Dakota County Domestic Preparedness Committee

Data Subject Requests and Your Rights as a Data Subject

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Introduction: Data about You

When Dakota County Domestic Preparedness Committee (referred to herein as "**we**" or "**us**,") maintains information recorded in any form (paper, electronic document, voicemail, video, email, etc.), that information is referred to as "government data" under the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 ("**MGDPA**"). When we can identify you in government data, you are the "data subject" of that data. The MGDPA 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 anyone under your legal guardianship.

Classification of Data about You

We have data on many people such as, our employees, job applicants, etc. Government data about an individual are classified as public, private, or confidential. These classifications determine who is legally allowed to see or receive copies of the data. See below for some examples.

1. **Public data**: The MGDPA 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.

   The following is an example of public data about you that we might have: The names of most individuals that work for or volunteer with us.

2. **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 staff whose job requires or permits them to see the data, and with others as permitted by law or court order.

   The following is an example of private data about you that we might have: Your Social Security number.

3. **Confidential data**: Confidential data are the most restrictive classification and have limited accessibility. 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 staff whose job requires or permits them to see the data and to others as permitted by law or court order.

   The following are examples of confidential data about you that we might have: Information about you contained in an active criminal or civil investigation, as applicable.

Your Rights under the Minnesota Government Data Practices Act (MGDPA)

We must keep government data in a way that makes it accessible. We can generally only collect and keep data about you that we need for administering and managing programs and providing services that are permitted by law. We are required to keep certain information according to a record retention schedule. 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 copies of public and private data about you. We may need to review the data to ensure you do not gain access to private data about someone else or confidential information.

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.

Parent /Legal Guardian Rights to Access Data

If you are a parent or legal guardian of a minor child (under age 18) or the legal guardian of an incapacitated person, you generally have the right to look at and receive copies of private data about your minor children or ward, although there are certain exceptions under the law.

Minors' rights

Minor children (under age 18) have the right to ask us not to give private data about them to their parent or guardian. If you are a minor, we will make reasonable efforts to tell you that you have this right when appropriate. We may ask you to put your request in writing and to include the reasons why we should deny your parent(s) or guardian(s) access to the private 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 private or confidential data about yourself we must give you a notice referred to as a 'Tennessen warning'. The notice explains why we collect the data, what we do with the data, whether you may refuse or are legally required to supply the requested data, and who we share the data with.

We will ask for your written permission if we need to access, use, or disclose private data about you in a different way, or if you ask us to release the data to another person or entity. This permission is called informed consent but may also be referred to as an authorization or a release of information. State and federal laws may also require your written informed consent at the time data is collected.

In certain situations, we may be allowed or required to share your data in a way not described in the notice or without your informed consent, such as when an emergency situation exists and sharing information is necessary to protect the health or safety of an individual, if allowed by law.

Protecting your Data

The MGDPA requires us to protect 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 or completeness of public or 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 public or private data about you on your behalf.

Contact the Responsible Authority listed on **page 8** if you wish to file a data challenge. More information about filing a data challenge is available at: https://mn.gov/admin/data-practices/data/appeals/about-you/.

How to Make a Request for Your Data

To look at (inspect) data, or request copies of data that we maintain about you, your minor children, or an individual for whom you have been appointed legal guardian, you need to make a request in writing. You may make your request for data by sending an email to Thomas.olmsted@co.dakota.mn.us While submitting a data request by email is preferred, you may also make the request by mail to the following address:

1590 Hwy 55 Hastings, MN 55033
ATTN: Dakota County Emergency Management

You may also make your request by using the data request form (**Appendix A**) and submitting it as described above by email or mail.

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

- that you are making a request, under the Minnesota Government Data Practices Act, 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 (be as specific as possible including subject matter, dates, etc.); and
- identifying information to verify you are the data subject, or data subject's parent/guardian.

We require proof of your identity before we can respond to your request for private 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 (**Appendix B**). If you do not provide proof of identity, we cannot respond to your request.

How We Respond to a Data Request

Once you make your request, we will work to process your request.

- We may ask you to clarify what data you are requesting.
- We will ask you to provide proof of your identity.
- If we do not have the data, we will notify you within ten (10) business days.
- If we have the data, but the data are confidential or private data about someone else, we will notify you within ten (10) business days and, at your request, 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, we will respond to your request within ten (10) business days (unless other arrangements are made), by doing one of the following:
    - arrange a date, time, and place, at our offices during normal business hours, to inspect the data, if your request is to look at the data; or
    - provide you with copies of data. You may choose to pick up your copies, or we will mail or email them to you. We will provide electronic copies (such as email or CD) upon request if we keep the data in electronic format.

If you do not respond to a communication from us concerning your request—such as a request for clarification or request to arrange for an inspection or pay for copies—within ten (10) business days we will conclude that you no longer want the data and will consider your request closed.

We may require you to pre-pay for copies of data. Information about copy charges is on **page 9**.

After we have provided you with access to data about you, we do not have to show you the data again for six (6) months unless there is a dispute about the data or we collect or create new data about you.

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 if you ask.

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.

We are not required under the MGDPA to respond to questions that do not constitute a request for data or is not a question about a data request.

Government Data Practices Contacts

Responsible Authority

Thomas Olmsted
Emergency Manager
1590 Hwy 55 Hastings, MN 55033

Data Practices Compliance Official

Thomas Olmsted
Emergency Manager
1590 Hwy 55 Hastings, MN 55033

Copy Costs – Data Subjects

We charge data subjects for copies of government data. These charges are authorized under Minn. Stat. § 13.04, subd. 3.

We may require you to pre-pay before receiving copies of data.

Actual Cost of Making the Copies

We will charge the actual cost of making copies for data about you. In determining the actual cost of making copies, we may 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 reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

Appendix A: Data Request Form – Data Subjects

Date of request: _____

To request data as a data subject, you must show a valid photo ID, such as a driver's license, military ID, or passport as proof of identity. See our Standards for Verifying Identity (**Appendix B**).

I am requesting access to data in the following way:

☐Inspection* ☐ Copies** ☐ Both inspection and copies

* Inspection is free and may be done at reasonable time during normal business hours.

**There may be a cost for copies of data. We may require you to pre-pay for copies.

These are the data I am requesting:
Describe the data you are requesting. Be as specific as possible (subject matter, dates, etc.).

Contact Information

Data subject name_____

Parent/Guardian name (if applicable)_____

Address_____

Phone number_____

Email address_____

Staff Verification

Type of Identification provided:_____

Appendix B: 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 U.S. military ID;
  - a valid passport;
  - a state ID;
  - a tribal ID; or
  - the foreign equivalent of any of the above.

- A **minor individual** must provide a valid photo ID, such as:
  - a driver's license;
  - a U.S. military ID;
  - a valid passport;
  - a state ID;
  - a Tribal ID;
  - a college or school ID; or
  - the foreign equivalent of any of the above

- The **parent or legal 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; or
    - ❖ an affidavit of parentage.

- The **legal guardian for an individual** must provide a valid photo ID *and* a certified copy of appropriate documentation of appointment as guardian, such as:
  - court order(s); or
  - valid power of attorney.

Note individuals who do not inspect data or pick up copies in person may be required to provide *either* notarized or certified copies of the documents that are required *or* an affidavit of ID.