  - a state driver's license
  - a military ID
  - a passport
  - a Minnesota ID
  - a Minnesota Tribal ID
  - a Minnesota 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 ID.