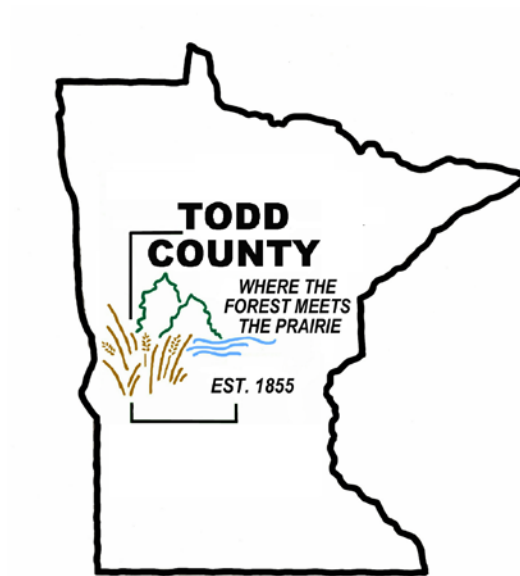


TODD COUNTY:

PUBLIC ACCESS TO GOVERNMENT DATA AND RIGHTS OF SUBJECTS OF DATA



Adopted:

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SECTION I INTRODUCTION

Why was this policy written?

In Chapter 250, Section 41 of the 1999 Minnesota Session Laws, the Legislature directed the Commissioner of Administration to prepare policies and procedures to assist government entities in complying with the requirements of [Chapter 13, the Minnesota Government Data Practices Act] that relate to public access to government data and rights of subjects of data.

Todd County has adopted this policy to comply with the MGDPA.

What is the purpose of this policy?

The Minnesota Government Data Practices Act (MGDPA) sets out certain requirements relating to the right of the public to access government data and the rights of individuals who are the subjects of government data. These are key and fundamental components of the MGDPA, and are the two components which provoke the greatest number of questions.

The purpose of the policy is to explain, in a practical way, what the MGDPA requires of Todd County in handling government data requests from members of the public, subjects of data and other government units or agencies. Portions also are intended to be useful to anyone seeking access to public data and to individuals who are the subjects of government data.

What is the scope of this policy?

This policy provides direction in complying with those portions of the MGDPA that relate to public access to government data and to the rights of subjects of data. Although the MGDPA establishes other requirements, they are not discussed here. For further information on these other requirements, see Chapter 13 itself and the rules previously adopted by the Department of Administration, Minnesota Rules, Chapter 1205.

The public access requirements discussed in this policy are:

- The presumption that all government data are public unless classified as not public by state statute or federal law;
- The right of anyone to know what kinds of data are collected by Todd County and how those data are classified;
- The right of anyone to inspect, at no charge, all public government data at reasonable times and places;
- The right of anyone to have public data explained in an understandable way;
- The right of anyone to have copies of public government data at a reasonable cost;
- The right of anyone to an appropriate and prompt response from Todd County when exercising these rights; and
- The right of anyone to be informed of the authority by which Todd County can deny access to government data.
- (See Minnesota Statutes section 13.03, subdivision 1-3.)

The rights of data subjects addressed in this policy are:

- The right to know whether Todd County maintains any data about the subject and how those data are classified;
- The right to inspect, at no charge, all public and private data about the subject;
- The right to have the content and meaning of public and private data explained to the subject;
- The right to have copies of public and private data about the subject at actual or reasonable cost;
- The right to be given a notice (Tennessee warning) when either private or confidential data about the subject are collected from the subject;
- The right to have private or confidential data about the subject collected, stored, used or disclosed only in ways that are authorized by law and that are stated in the Tennessee warning notice; in ways to which the subject has consented by an informed consent; or in ways that are authorized by law after the data have been collected;
- The right not to have private or confidential data about the subject disclosed to the public unless authorized by law;
- The right to consent to the release of private data to anyone; and
- The right to be informed of these rights and how to exercise them within Todd County when the County maintains the data.

(See Minnesota Statutes section 13.04; section 13.05, subdivision 3 and 4; and section 13.05, subdivision 8.)

Who should use this policy?

The policy is designed to be used by:

- the responsible authority, the data practices compliance official, and other employees of Todd County;
- local government officials;
- members of the public who are seeking access to government data; and
- individuals who are the subjects of government data.

How is the policy organized and how may it be used?

The policy is composed of the following sections, each of which includes documents referenced within:

Section II provides a summary of key elements of the MGDPA which are relevant to the policy. Information in this section may be used by County staff, and may be provided to the public and to individual data subjects.

Section III is addressed to the responsible authority(s) for Todd County, and describes what is required of the County in order to comply with requirements relating to ***the right of the public to access government data***. This section is intended to guide the Responsible Authority(s) in establishing the specific procedures required of Todd County by the MGDPA. The County may provide any of the documents in this section to the public in order to achieve compliance with the public notice requirements of Minnesota Statutes section 13.03, subdivision 2(b).

Section IV describes what is required of Todd County in order to comply with requirements relating to *the rights of subjects of data*. Also *addressed to the responsible authority(s)*, this section is intended to guide the County in establishing the specific procedures required of each entity by the MGDPA. The County may provide any of the documents in this section to the data subject in order to comply with the requirement that the subject be informed of their rights and how to exercise them within the County. (Minnesota Statutes section 13.05, subdivision 8.)

Section V is written from the perspective of Todd County. It is *addressed to members of the public* to guide them in exercising their right to access government data. Todd County may provide it to the public in order to comply with the public notice requirements of Minnesota Statutes section 13.03, subdivision 2(b).

Section VI also is written from the perspective of Todd County. It is *addressed to the subjects of government data* to guide them in exercising their rights under the MGDPA. Todd County may provide it to data subjects to comply with the requirements of Minnesota Statutes section 13.05, subdivision 8.

Why is the policy not structured as a formal policy and procedure manual?

The MGDPA requires each of the over 3000 state and local government entities in Minnesota to establish data practices, policies and procedures. The specific procedures for Todd County necessarily will vary by department and according to numerous other factors, including department function, size, and structure.

What meanings have been assigned to certain terms used in this policy?

The term, *data*, when used in this policy, means government data, as discussed in Section II.

County refers to Todd County as a subject to the MGDPA.

MGDPA is the Minnesota Government Data Practices Act, Chapter 13 of Minnesota Statutes.

Person refers to any member of the public, and includes individuals, members of the media, corporations, non-government organizations, etc.

Subject means a data subject; an individual who is the subject of government data.

SECTION II THE MGDPA: A SUMMARY OF PROVISIONS

What is the Minnesota Government Data Practices Act?

The Minnesota Government Data Practices Act (MGDPA), which is Chapter 13 of Minnesota Statutes, is a state law that controls how government data are collected, created, stored (maintained), used and released (disseminated). See A BRIEF OVERVIEW OF THE MINNESOTA GOVERNMENT DATA PRACTICES ACT at the end of this section.

What are government data?

Government data are all data kept in any recorded form by Todd County. As long as data are recorded in some way by a government entity, they are government data, no matter what physical form they are in, or how they are stored or used. Government data may be stored on paper forms/records/files, in electronic form, on audio or videotape, on charts, maps, etc. Government data do not include mental impressions.

It is important to remember that government data are regulated at the level of individual items or elements of data, so that any given document, record or file contains many data elements.

Who must comply with the MGDPA?

The law applies to *state agencies* in Minnesota. State-level entities include the University of Minnesota and state-level offices, departments, commissions, officers, bureaus, divisions, boards, authorities, districts and agencies.

The MGDPA applies to *political subdivisions*, including counties, cities, school districts, special districts, boards, commissions, districts and authorities created by law, local ordinance or charter provision. Although townships are political subdivisions, *the MGDPA does not apply to townships*.

Statewide systems are subject to the MGDPA. A statewide system is a record keeping or data administering system that is established by federal law, state statute, administrative decision or agreement, or joint powers agreement, and that is common to any combination of state agencies and/or political subdivisions.

Community action agencies organized pursuant to the Economic Opportunity Act of 1964 also are subject to the MGDPA.

Persons or entities licensed or funded by, or under contract to, a government entity are subject to the MGDPA to the extent specified in the licensing, contract or funding agreement: Specifically:

- Pursuant to Minnesota Statutes section 13.05, subdivision 6, if a person receives data on individuals from a government entity because that person has a contract with that entity, the person must administer the data in a manner that is consistent with the MGDPA.

- Pursuant to Minnesota Statutes section 13.05, subdivision 11, if a private person collects, receives, stores, uses, maintains or disseminates data because the person has a contract with a government entity to perform any of the entity's functions, all of the data are subject to the requirements of the MGDPA and the contractor must comply with MGDPA requirements. A contractor who fails to comply may be sued under section 13.08, civil remedies. The contract must clearly inform the contractor of these responsibilities.
- Pursuant to Minnesota Statutes section 13.02, subdivision 11, if the data are collected by a nonprofit social services entity which performs services under contract to a government entity, and the data are collected and used because of that contract, access to the data is regulated by the MGDPA.
- If a third party is licensed by a government entity and the licensure is conditioned upon compliance with the MGDPA, or if the party has another type of contract with a government entity, the party is subject to the MGDPA to the extent specified in the contract or the licensing agreement.
- Pursuant to Minnesota Statutes section 13.46, persons contracting with portions of the welfare system may be subject to the MGDPA because of the contract.

The Courts and the Legislature are not subject to the MGDPA.

What is the data classification system and how does it regulate access to data?

One important way in which the MGDPA regulates access to government data is by establishing a system of data classifications that define, in general terms, who is legally authorized to access the data. The classification system consists of three categories of data. Each data category contains three data classifications. Every data element must fall into one of the nine resulting classifications. See, THE MINNESOTA GOVERNMENT DATA PRACTICES ACT: DEFINITIONS AND CLASSIFICATIONS OF DATA, at the end of this section.

What are the *categories* in the data classification system?

At the most basic level, the system establishes three categories of government data:

- **Data on individuals** are any data which identify an individual (a living human being) or from which an individual can be identified.
- **Data not on individuals** are data that do not identify individuals. They include data about legally created persons such as business entities, as well as administrative, policy and financial information maintained by Todd County. Data not on individuals also include:
 - Private or confidential data which have been stripped of any data that would identify an individual;
 - Data about an individual that are collected or created *after* that individual's death; and

- Summary data, which are private or confidential data which have been stripped of any data that would identify an individual, and which are used to produce statistical records or reports. For information on requirements relating to summary data, see Minnesota Statutes section 13.02, subdivision 19 and section 13.05, subdivision 7; and Minnesota Rules, part 1205.0700.
- **Data on decedents** are data about a deceased individual which were created or collected *before the individual's death*.

What are the data *classifications* within each of these three categories?

Within each of these three categories, the MGDPA establishes three data classifications. Each classification defines who is legally authorized to access data classified in that way.

*One of the classifications in all three categories is **public data**.* Todd County must provide public data to anyone upon request, regardless of who is requesting the data or why.

*Data in the other classifications in each category are **not public**.*

Not public classifications for **data on individuals** are as follows:

- **Private data** on individuals are, as a general rule, accessible only by the data subject (and, if the subject is a minor, by the subject's parent or guardian); by County staff whose work assignments reasonably require access; by agencies and persons that are authorized by law to access the data; and by anyone with the consent of the data subject. See Sections IV and VI for detailed information about who may access private data on individuals.
- **Confidential data** on individuals generally are accessible only by authorized staff of the County which maintains the data and by agencies and persons who are authorized by law to access the data. See Sections IV and VI for detailed information about who may access confidential data on individuals.

Not public classifications for **data not on individuals** are as follows:

- **Nonpublic** data not on individuals are not accessible to the public but are accessible to the data subject, if any. Although the MGDPA is silent on this point, it is reasonable to conclude that access to the data should be limited to entities or persons who have the legal authority to do so, and to County staff on a need-to-know basis. It also is reasonable to conclude that a representative of the organization which is the subject of the data may access the nonpublic data and may consent to its release.
- **Protected nonpublic** data not on individuals are not available either to the public or to the subject of the data. Again, though not addressed by the MGDPA, it is reasonable to conclude that protected nonpublic data are accessible to entities or persons who are authorized by law to access the data, and to County staff whose work assignments reasonably require access, but are not accessible to the data subject.

Not public classifications for **data on decedents** are as follows:

- **Public** data on decedents are data which, before the death of the data subject, were classified as private data on individuals. Access to private data on decedents is the same as access to private data on individuals. Additionally, the personal representative of the estate may access the data if the estate is in probate or, if not in probate, the data are accessible to the surviving spouse or, if there is no surviving spouse, to the decedent's child or children. If there are no children, the decedent's parents may access the data. The MGDPA refers to the personal representative and the survivors of the decedent as the representative of the decedent.
- **Confidential** data on decedents are data, which before the death of the data subject, were classified as confidential data on individuals. Access to the data is the same as access to confidential data on individuals.

Access to data on decedents generally is the same as access to data on individuals. Upon the death of the individual data subject, the rights of the data subject transfer to the representative of the decedent. See Sections IV and VI for information about the rights of data subjects.

How does one know how data are classified?

The MGDPA classifies all government data as public unless a specific state statute or federal law classifies the data as not public. Todd County must determine what types of data we maintain and what data classifications apply to the data. If no statute or federal law can be identified that classifies the data as not public, the data are presumed to be public and available to anyone upon request.

The MGDPA itself classifies many types of government data. (See sections 13.30 through 13.90.) The last section of this law, section 13.99, lists other Minnesota Statutes that classify government data as not public, or that place restrictions on access to government data.

How else does the MGDPA regulate data handling practices?

In addition to classifying data, the MGDPA establishes important ***rights for individuals who are the subjects of government data.*** Many of these rights are established at Minnesota Statutes section 13.04 and are discussed more fully in Sections IV and VI of this policy.

The MGDPA does not establish comparable rights for businesses and other organizations which are the subjects of data not on individuals.

The MGDPA also imposes significant ***duties on government entities***, many of which are established by Minnesota Statutes section 13.05. These duties, including the requirements relating to public access and the rights of data subjects discussed in this policy, are summarized in the document, MINNESOTA GOVERNMENT DATA PRACTICES ACT: COMPLIANCE CHECKLIST at the end of this section. One requirement is that Todd County appoint a ***responsible authority*** to ensure compliance with the MGDPA. The duties of the County are assigned to its ***responsible authority***.

In the 2000 Legislative Session, section 13.05 was amended to require Todd County to appoint a *data practices compliance official* to whom questions or concerns about data practices problems may be addressed. The responsible authority may be the data practices compliance official. The official must be appointed by December 1, 2000.

What is the role of the Commissioner of Administration?

Pursuant to section 13.05, subdivision 4, the Commissioner of the Minnesota Department of Administration is given the authority to approve new uses and dissemination of private and confidential data on individuals.

Section 13.06 of the MGDPA gives to the Commissioner certain powers with regard to approving temporary classifications of data.

Section 13.072 of the MGDPA gives the Commissioner authority to issue advisory opinions concerning the rights of data subjects and the classification of government data. Commissioner's opinions may be found at: www.ipad.state.mn.us.

What are the consequences for not complying with the MGDPA?

Pursuant to section 13.08 of the MGDPA, a government entity may be sued for violating any of the Act's provisions.

Section 13.09 provides criminal penalties, and disciplinary action as extreme as dismissal from public employment, for anyone who willfully (knowingly) violates a provision of the MGDPA.

Where can more information about the MGDPA be found?

The following sources may provide helpful information about the MGDPA and other data practices laws. It is important to note, however, that only the legal advisor for the County has the authority and responsibility to provide specific legal advice about the provisions of the MGDPA, and other laws, as they relate to that entity.

Local government associations – such as the Association of Minnesota Counties, the Minnesota County Insurance Trust, the League of Minnesota Cities, the Minnesota School Boards Association, the Minnesota Association of County Officials, and the Minnesota Police and Peace Officers Association – may be consulted for information specific to matters within their jurisdiction.

Additionally, assistance with data practices issues is available from:

Information Policy Analysis Division (IPAD)
Minnesota Department of Administration
305A Centennial Building, 658 Cedar Street
St. Paul, MN 55155
Voice: 651.296.6733 or 1.800.657.3721
Fax: 651.205.4219
www.ipad.state.mn.us

Opinions issued by the Commissioner of Administration, pursuant to Minnesota Statutes section 13.072, are available on the IPAD Web site. Copies of individual opinions, an opinion summary, and an index to Commissioner's Opinions are available from IPAD upon request.

Minnesota Statutes Chapter 13 (the MGDPA) may be found on the Web site of the Revisor of Statutes at: <http://www.revisor.leg.state.mn.us/revisor.html>.

Minnesota Rules, Chapter 1205, the Rules Governing Data Practices, promulgated by the Minnesota Department of Administration, also may be found on the Web site of the Revisor of Statutes at: <http://www.revisor.leg.state.mn.us/revisor.html>.

A BRIEF OVERVIEW OF THE MINNESOTA GOVERNMENT DATA PRACTICES ACT

The Minnesota Government Data Practices Act regulates the handling of all government data that are created, collected, received, or released by a state entity, political subdivision, or statewide system, no matter what form the data are in, or how they are stored or used.

Briefly, the Act regulates:

- ◆ what information can be collected;
- ◆ who may see or have copies of the information;
- ◆ the classification or specific types of government data;
- ◆ the duties of government personnel in administering the provisions of the Act;
- ◆ procedures for access to the information;
- ◆ procedures for classifying information as not public;
- ◆ civil penalties for violation of the Act; and
- ◆ the charging of fees for copies of government data.

Almost all government data are either *data on individuals* or *data not on individuals*. Data on individuals are classified as either public, private, or confidential. Data not on individuals are classified as public, nonpublic, or protected nonpublic. This classification system determines how government data are handled (see chart, below).

Data on Individuals	Meaning of Classification	Data not on Individuals
Public	Available to anyone for any reason	Public
Private	Available only to the data subject and to anyone authorized by the data subject or by law to see it	Nonpublic
Confidential	Not available to the public or the data subject	Protected Nonpublic

**THE MINNESOTA GOVERNMENT DATA PRACTICES ACT:
DEFINITIONS AND CLASSIFICATIONS OF DATA**

The Minnesota Government Data Practices Act (MGDPA) establishes a system of data classifications that define, in general terms, who is legally authorized to access government data. This classification system is constructed from the definitions provided in Minnesota Statutes section 13.02. See also Minnesota Rules part 1205.0200.

<p>GOVERNMENT DATA All data kept in any recorded form, regardless of physical form, storage media, or conditions of use MS § 13.02, SUBDIVISION 7</p>
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DATA ON INDIVIDUALS*	DATA ON DECEDENTS	DATA NOT ON INDIVIDUALS *
MS § 13.02, SUBDIVISION 5	MS § 13.10, SUBDIVISION 1	MS § 13.02, SUBDIVISION 4
<p>PUBLIC Accessible to anyone for any Reason MS § 13.02, SUBDIVISION 15</p>	<p>PUBLIC Accessible to anyone for any reason MS § 13.02, SUBDIVISION 15</p>	<p>PUBLIC Accessible to anyone for any reason MS § 13.02, SUBDIVISION 14</p>
<p>PRIVATE Accessible to the data subject; Not accessible to the public MS § 13.02, SUBDIVISION 12</p>	<p>PRIVATE ** Accessible to the representative of the decedent; Not accessible to the public MS § 13.10, SUBDIVISION 1B</p>	<p>NONPUBLIC Accessible to the subject of the data, if any; Non accessible to the public MS § 13.02, SUBDIVISION 9</p>
<p>CONFIDENTIAL Not accessible to the data Subject; Not accessible to the public MS § 13.02, SUBDIVISION 3</p>	<p>CONFIDENTIAL ** Not accessible to the representative of the decedent; Not accessible to the public MS § 13.10, SUBDIVISION 1A</p>	<p>PROTECTED NONPUBLIC Not accessible to the data subject; Not accessible to the public MS § 13.02, SUBDIVISION 13</p>

*Individual is defined at MS § 13.02, subdivision 8. Individual means a living human being. It does not mean any type of entity created by law, such as a corporation.

**Private and confidential data on decedents become public data ten years after the death of the data subject and 30 years after the creation of the data.

**MINNESOTA GOVERNMENT DATA PRACTICES ACT:
COMPLIANCE CHECKLIST**

The Minnesota Government Data Practices Act (MGDPA), its accompanying rules, and related statutes impose specific obligations upon Todd County to comply with the procedural requirements of the statute. This document summarizes these obligations.

The MGDPA is Chapter 13 of Minnesota Statutes. The Rules implementing the MGDPA are found in Minnesota Rules, Chapter 1205.

MINNESOTA GOVERNMENT DATA PRACTICES ACT: COMPLIANCE CHECKLIST			
Authority	Topic	Specific Obligation	Purpose
1 MS § 13.03, Subd. 2; MN Rules 1205.0300	Customer service	Establish procedures to ensure that officials respond promptly to requests for government data.	Facilitate public access; Hold entity accountable
2 MS § 13.05, Subd. 8	Access procedures	Prepare a public document setting forth the rights of data subjects and procedures for subjects to access public and private data about themselves	Inform citizens of their rights as subjects of government data, and explain how to exercise those rights
3 MS § 13.05, Subd. 5(1); MN Rules 1205.1500	Data quality	Establish procedures to ensure that data on individuals are accurate, complete and current	Protect against the use of erroneous data in making decisions that affect individuals
4 MS § 13.05, Subd. 5(2)	Data security	Establish procedures to ensure security safeguards for data on individuals	Protect individual privacy; Prevent alteration of data
5 MS § 13.05, Subd. 1; MN Rules 1205.1500, subpart 3	Inventory of Records	Create and annually update an inventory of records containing data on individuals, including data collection forms	Create central repository of data classifications; Give notice of the data maintained by entity

MINNESOTA GOVERNMENT DATA PRACTICES ACT: COMPLIANCE CHECKLIST			
Authority	Topic	Specific Obligation	Purpose
7 MS § 13.05, Subd. 11	Contract provisions	When preparing contracts by which a private sector contractor performs government functions, insert provisions that clearly oblige the contractor to comply with MGDPA as if it were a government entity	Extend protection into the private sector where public sector performs government duties; Prevent government entities from concealing data in the private sector
8 MS § 13.05, Subd. 7; MN Rules 1205.0700, subpart 3	Summary data	Prepare summary data upon the written request of any person; establish procedures for gaining access to summary data	Provide reasonable access to data for research purposes while protecting individual identities
9 MS § 13.05, Subd. 9, 10	Dissemination of not public data to other governmental entities without authority	The County may not share not public data with another entity unless required or permitted by state statute or federal law	Assure public policy basis for dissemination of not public data; Protect individual privacy
10 MS § 138.163; MS § 15.17, Subd. 3	Disposition of records	Dispose of and transfer records in accordance with statutory procedures	Ensure proper disposition of records preserved for legal or historical purposes
11 MN Rules 1205.1500, subpart 1	Plan for periodic review	The County must formulate a plan for reviewing the administration of data practices	Ensure periodic determination of which data are necessary to maintain
12 MN Rules 1205.1500, subparts 4, 5	Modification of data handling procedures	Modify data collection and maintenance procedures to eliminate unnecessary data	Appropriate step following determination described above (11)
14 MN Rules 1205.0500, subpart 3	Parental access and notice to minors	Procedures for parents to access data about their minor children	Ensure parental rights while protecting minor's interests concerning parental access

MINNESOTA GOVERNMENT DATA PRACTICES ACT: COMPLIANCE CHECKLIST			
Authority	Topic	Specific Obligation	Purpose
15 MN Rules 1205.1300, subpart 4	Authorized uses of data	Enumerate the authorized uses of data by category	Enable administrators to know how to respond to requests for data; Facilitate answers to questions about dissemination of data
16 MN Rules 1205.1600	Informed consent	Design forms for obtaining informed consent for new release or use of private data	Ensure that contents of informed consent forms comply with legal requirements
17 MN Rules 1205.1000	Responsible Authority	Each governmental entity must appoint a responsible authority	Identify the county's principal decision maker about data practices
18 MS § 13.05, Subd. 13	Data practices compliance official	Each governmental entity must appoint a compliance official	Identify the person within the county to whom questions or data practices problems may be directed
19 MN Rules 1205.1200, subpart 2; MS § 13.03, Subd. 2	Designees	Post the names of data practices designees, if appointed	Identify the other key data practices officials in each entity
20 MN Rules 1205.1300, subpart 5	Training	Responsible authority must train designees and other staff	Ensure compliance and avoid liability

**SECTION III
DUTIES OF THE RESPONSIBLE AUTHORITY
ACCESS TO GOVERNMENT DATA BY
MEMBERS OF THE PUBLIC**

The Minnesota Government Data Practices Act gives every member of the public the right to see and have copies of all public data kept by government entities. The MGDPA also places upon government entities various obligations relating to this right.

The rights and obligations described in this section do not apply to the right of a data subject to access data about herself or himself. These rights and obligations are described in Sections IV and VI.

What is the most basic requirement for properly responding to a data request?

In order to properly respond to requests for government data, Todd County must identify the types of data it maintains and to determine how each type of data is classified. (See **How does one know how data are classified?** in Section II.)

Minnesota Statutes section 13.05, subdivision 1, specifically requires Todd County to prepare a *public document* that identifies these data categories and classifications for data on individuals. We are not required to prepare a public document for data not on individuals.

The public document must contain the name, title, and address of the County's responsible authority(s). Forms that are used by the County to collect private and confidential data on individuals must be included in the document. The document must be updated annually. See Minnesota Rules, parts 1205.1200, and 1205.2000, subpart 5, an advisory form for the public document.

Are there other requirements relating to access to government data by the public?

Minnesota Statutes section 15.17, the Official Records Act, requires Todd County to make and maintain all records that are necessary to a full and accurate knowledge of their official activities. This requirement exists so that the public understands the actions taken by County departments and the reasons for those actions. Section 13.03, subdivision 1, of the MGDPA requires Todd County to keep records that contain government data in a way (or ways) that makes the data easily accessible for convenient use.

Who can make a data request?

Anyone may exercise the right to access public government data by making a data request.

To whom must a data request be made?

A data request must be made to the responsible authority(s) or to the appropriate designee(s) specified in the County's public document.

What kinds of data may a person request?

The person requesting government data may request access to specific types of data or data elements, to specific documents or portions of documents, to entire records, files or databases, or to *all* public data maintained by Todd County.

Must a data request be made in writing?

Generally, the County will not require data requests to be in writing, however, Todd County does reserve the right to require the requestor to provide a written request. A written request may be required in instances where the request involves a substantial amount of information, is non-routine or of a sensitive nature, or there is a question as to the classification of the data. The County may require the use of a form designed for this purpose. If the use of a form is required, it must be designed so that it complies with the requirements of the MGDPA, and must establish how it will provide guidance to the public in using the form.

May the County permit standing requests for data?

The County may not prohibit or refuse a standing request for data. It may, however, limit the duration of a standing request or, after a period of time, confirm the requestor's desire to continue the standing request. Todd County limits the duration of a standing request for data to 6 months.

Must a government entity respond to a data request?

Once the County has received a request, it must respond to the request.

What kind of response must the County make and how soon must it respond?

The County must respond to a data request appropriately and promptly. More than anything else, what is appropriate and prompt depends upon the scope of the request, and may vary depending upon such factors as the type and/or quantity of data requested, the clarity of the data request, and the number of staff available to respond to the request.

How does the County determine the appropriate response to a data request?

The first step in responding to a data request is to determine what specific data are requested. This may require the County to seek clarification from the requestor. Although the County may not require the requestor to provide identification, provide a reason for the request, or justify the request, the County may request identifying information from the requestor if that information is necessary to fulfill the request.

The County also must determine whether it maintains the requested data. The County is not required by the MGDPA to provide data which it does not maintain. The County also is not required to produce data in a particular form or format if the data are not maintained in that form or format. (The County may provide data in a specific format pursuant to a data request for summary data. See, **What special requirements apply to requests for summary data?**)

If Todd County maintains the requested data, it then must determine how the data are classified. As described above, we must know what data we maintain and how those data are classified in order to be able to determine that requested data may be made available to the requestor.

What is the appropriate response if the requested data are not public?

If the County determines that the requested data are not public, it must inform the requestor. This may be done orally at the time of the request, or may be done in writing as soon as possible after the request is made.

When informing the requestor, the County must cite the specific statutory section, temporary classification or specific provision of federal law that classifies the data. Making a general statement such as, “We cannot give you the data because of the data privacy act,” is not an appropriate response. The County must cite the specific section of law (such as Minnesota Statutes section 13.43) which classifies the data as not public.

If the requestor asks for a written certification that the request has been denied, the County must provide the certification, citing the specific statutory section, temporary classification or specific provision of federal law upon which the denial was based.

What is the appropriate response if the data are public?

If the County determines that the data are public, it must provide the data to the requestor, regardless of who the requestor is, or the reason for requesting the data.

What limits may the County place upon access to the requested data?

Todd County may limit access to data to reasonable times and places – for example, during normal work hours, on certain days, at designated times for certain types of requests, at press conferences, or at negotiated times and/or locations.

What are the County’s obligations if asked to explain the data provided?

The County must explain the meaning of the data provided if the requestor asks for an explanation. This includes explaining the meaning of technical terminology, abbreviations, words or phrases.

The explanation must be provided in an understandable way. When providing explanations for non-English speakers or for persons with hearing or vision impairments, the County may need to provide an appropriate interpreter.

May the County refuse to provide copies of public data?

Todd County may not refuse a request for copies of public data. If copies cannot be provided at the time of request, they must be supplied as soon as reasonably possible. If copies are requested in electronic form, and the County maintains the data in electronic form, the data must be provided in electronic form.

May the County assess a fee for separating public from not public data?

No.

May the County assess a fee for *inspection* of public data?

No. *A fee may not be charged for inspection of government data.* This includes situations where:

- It is necessary for the County to display computerized data on a terminal or print a copy of the requested data in order for the requestor to inspect the data,
- A person wishes to visually inspect a paper document or data kept in any other medium that may be inspected visually, or
- A person requests access to electronic data via her/his own computer equipment, and possibly prints copies or downloads data on her/his own equipment.

Just remember: Looking is free. (See, however, Minnesota Statutes section 169.09, subdivision 13(f), which permits law enforcement entities to charge a fee for access to traffic accident reports.)

May the County assess a fee for providing *copies* of public data?

Todd County requires the payment of a fee for providing copies of public data or for electronically transmitting the data. The fee may include the actual costs of searching for and retrieving the data, including the cost of employee time, and for making, certifying and compiling, and electronically transmitting the data or copies of the data. The requirement that data be kept in a manner that makes them easily accessible for convenient use may limit the County in charging for search and retrieval time.

Specific factors that may be considered in establishing a fee may be found at Minnesota Rules part 1205.0300, and in the document, FEES FOR PROVIDING COPIES OF PUBLIC DATA, included at the end of this section.

May the County assess an additional fee for providing copies of data that have commercial value?

In certain circumstances, the County may assess a fee in addition to the fee for providing copies of public data. The additional fee may be assessed when the County receives a request for copies of data which have commercial value, and which are a substantial or discrete portion of an entire formula, pattern, compilation, program, device, method, technique, process, database, or system that was developed by the County with a significant expenditure of public funds. Todd County determines whether the data have commercial value.

The ability to assess an additional fee allows the County to recover the cost of developing a system to maintain and manage electronic data. For example, the cost to Todd County to convert its property tax and land records from paper to electronic form constitutes the cost of development of its property information database.

The additional fee must be calculated in a reasonable manner. To do so, the County may consider the actual development costs incurred in producing the valuable data, and a reasonable estimate of how many requestors may be willing to pay the additional fee.

For discussion of specific factors that may be considered in establishing a fee, see Minnesota Rules, part 1205.0300 and the document, FEES FOR PROVIDING COPIES OF PUBLIC DATA, included at the end of this section.

What special requirements apply to requests for summary data?

Summary data are statistical records and reports that are prepared by removing all identifiers from private or confidential data on individuals. Summary data are public.

The responsible authority(s) for the County must prepare summary data upon the request of any person if the request is in writing and the requestor pays for the cost to prepare the data.

The responsible authority(s) may delegate the preparation of summary data to anyone outside of the County, including the requestor, if (1) that person/purpose is set forth in writing, (2) the person agrees not to release any of the private or confidential data used to prepare the summary data, and (3) the County reasonably determines that the access will not compromise private or confidential data on individuals.

Todd County may require the requestor to prepay the cost of preparing summary data.

FEES FOR PROVIDING COPIES OF PUBLIC DATA

Minnesota Statutes section 13.03 provides that, if a person requests copies or electronic transmittal of public government data, the responsible authority for Todd County may require the requesting person to pay the **actual costs of searching for and retrieving** government data, including the cost of **employee time**, and for **making, certifying, compiling and electronically transmitting** copies of the data, or the data themselves, but may not charge for separating public data from not public data.

Additional criteria for determining copy costs are set forth at Minnesota Rules, part 1204.0300, subpart 4. Various Commissioner's opinions, issued pursuant to Minnesota Statutes section 13.072, have established the following factors that may be used to determine how much we may charge for providing copies of public data.

THESE COSTS MAY BE INCLUDED, AS LONG AS THEY ARE REASONABLE:

- Staff time required to:
 - retrieve documents (The requirement that data be kept in a manner that makes them easily accessible for convenient use may limit the County in charging for search and retrieval time)
 - sort and label documents, *if* necessary to identify the data to be copied
 - remove staples, paper clips
 - take documents to copier for copying
 - copy documents
- Materials (paper, copier ink, staples, diskettes, mag tapes, video or audio cassettes, etc.)
- Special costs associated with making copies from computerized data, such as writing or modifying a computer program to format data (keeping in mind that computerized data must be easily accessible for convenient use)
- Mailing costs

- Vehicle costs directly involved in transporting data to the appropriate facility when necessary to provide copies (for example, when the County is unable to provide copying services for photographs, oversize documents, videos, etc.)

THESE COSTS *MAY NOT* BE INCLUDED:

- Purchase of copier
- Maintenance of copier
- Normal operating expenses of computer
- Staff time required to:
 - **Separate public from not public data**
 - Open a data request that was mailed
 - Sort, label or review data, *if not* necessary to identify the data to be copied
 - Return documents to storage
 - Provide information about the data to the requester (ie, explain content and meaning of data)
- Administrative costs that are not related to copying
- Records storage
- Sales tax
- The entire cost of operating a computer for a measured unit of time, when fulfilling a request for copies was the only task performed during that unit of time.

**SECTION IV
DUTIES OF THE RESPONSIBLE AUTHORITY:
THE RIGHTS OF SUBJECTS OF GOVERNMENT DATA**

The Minnesota Government Data Practices Act establishes specific rights for *individuals* who are the subjects of government data, and establishes controls on how Todd County collects, stores, uses and releases data about individuals. The Legislature established these rights and controls because the decisions that Todd County makes, when using information about those individuals, can have a great effect on their lives.

These rights allow the data subject to:

- Decide whether to provide the data being requested
- See what information the County maintains about that subject
- Determine whether that information is accurate, complete and current and what impact the data may have (or have had) on decisions the County has made
- Prevent inaccurate and/or incomplete data from creating problems for the individual

This section is addressed to the responsible authority(s) for the County and explains the following rights of individual data subjects:

- The right to be given a notice (Tennessee warning) when either private or confidential data about the subject are collected from the subject;
- The right to know whether Todd County maintains any data about the subject and how those data are classified;
- The right to inspect, at no charge, all public and private data about the subject;
- The right to have the content and meaning of public and private data explained to the subject;
- The right to have copies of public and private data about the subject at actual and reasonable cost;
- The right to have private or confidential data about the subject collected, stored, used or disclosed only in ways that are authorized by law and that are stated in the Tennessee warning notice; or in ways to which the subject has consented via an informed consent;
- The right not to have private or confidential data about the subject disclosed to the public unless authorized by law;
- The right to consent to the release of private data to anyone; and
- The right to be informed of these rights and how to exercise them within the County.

The responsible authority(s) may use the information in Section VI to inform data subjects of their rights and how to exercise them within the County.

For a summary of the role of the County in protecting the rights of data subjects, see these documents at the end of this section:

- HOW TO DETERMINE WHETHER TODD COUNTY MAY LAWFULLY COLLECT, STORE, USE AND RELEASE DATA ON INDIVIDUALS
- HOW THE MINNESOTA GOVERNMENT DATA PRACTICES ACT CONTROLS ACCESS TO PRIVATE DATA ON INDIVIDUALS
- HOW THE MINNESOTA GOVERNMENT DATA PRACTICES ACT CONTROLS ACCESS TO CONFIDENTIAL DATA ON INDIVIDUALS.

- THE TENNESSEN WARNING NOTICE
- MODEL INFORMED CONSENT FOR THE RELEASE OF GOVERNMENT DATA

Also see Section VI, **Your Rights as the Subject of Government Data.**

To actualize these rights, the MGDPA requires that the County and the data subject each take certain actions. This section describes these actions by discussing four points at which they intersect:

- When the data are collected;
- When the data are used or released by the County;
- When the individual exercises the rights to access data about herself or himself; and
- When the data subject challenges the accuracy and/or completeness of the data.

An important note about who may exercise the rights of the individual

Minnesota Rules, part 1205.0200, subpart 8, defines an individual as a living human being. Pursuant to section 13.02, subdivision 8, of the MGDPA, every individual is presumed competent to exercise all of the rights established by the MGDPA.

In the case of *individuals who are under the age of eighteen*, the MGDPA defines “individual” to include a parent or guardian, or someone who is acting as a parent or guardian in the absence of a parent or guardian. This means that a minor is presumed to be competent to exercise her/his rights under the MGDPA and so are her/his parent(s) or guardian(s).

Todd County must presume that a parent may exercise the rights of the minor unless the responsible authority is provided with evidence that a court order specifically directs otherwise. Such court orders include those relating to divorce, separation or custody, and the termination of parental rights. Any other legally binding instrument may bar a parent from exercising the minor’s rights.

In some cases, a minor may have a legally appointed guardian who will be able to provide proof of appointment. In other instances, someone may be acting as a parent or guardian of the minor because the parent or guardian is absent. In that case, the County must establish, based on knowledge of the particular situation, whether the person may exercise the rights of the minor.

Given various social and legal factors – such as the existing variety of custody arrangements, blended families, etc. – there may be more than one or two adults who are considered parents or guardians under the MGDPA.

In the case of *individuals who have been judged to be legally incompetent*, the MGDPA permits the individual’s legally appointed guardian to exercise that individual’s rights. A guardian wishing to exercise these rights must provide proof of legal guardianship in order to do so.

Actions at the point of data collection

What controls are placed on the collection and storage of data on individuals?

Todd County may **collect** and **store** *public, private* and/or *confidential* data on individuals *only* if necessary to administer or manage a program that is authorized by state law or local ordinance, or mandated by the federal government. Todd County may not collect or store any data on individuals without proper legal authority, either expressed or implied.

What actions must the County take before collecting and storing data on individuals?

Todd County must identify its specific legal authority(s) for collecting and storing public, private or confidential data on individuals. It must also determine what types of data on individuals it collects or stores and how those data are classified.

The County also must identify its specific legal authority(s) for **using** and **disseminating** *private* and *confidential* data on individuals. These determinations are critical to complying with the Tennessee warning notice requirements, and providing data subjects with other rights, as discussed below. The determinations also provide information that must be included in the public document required by Minnesota Statutes section 13.05, subdivision 1.

What is a Tennessee warning notice?

Whenever the County asks an individual to provide private or confidential data about her/himself, the County must give that individual a notice – sometimes called a Tennessee warning. See the document, THE TENNESSEN WARNING NOTICE, at the end of this section.

What must be included in the notice?

The Tennessee warning notice must inform the individual of:

- The purpose and intended use of the data. This is why the data are requested and how they will be used within Todd County.
- Whether the individual may refuse or is legally required to supply the data. The subject has the right to know whether or not s/he is required by law to provide the data requested;
- Any consequences to the individual of either supplying or refusing to supply the data. The County is required to state the consequences known to the County at the time when the notice is given; and
- The identity of other persons or entities that are authorized by law to receive the data. The notice must specifically identify recipients that are known to the County at the time the notice is given.

When must the Tennessee warning notice be given?

The Tennessee warning notice is given at the point of data *collection*. The notice must be given whenever:

- Todd County *requests* data;
- The data are requested from an *individual*;
- The data requested are *private or confidential*; and
- The data are *about the individual* from whom they are requested.

All four of these conditions must be present before a Tennessee warning notice must be given.

When is a Tennessee warning notice *not* required?

The notice does not have to be given by law enforcement officers who are investigating a crime. The notice does not have to be given to the data subject when:

- the data subject is not an individual,
- the subject offers information that has not been requested by the County,
- the information requested from the subject is about someone else,
- the County requests or receives information about the subject from someone else, or
- the information requested from the subject is public data about that subject.

How does the County decide what to include in a Tennessee warning notice?

Preparation of a Tennessee warning notice begins by identifying the County's legal authority(s) for collecting, storing, using and releasing data on individuals. This should be done by, or in close consultation with, the County's legal advisor. The specifics of these enabling authorities determine the reasons for collecting the data, how the data will be used, who is authorized to access the data, etc.

Each notice must be "tailored" to the requirements of the specific program or data collection event for which it is being prepared. Within each department, it is likely that more than one notice will be needed.

A model or sample Tennessee warning notice has not been included in this policy because it is not possible to prepare one Tennessee warning notice that will cover all situations.

How does one know that a notice is complete?

In drafting the specific text of the notice, it can be helpful for the County to pose each of the required elements in the notice as a question, and to answer each question very specifically, using the results from the research into legal authority(s) for collecting and storing the data being requested. The answers can become the first draft of the notice.

Then ask and answer the same questions from the perspective of the individual data subject(s) to whom the notice will be given, and use the responses to revise and refine the draft as necessary.

When the test of the notice completely satisfies the questions of both the County and the data subject, the notice most likely is complete and in compliance with legal requirements.

What are some practical suggestions for drafting a Tennessee warning notice?

In choosing words and phrasing for the Tennessee warning notice, it is hard to overemphasize the importance of using language that most people easily understand. The goal is to allow the data subject to make a meaningful decision to supply – or not supply – the information requested. Assuming the notice is complete and accurate, that choice can be meaningful only if the subject clearly understands what the County communicates in the notice.

Communicating the contents of the notice may require preparation of the notice in more than one language, or it may require the provision of an interpreter. The County should ensure that the subject has the opportunity to question anything in the notice and receive a clear explanation.

Does a Tennessee warning notice have to be given in writing?

The law does not require that the notice be given in writing. For practical and legal purposes, it is best to give the notice in writing (or in another recorded format). Although there is no law that requires an individual to sign an acknowledgment that s/he has received the notice, many entities ask the data subject to sign and date a written notice, in which case a copy of a written notice should be given to the data subject.

When information is collected over the phone, the notice should be provided orally. The employee should record such details as whether the notice was given, the date given, and the identity of the person giving the notice. If given orally, the subject also should be given the notice in writing, as described above, as soon as practicable.

What authority does the County have when it has given the notice?

Once the proper notice has been given, the County may lawfully collect, store, use and disseminate the data, as described in the notice.

What are the consequences of *not giving* the notice?

Data on individuals cannot legally be collected or stored if a proper Tennessee warning notice was not given. The Commissioner of Administration has issued numerous advisory opinions on this point. See in particular Opinions 95-028, 95-035, and 98-001.

Does this mean that the data *never* can be stored if a Tennessee warning notice was not given?

Not necessarily. Private or confidential data collected before August 1, 1975 (the effective date of the Tennessee warning notice requirement), may be stored for the reasons the data were collected. These data also may be stored for reasons of public health, safety or welfare, if the County obtains the approval of the Commissioner of Administration.

Actions when data are used or released by the County**What controls are placed on the use and dissemination of data on individuals?**

Todd County may **use** and **disseminate** *private* or *confidential* data on individuals only if necessary to administer or manage a program that is authorized by state law or local ordinance, or mandated by the federal government. The County may not use or disseminate any private or confidential data on individuals without proper legal authority, either express or implied.

This limitation on use and dissemination does not apply to public data on individuals because public data may be used or disseminated to anyone for any purpose.

What actions must the County take before using or releasing private or confidential data on individuals?

Todd County must identify its specific legal authority(s) for **using** and **disseminating** *private* and *confidential* data on individuals. The County must use this information to comply with the Tennessee warning notice requirements discussed above.

What authority does the County have after giving a proper Tennessee warning notice?

Once the notice is given, the County may lawfully use and release private and confidential data on individuals, as described in the notice, without liability.

Can the County use or release private or confidential data if it *has not given* a proper notice?

As a general rule, private and confidential data on individuals cannot legally be used or disseminated if a proper Tennessee warning notice was not given. The Commissioner of Administration has issued numerous advisory opinions on this point. See in particular Opinions 95-028, 95-035, and 98-001.

Does this mean that the data *never* can be stored, used or released if a Tennessee warning notice was not given?

Not necessarily. If Todd County needs to use or release stored data in a way or for a purpose that was not included in the Tennessee warning notice, it may do so in one of these ways:

- **Informed Consent:** The County may seek the data subject's informed consent to use or release the data in the new way. Obtaining the individual's informed consent is the primary way to recover from a situation where a complete or proper Tennessee warning notice has not been given. See the document, MODEL INFORMED CONSENT FOR THE RELEASE OF GOVERNMENT DATA, included in this section.
- **Subsequent Law:** If a federal, state or local law is passed after the notice has been given, and if that law requires or permits the use or release of the data in a way that was *not* included in the Tennessee warning notice, then the data may be used or released as permitted or required by the new law. The County also must revise the notice to reflect the requirements of the new law.
- **Old Data:** Private or confidential data collected before August 1, 1975 (the effective date of the Tennessee warning notice requirement), may be used and released for the reasons the data were collected. These data also may be used or released for reasons of public health, safety or welfare, if the County obtains the approval of the Commissioner of Administration.
- **Special Circumstances:** When it is not possible or practical to obtain the consent of the data subject(s), the County may seek the approval of the Commissioner of the Department of Administration to use or release the data in a way or for a purpose that was not included in the Tennessee warning notice. For example, the County might seek approval to use the data in a new way if consents would be required from hundreds or thousands of people, or if the data subject(s) is/are not able to give informed consent.

Actions relating to the subject's right to access data about herself or himself

Sections 13.04 of the MGDPA gives specific rights to individuals who are the subjects of government data. One of these rights is the right of the data subject to access data about himself or herself.

The data subject has the right to ask and be told whether Todd County maintains data about her/him, and whether those data are classified as public, private or confidential.

To exercise this right, the subject must make a request to the responsible authority(s) for the County or to designee as specified in the public document required pursuant to 13.05, subd. 1. Generally, the County will not require the requests to be in writing, however, Todd County does reserve the right to require the requestor to provide a written request. A written request may be required in instances where the request involves a substantial amount of information, is non-routine or of a sensitive nature, or there is a question as to the classification of the data.

Todd County requires the individual to provide identification for all data requests that include non-public data.

Criteria for deciding whether to require written data requests, or the use of a form, include the frequency of requests, the magnitude of a request or requests, and the sensitivity of data requested.

Departments requiring the use of a form must design the form so that it complies with the requirements described in this section, and must establish how it will provide guidance to the data subjects in using the form.

The County must respond to such a request immediately, if possible, or within ten working days. Response includes informing the individual that s/he is the subject of data maintained by that entity and how those data are classified. It is important to note that, even though individuals cannot access confidential data about themselves, they do have the right to know whether confidential data are maintained by the County.

The data subject has the right to see all public and private data about her/himself.

To exercise this right, the subject must make a request to the responsible authority(s), or the appropriate designee, as specified by the County. The County may require that the request be in writing, and require the use of a form for this purpose as discussed above.

Todd County will require the individual to provide identification in order to confirm that s/he is the subject of the data, and will require staff to be present at inspection in order to physically protect the data.

The County must let the subject view the data immediately, if possible, or within ten working days of receiving the request, excluding Saturdays, Sundays and legal holidays. Inspection times and locations may be reasonably limited.

If the subject has requested data that are not accessible to him/her, the County must inform the individual of this fact at the time of the request, and must cite the specific section of state or federal law that gives the County the authority to withhold the data from the subject.

The data subject is entitled to see all public and private data which Todd County maintains about him or her, but is not entitled to gain access to private or confidential data about other people which may appear in the records or files. Todd County is required to determine what information relates to which person so that it may lawfully comply with requests for access to the data. The County cannot refuse to give a data subject access to private or public data about her/himself just because not public data about other people are maintained in the record or file.

When an individual data subject requests data that include not public data about other individuals, **the proper action for the County is to remove from the requested data all private and confidential data about other individuals.**

After the subject has reviewed data about her/himself, Todd County is not required to show the data to the subject for six months unless:

- The County collects or creates more data about the subject before six months have passed. If more data have been collected before the passage of six months, the subject has the right to inspect the data s/he originally viewed, as well as the newly-collected or created data; or
- The data subject has challenged the accuracy and/or completeness of the data, or is appealing the results of such a challenge, as described below.

Under certain circumstances, data about a minor data subject may be withheld from a parent or guardian.

A minor has the right to request that the County withhold private data about her/him from the parent or guardian. The County will require that the request be in writing. A written request must include the reasons for withholding the data from the parents and must be signed by the minor subject.

Upon receipt of the request, the responsible authority must determine whether honoring the request is in the best interests of the minor. In making this decision, the responsible authority(s) must consider, at a minimum:

- Whether the minor is old and mature enough to explain the reasons for the request and to understand the consequences of making the request;
- Whether denying access to the data may protect the minor from physical or emotional harm;
- Whether there is a reason to believe that the minor's reasons for denying access to the parent(s) are reasonably accurate; and
- Whether the nature of the data is such that disclosing the data to the parents could lead to physical or emotional harm to the minor.

If the data concern medical, dental or other health services provided pursuant to Minnesota Statute sections 144.341 to 144.347, and the data meet, at minimum, all of the above criteria, the data may be released to the parent only if failure to do so would seriously jeopardize the health of the minor subject.

A public educational entity or institution may not deny a parent access to education records or special education records about a minor child. See *MODEL EDUCATIONAL DATA SHARING/ACCESS POLICY*, published by the Minnesota Department of Administration, December, 1999.

The County may not charge a fee for letting the subject see data about her/himself.

Looking is free. Even if the County is required to produce a copy in order to permit the subject to view the data, it cannot assess a fee for doing so.

The subject has the right to be informed of the content and meaning of public and private data about her/himself upon request.

Upon the request of the data subject, the County must explain the content and meaning of the data. This includes explaining the meaning of technical terminology, abbreviations, or words or phrases.

The explanation must be provided in a way the subject understands, including the use of another language, an interpreter, or other means. The County must clearly inform the subject how to exercise this right.

The subject has the right to have copies of all public and private data about her/himself.

To exercise this right, the subject must make a request to the responsible authority(s), or to the appropriate designee, as specified by the County.

Generally, the County will not require data requests to be in writing, however, Todd County does reserve the right to require the requestor to provide a written request. A written request may be required in instances where the request involves a substantial amount of information, is non-routine or of a sensitive nature, or there is a question as to the classification of the data. The request may require the use of a form designed for this purpose.

Todd County requires the individual to provide identification for all data requests that include non-public data.

The County must provide the requested copies of the data immediately, if possible, or within ten working days of receiving the request.

If the subject has requested copies of data that are not accessible to him/her, the County must inform the individual of this fact at the time of the request, and must cite the specific section of state or federal law that gives the County the authority to withhold the data from the subject.

The data subject is entitled to have copies of all public and private data which the County maintains about him or her, but is not entitled to access or copy private data about other people which may appear in the records or files. Todd County is required to determine what information relates to which person so that it may lawfully comply with requests for copies of the data. The County cannot refuse to give a data subject copies of private or public data about her/himself just because private data about other people are maintained in the record or file.

The County may charge a fee for providing a data subject with copies of public and/or private data about her/himself.

The County may charge only the actual and reasonable cost of making, certifying, and compiling the copies. In general, postage will be charged, however, the fee may be waived at the County's discretion.

Actions relating to the right of the data subject to challenge the accuracy and/or completeness of public and private data about her/himself.

The data subject has the right to challenge the accuracy and/or completeness of public and private data about her/himself.

If a data subject believes that public or private data about him/her are inaccurate and/or incomplete, s/he has the right to file a data challenge with the County.

See the document, CHALLENGING THE ACCURACY AND/OR COMPLETENESS OF DATA THAT GOVERNMENT ENTITIES KEEP ABOUT YOU, at the end of this section.

The subject may challenge only accuracy and completeness of data. The Rules of the Department of Administration provide these definitions:

- ***Accurate means the data are reasonably correct and free from error.***
- ***Complete means that the data describe all of the subject's transactions with the County in a reasonable way.***

Data may be inaccurate or incomplete because a wrong word, name, or phrase was used; because the data give a false impression about the subject; because certain information is not in the record; because certain information in the record should not be there; or for other reasons.

To challenge the accuracy and/or completeness of data, the data subject must communicate in written form to the responsible authority(s) for the County that the subject is challenging the accuracy and/or completeness of data Todd County maintains about her/him. Written form includes communication via letter, e-mail message, or fax.

The written communication must identify the specific data being challenged; describe why or how the data are inaccurate or incomplete; and state what the subject wants the County to do to make the data accurate or complete, i.e. add, alter or delete data.

Upon receipt of the challenge notice, the responsible authority(s), or someone within the County designated by the responsible authority(s), must review the notice and the challenged data promptly. Although it is not required, appointing a disinterested person to review the challenge often enables a more expeditious resolution of the dispute.

Within 30 business days, the responsible authority(s) must determine if the data are inaccurate or incomplete. The responsible authority may agree with all, part, or none of the data challenge, and must notify the subject of the determination about the challenge.

If the responsible authority agrees that challenged data are inaccurate and/or incomplete, the County must make the changes requested and try to notify anyone who has received the data in the past, including anyone named by the subject.

If the responsible authority does not agree that the challenged data are inaccurate and/or incomplete, the County must notify the subject, who then has the right to appeal the County's determination to the Commissioner of the Minnesota Department of Administration.

The data subject has the right to include a statement of disagreement with disputed data.

If Todd County determines that challenged data are accurate and/or complete, and the data subject disagrees with that determination, the subject has the right to submit a written statement of disagreement to the responsible authority(s).

The form of the statement of disagreement is of the subject's choosing, and must be included with the disputed data whenever the disputed data are accessed or released.

If the County determines that challenged data are accurate and/or complete, and the data subject disagrees with that determination, the subject has the right to appeal the County's determination to the Commissioner of Administration.

The subject has the right to take this step *only* after both the subject and the County have properly completed all the steps in the data challenge process. The subject may appeal only the County's determination about the accuracy and/or completeness of data.

If Todd County has given the subject written notice of the right to appeal its determination, the subject must exercise the right to appeal within 60 calendar days. If the County has not given the subject written notice of this right, the subject has 180 days within which to file an appeal.

The requirements for filing an appeal are set out at Minnesota Rules, part 1205.1600, and in the document, CHALLENGING THE ACCURACY AND/OR COMPLETENESS OF DATA THAT GOVERNMENT ENTITIES KEEP ABOUT YOU, at the end of this section.

HOW TO DETERMINE WHETHER TODD COUNTY MAY LAWFULLY COLLECT, STORE, USE AND RELEASE DATA ON INDIVIDUALS

Before collecting or storing any data on individuals, Todd County must ask:

Q: Is the collection or storage necessary for the administration and management of a program specifically authorized by the Legislature or County Board of Commissioners, or mandated by the federal government? Has the relevant enabling authority been identified?

A: No -- *The data may not be collected or stored*

A: Yes - *Proceed to the next questions.*

Q: Is Todd County asking an individual to supply private or confidential data about herself or himself?

A: No -- *The data may be collected without a Tennesen warning notice*

A: Yes - *A Tennesen warning notice must be given before the data are collected*

Before using or releasing any data on individuals, Todd County must ask:

Q: Are the data classified as private or confidential data on individuals?

A: No -- *The data are public and may be used or released*

A: Yes - *Proceed to the next question*

Q: Is the use or release necessary for the administration and management of a program specifically authorized by the Legislature or County Board of Commissioners, or mandated by the federal government?

A: No -- *The data may not be used or released*

A: Yes - *Proceed to the next question*

Q: Was a Tennesen warning notice required when the data were collected?

A: No -- *Use or release the data*

A: Yes - *Proceed to the next question*

Q: Was the data subject informed (in a Tennesen warning notice) that the data would be used or released for this purpose?

A: Yes - *Use or release the data*

A: No -- *If the data are **confidential**, the data may not be used or released*

-- *If the data are **private**, the data subject's informed consent must be obtained before releasing or using the data. (See also Minnesota Statutes section 13.05, subdivision 4, for alternative authorities for use and release of private data.)*

HOW THE MINNESOTA GOVERNMENT DATA PRACTICES ACT CONTROLS ACCESS TO PRIVATE DATA ON INDIVIDUALS

This document explains, generally, when private data about an individual lawfully may be used or released and who has the right to access private data.

The Minnesota Government Data Practices Act (MGDPA), which is Chapter 13 of Minnesota Statutes, regulates access to government data. One way the MGDPA does this is by classifying data in ways that define who is legally authorized to see the information. For example, Minnesota Statutes section 13.43 classifies certain personnel data as private data on individuals.

Generally, private data may be accessed only by:

- the data subject
- staff of the County whose work assignments reasonably require access (need to know)
- any person or entity authorized by law to access the data
- anyone who has the permission of the data subject
- anyone who has a court order to access the data

(See section 13.02, subdivision 12; section 13.05, subdivision 9; and Minnesota Rules, part 1205.0400.)

The MGDPA also controls access to private data by permitting disclosure of the data only if necessary to carry out a program or function specifically authorized by state or federal law. (Section 13.05, subdivision 3.) This authority may be explicitly established by law or it may be implied.

A third control is found in section 13.04, subdivision 2, which requires Todd County to give a notice whenever it asks an individual to supply private data about himself or herself. This notice is called a Tennesen warning and it must inform the individual of the following:

- Why the data are being collected and how the County intends to use the data;
- Whether the individual may refuse or is legally required to supply the data;
- Any consequences to the individual of either supplying or refusing to supply the data; and
- Who else is authorized by law to receive the data.

Although the MGDPA does not require the Tennesen warning notice to be in writing, Todd County will include this notice on the forms used to collect information about individuals.

Last, section 13.05, subdivision 4, prohibits the use and release (dissemination) of private data for any purpose that was not stated in the Tennesen warning notice, unless

- the data subject has given permission (informed consent)
- a law allowing the new use or release is enacted after the data have been collected, or
- the new use or release is approved by the Commissioner of the Minnesota Department of Administration.

An informed consent must be in writing, must not be coerced, and must explain the reasons for the new use or release of the data and the consequences of that new use or release. (Minnesota Rules part 1205.1400.)

General summary:

If private data were *collected from the data subject*, the County may use or release the data

- if Todd County has the legal authority to do so **and** the use or release of the data was properly explained in the Tennesen warning notice
- or**
- if the data subject has consented to the new use or release.

If private data were *not collected from the data subject*, the County may use or release the data

- if Todd County has the legal authority to do so
- or**
- if the data subject has consented to the new use or release

HOW THE MINNESOTA GOVERNMENT DATA PRACTICES ACT CONTROLS ACCESS TO CONFIDENTIAL DATA ON INDIVIDUALS

This document explains, generally, when confidential data about an individual lawfully may be used or released and who has the right to access confidential data.

The Minnesota Government Data Practices Act (MGDPA), which is Chapter 13 of Minnesota Statutes, regulates access to government data. One way the MGDPA does this is by classifying data in ways that define who is legally authorized to see the information. For example, Minnesota Statutes section 13.82, subdivision 5, classifies certain criminal investigative data as confidential data on individuals.

Generally, confidential data may be accessed only by:

- the data subject
- staff of the County whose work assignments reasonably require access (need to know)
- any person or entity authorized by law to access the data
- anyone who has a court order to access the data

(See section 13.02, subdivision 3; section 13.05, subdivision 9; and Minnesota Rules, part 1205.0600.)

The MGDPA also controls access to confidential data by permitting disclosure only if necessary to carry out a program or function specifically authorized by state or federal law. (Section 13.05, subdivision 3.) This authority may be explicitly established by law or it may be implied.

A third control is found in section 13.04, subdivision 2, which requires Todd County to give a notice whenever it asks an individual to supply confidential data about himself or herself. This notice is called a Tennessen warning and it must inform the individual of the following:

- Why the data are being collected and how the County intends to use the data;
- Whether the individual may refuse or is legally required to supply the data;
- Any consequences to the individual of either supplying or refusing to supply the data; and
- Who else is authorized by law to receive the data.

Although MGDPA does not require the Tennessen warning notice to be in writing, Todd County will include this notice on the forms used to collect information about individuals.

Last, section 13.05, subdivision 4, prohibits the use and release (dissemination) of confidential data for any purpose that was not stated in the Tennessen warning notice, unless

- a law allowing that use or release is enacted after the data have been collected, or
- the new use or release is approved by the Commissioner of the Minnesota Department of Administration.

General summary:

If confidential data were *collected from the data subject*, the County may use or release the data

- if Todd County has the legal authority to do so **and** the use or release of the data was properly explained in the Tennessee warning notice.

If confidential data were *not collected from the data subject*, the County may use or release the data if it has the legal authority to do so.

THE TENNESSEN WARNING NOTICE
Minnesota Statutes Section 13.04, subdivision 2

The notice must be given when:

1. An individual
2. Is asked to supply
3. Private or confidential data
4. Concerning self

All four conditions must be present to trigger the notice requirement.

The notice does not need to be given when:

- the data subject is not an individual
- the subject offers information that has not been requested by the County
- the information requested from the subject is about someone else
- the County requests or receives information about the subject from someone else, or
- the information requested from the subject is public data about that subject.

Statements must be included on the form that inform the individual:

- Why the data are being collected from the individual and how the County intends to use the data;
- Whether the individual may refuse or is legally required to supply the data;
- Any consequences to the individual of either supplying or refusing to supply the data, and
- The identity of other persons or entities authorized by law to receive the data.

Consequences of giving the notice are:

Private or confidential data on individuals may be collected, stored, used and released as described in the notice without liability to the County.

Consequences of giving an incomplete notice, or not giving the notice at all, are:

Private or confidential data on individuals cannot be collected, stored, used or released for any purpose other than those stated in the notice unless:

- The individual subject of the data gives informed consent;
- The Commissioner of Administration gives approval; or
- A state or federal law subsequently authorizes or requires the new use or release.

MODEL
INFORMED CONSENT FOR THE RELEASE OF GOVERNMENT DATA
For Todd County

Purpose of This Consent Form

The purpose of this consent form is to provide Todd County with a vehicle for sharing information about individuals which complies with the requirements of state and federal laws that regulate access to government data.

When to Use This Consent Form

A consent form must be completed in order to disseminate private data on individuals when the release of the data is necessary to administer or manage a legally authorized program *and* one of the following conditions applies:

- The data subject was not given a Tennessee warning notice when the data were collected from that subject. (See below for an explanation of the Tennessee warning notice.)
- The release of the data is for a purpose or to a recipient which was not included in the Tennessee warning notice.
- A Tennessee warning notice was not given because the data were not collected from the data subject.
- In other situations where the consent of the data subject is required in order to release data about that subject.

These requirements are established by the Minnesota Government Data Practices Act (MGDPA), which is Chapter 13 of Minnesota Statutes. The MGDPA regulates the collection, creation, maintenance, use and dissemination of all data maintained by government entities in Minnesota and classifies data on individuals as follows.

Minnesota Statutes section 13.02, subdivisions 8 and 12, define private data on individuals as data that are not available to the public but that are available to the subject of the data and to the parents of the data subject if the subject is a minor. Minnesota Rules, part 1205.0400, permits access by those within the collecting entity whose work assignments reasonably require access.

The MGDPA establishes several controls on the collection, use and dissemination of private data. Section 13.05, subdivision 3, limits the collection, use, storage and dissemination of private data on individuals to that necessary to administer and manage programs authorized by state or local government or mandated by the federal government.

Section 13.04, subdivision 2, requires that Todd County give a notice to an individual whenever the County asks the individual to provide private or confidential data about her/himself. The notice is called a Tennesen warning notice. The notice must state:

- 1) the purpose and intended use of the data being collected,
- 2) whether the individual may refuse to supply the data or is required by law to supply the data,
- 3) the consequences of either supplying or refusing to supply the information, and
- 4) the identities of all those who are authorized by law to access the data.

Section 13.05, subdivision 4, limits the subsequent use and dissemination of private or confidential data, collected from an individual, to what was described in the Tennesen warning notice. If the County wishes to use or release the data in a way *not* communicated in the Tennesen warning notice, this statutory section requires the County to obtain the individual's *informed consent*. The standards for obtaining an informed consent are set out at Minnesota Statutes section 13.05, subdivision 4(d) and Minnesota Rules, part 1205.1400.

(In lieu of obtaining informed consent from the data subject, Todd County may use or disseminate private data for a new purpose with the approval of the Commissioner of the Minnesota Department of Administration pursuant to Minnesota Statutes section 13.05, subd. 4(c) and Minnesota Rules, part 1205.1400.)

This model consent form meets all of the above standards and, as a general rule, may be used by any department or person who is subject to the MGDPA. Departments may tailor this form to accommodate their specific needs; altered form may fail to meet legal requirements. (For example, some members of family services collaboratives would like a consent form that requires completion only once and which accommodates all possible releases of data between or among a number of entities. Suggestions have included designing a check off system consisting of various boxes that represent entities and types of data. Although such a form might be convenient for entities that routinely share varying types of private data with other entities, it likely would not meet the legal standards for an informed consent.)

This consent form is not appropriate for use in situations where the specific form and content of an informed consent are dictated by law. (For example, see Minnesota Statutes section 13.05, subdivision 4(a)(1)-(7).)

CONSULT YOUR LEGAL ADVISOR BEFORE USING THIS OR ANY OTHER CONSENT FORM.

This is especially important where use of the consent form may present issues of compliance with other laws such as the Americans with Disabilities Act, or with the requirements relating to the release of data about minor children.

The model form, appearing on the next page, is addressed to the data subject. Instructions to government entities for completing the form also follow.

**TODD COUNTY
CONSENT FOR RELEASE OF INFORMATION**

We are asking for your consent (permission) to release information about you to the entities or persons listed on this form. The information cannot be released without your consent. This form tells you what information we want to release, or what information we want another entity to release to us. This form tells you the reasons we are asking for your consent. You have the right to look at all the information to be released and have copies of it. You should do this before you give your consent to release the information. If you want to look at the information or have copies of it, you must talk to (NAME OF AUTHORITY AND HOW TO CONTACT).

You may consent to release *all* of the information, *some* of the information or *none* of the information. You may consent to release information to *all*, *some*, or *none* of the entities listed on this form.

If you give us your consent, we can release the information for (TIME PERIOD) or until (EVENT OR CONDITION). You may stop your consent any time before (THIS TIME PERIOD, EVENT, OR CONDITION). If you want to stop your consent, you must write to (NAME AND ADDRESS OF AUTHORITY) and clearly say that you want to stop all or part of your consent. Stopping your consent will not affect information that already has been released because you gave your consent.

You do not have to consent to the release of any information that tells people that you or your child is disabled. If you are asking for help because of a disability, we may need information about the disability in order to help you.

If you have a question about anything on this form, please talk to (NAME OF AUTHORITY) before you sign it.

[A.] I authorize Todd County to release information about [name of data subject]. I understand that:

[B.] The information I agree to let you release is:

[C.] The information will be given to:

[D.] You are asking me to release this information so that:

[E.] If this information is released, what will happen is:

[F.] If this information is *not* released, what will happen is:

[G.] Signature of client _____ Date signed _____

[H.] Signature of parent or guardian _____ Date signed _____

[I.] Signature of person explaining this form _____ Date signed _____

and my rights _____ Date signed _____

INSTRUCTIONS FOR USING THIS FORM

These instructions correspond to the lettered sections on the reverse side of this form. Use plain language when tailoring this form to accommodate your specific needs.

- A. Enter the complete name and address of the entity that maintains the information. Include any relevant program names, staff names, titles and phone numbers.
- B. Identify, *as specifically as possible*, the reports, record names or types of information or records that will be released.
- C. Identify the entity or entities to which the information will be released. Include the name and address of the entity. Include relevant staff names and titles. *Be specific.*
- D. Describe *specifically and completely* the purpose(s) for seeking the client's informed consent and the new use(s) to which the information will be put.
- E. Describe *specifically and completely* the consequences to the data subject of releasing the information. This means all of the consequences known to the County at the time the consent is signed.
- F. Describe *specifically and completely* the consequences to the data subject of *not* releasing the information. This means all of the consequences known to the County at the time the consent is signed.
- G. Instruct the client to sign the consent and enter the date on which the consent is signed.
- H. As a general rule, a parent or guardian's signature should be obtained when the client is under the age of 18 or has a legally appointed guardian; however, specific requirements for obtaining consent to release data in these circumstances vary. **Instructions for completing this portion of the form should be developed in consultation with your legal advisor.**

Consent Requirements Specific to Family Services Collaboratives

Outlined below are the conditions under which a consent is needed in order to share client data among members of a family services collaborative. These requirements are established by Minnesota Statutes section 124D.23.

- **Collaborative members that are subject to the MGDPA:**

- *County Human Services and schools in the same collaborative:*

For county Human Services Public Health, you do *not* need to secure the client's consent in order to inform each other whether you are serving an individual or family. As a general rule, however, you *must* obtain the client's informed consent in order to release *any other* client data to anyone else, including other members of the collaborative. (Check with your legal advisor or data practices advisor to determine whether a state or federal law requires or permits you to release the data. If this authority exists, you do not need to obtain the client's consent.)

If you are a ***school district***, you may *not*, as a general rule, release *any* information about a student to anyone else, including other members of the collaborative, *unless 1) the data have been designated as directory information in compliance with the policies and procedures that the federal Family Educational Rights and Privacy Act of 1974 (FERPA) requires school districts to follow, or 2) the parent (or the student, if the student is 18 years of age) has consented to the release.*

- *Other members of the collaborative:*

You do *not* need to obtain the client's consent form to release client data to someone within your entity who has been identified by the entity as needing the data in order to do her/his job. As a general rule, however, you *must* obtain the client's informed consent in order to release *any* client data to anyone else, including other members of the collaborative.

- **Collaborative members that are *not* subject to the MGDPA:**

You may collect and use client data as permitted by laws, codes of professional conduct, ethical standards, bylaws that are applicable to your entity, and in ways that are consistent with the promises made to clients. Consult your entity's policies and procedures, or legal advisor, before collecting or releasing client data.

Members of a Collaborative Organized Pursuant to a Joint Powers Agreement:

There are a number of questions relating to whether the status of collaboratives organized pursuant to a joint powers agreement differs from that of collaboratives that are not organized in this way. The County Attorney should be consulted for specific advice.

Consent Requirements Specific to Children's Mental Health Collaboratives:

Minnesota Statutes section 245.493, subdivision 3, permits members of a children's mental health collaborative to share client data *only if 1) the client gives written informed consent and 2) the information sharing is necessary in order for the collaborative to carry out its statutory duties.* Proper use of this model consent form will fulfill the first requirement; however, members of children's mental health collaboratives *must* consult their legal advisors for a specific interpretation of the second requirement.

CHALLENGING THE ACCURACY AND/OR COMPLETENESS OF DATA THAT GOVERNMENT ENTITIES KEEP ABOUT YOU

The Minnesota Government Data Practices Act gives you the right to challenge the accuracy and/or completeness of public and private data being maintained about you by any government entity in Minnesota. **There are two steps in this process.**

The **first step** is to make a data challenge to Todd County. If the County agrees that the data are inaccurate or incomplete, we must change the data so they are accurate and/or complete.

If the County does not agree with the data challenge, you have the right to take the **second step** and appeal the County's determination to the Commissioner of the Minnesota Department of Administration.

It is important to follow the steps carefully and to perform all of the procedures described below.

Step One: Making a Data Challenge

First, identify the County's responsible authority(s). This person, or a designee, must make sure that the County complies with state data practices laws.

The responsible authority for a *county social services* entity is the director of that entity. For *other county offices*, the responsible authority is appointed by the board. Each elected official (such as a Sheriff or County Auditor) is the responsible authority for his or her office.

Next, write to the responsible authority(s) and ask to look at all public and private data the County maintains about you. In order to protect your rights, it is very important that you make your data request to the responsible authority(s).

You may wish to make an appointment to inspect the data, which you may do free of charge. You also may ask for copies of the data. If you do, the government entity does have the right to charge you reasonable copying costs.

Review or inspect the data very carefully and make a note about any information that you believe is inaccurate or incomplete. Inaccurate means that the data are not correct or that there are errors in the data. For example, data might be inaccurate because a name is not spelled right, someone is not quoted correctly, wrong facts are stated, or a name, time or date are wrong. Incomplete means that the data do not describe all of your contacts with the County in a reasonable way. For example, data might be incomplete because words are left out of a report, a document is missing from a file, or an interviewer did not file a report about an interview.

Inaccurate or incomplete data can be a word, a sentence, a phrase, a paragraph, a number, a punctuation mark, etc. Sometimes it is difficult to decide exactly what makes the data inaccurate or incomplete.

The next step is to notify the County's responsible authority(s) that you are challenging the accuracy and completeness of data that the County maintains about you. To protect your rights, be sure to say clearly that you are challenging data under the provisions of Minnesota Statutes section 13.04, Subdivision 4. This challenge notice must be done in writing – such as by letter, e-mail or fax. If you are sending a letter, you may wish to send it by certified mail with return receipt requested. Be sure to keep a copy of your letters and any other correspondence.

In your challenge notice:

- Identify the data that you are challenging. There are many ways to do this. Because it is important to be very specific, a good way to identify the data is to make a copy of the document(s) containing the data, clearly mark the data you are challenging, and enclose the copy with your letter.
- Describe *why* or *how* the data are inaccurate or incomplete. Be very specific and write down as many reasons as you can.
- Say what you think should be done to make the data accurate or complete. For example, you may ask the County to *add* a word, phrase, page, etc., to make the data complete or accurate. You may ask the County to *change* the data to make them accurate or complete. You also may ask the County to *remove* data from a file or *delete* some of the data to make the rest of the data complete and/or accurate. Again, be very specific and explain very carefully what you want the County to do to make each piece of data accurate and/or complete.

When the responsible authority(s) receives your challenge notice, s/he has 30 days to review it and to decide if the data are inaccurate or incomplete. The responsible authority(s) may agree with all, part or none of your data challenge. The responsible authority(s) must notify you of his or her decision.

If the responsible authority(s) *agrees* with your challenge, the County must make the changes you requested and try to notify anyone who has received the data in the past. This includes anyone you name.

If the responsible authority(s) *does not agree* to correct or make changes to the data you have challenged, s/he must notify you. Then you have the right to take the second step in the process. The second step is to appeal the County's decision (determination) about your challenge.

Step Two: Appealing the County's Decision About Your Challenge

If you do not agree with the results of your data challenge, you may appeal the County's decision to the Commissioner of the Minnesota Department of Administration.

If the County told you in writing that you have the right to appeal its decision about your data challenge, you must file your appeal within 60 days of the decision. If the County did *not* tell you in writing that you have the right to appeal, you have 180 days from the date of the decision to file your appeal.

You must send your appeal to the Commissioner of Administration in writing- a letter, an e-mail message, a fax, etc. You must include your name, address and a phone number (if any), the name of the entity that has the data you challenged, and the name of the responsible authority for that entity.

Describe the data that you believe are inaccurate or incomplete, and tell why you disagree with the County's decision about your challenge.

Also tell the Commissioner what you want to happen because of your appeal. For example: Do you want the County to remove data from its files? Do you want the County to change or add data?

Include a copy of your data challenge letter and copies of any other correspondence about your challenge that you have sent or received. Send your appeal to:

Commissioner of Administration
State of Minnesota
50 Sherburne Avenue
Saint Paul, MN 55155

If the Commissioner determines that your appeal meets all of the requirements in the law, the appeal will be accepted. At that point, the Department's Information Policy Analysis Division (IPAD) will try to resolve the dispute in an informal way, using conferences and/or conciliation. The IPAD also may suggest that you and the County take the matter to mediation.

If the dispute cannot be resolved informally, the Commissioner will, in most instances, order a hearing by an administrative law judge in the state Office of Administrative Hearings. The administrative law judge then hears the case and makes a recommendation to the Commissioner. The Commissioner reviews the recommendation and issues an order about whether the data are accurate and/or complete. You and Todd County each have the right to appeal the Commissioner's order to the Minnesota Court of Appeals.

You do not need to be represented by an attorney to appeal the results of a data challenge, but legal advice can be helpful because the administrative law process can be technical and complex.

**SECTION V
YOUR RIGHTS AS A MEMBER OF THE PUBLIC
TO ACCESS GOVERNMENT DATA**

The Minnesota Government Data Practices Act gives you, and all other members of the public, the right to see and have copies of public data that we keep. The law also controls how we keep government data and what we tell you when you ask to see the data that we have.

These rights and controls are:

The law says that all the data we have are public (can be seen by anybody) unless there is a state or federal law that classifies the data as *not public*.

We have a report that lists the kinds of data we keep about individuals, how each kind is classified, and what law classifies that kind of data. This report is called General Records Retention Schedule. If you want to see or have a copy of this report, contact:

<u>Name</u>	<u>Title</u>	<u>Phone number</u>	<u>Location</u>
Nathan Burkett	County Administrator	732-6447	215 1st Avenue South, Suite 300 300215 1 st Avenue South, Suite 300
Charles Rasmussen	County Attorney	732-6039	212 2 nd Ave. S., Suite 2
Karen Busch	County Auditor-Treasurer	732-4473	215 1 st Avenue South, Suite 201
Cheryl Schneider	Human Services Administrator	732-4500	212 2 nd Ave. S.
Cheryl Perish	County Recorder	732-4428	215 1 st Avenue South, Suite 203
Peter Mikkelson	County Sheriff	732-2157	115 3 rd Ave. S.

You have the right to look at all public data that we keep.

You may request and receive public information over the phone, in person, through the mail, or via e-mail. If it is not possible to give you the info in the way you ask, we will contact you to decide on another way to give you the information you asked for.

To look at public data that we keep, contact:

<u>Name</u>	<u>Title</u>	<u>Phone number</u>	<u>Location</u>
<u>Nathan Burkett</u>	<u>County Administrator</u>	<u>732-6447</u>	<u>215 1st Avenue South, Suite 300</u>
<u>Charles Rasmussen</u>	<u>County Attorney</u>	<u>732-6039</u>	<u>212 2nd Ave. S., Suite 2</u>
<u>Karen Busch</u>	<u>County Auditor-Treasurer</u>	<u>732-4473</u>	<u>215 1st Avenue South, Suite 201</u>
<u>Cheryl Schneider</u>	<u>Human Services</u>	<u>732-4500</u>	<u>212 2nd Ave. S.</u>

<u>Cheryl Perish</u>	<u>Administrator</u> <u>County Recorder</u>	<u>732-4428</u>	<u>215 1st Avenue South, Suite</u> <u>202</u>
<u>Peter Mikkelson</u>	<u>County Sheriff</u>	<u>732-2157</u>	<u>115 3rd Ave. S.</u>

You can make your request during normal working hours, which are 8:00 a.m. to 4:30 p.m

You also have the right to make a standing request. Standing requests expire after 6 months..

You may ask to see:

- specific types of data or data elements;
- specific documents or portions of documents;
- entire records, files or data bases;
- all public data we keep.

In your request, you should say that you are making a data request under the MGDPA. Tell us as clearly as you can what information you want to see. If we are not sure exactly what information you are requesting, we will ask you, but you do not have to tell us who you are or explain why you are asking for the data.

We will let you know as soon as we can whether or not we have the data you are asking for. If you are asking for public data and we have the data, we will let you see or have copies of the data right away. If we need more time to identify, find, or copy the data you are asking for, we will let you know and we will tell you when we will be able to give you the data.

We do not have to give you data we do not keep.

If we do not have the data you are asking for, we will tell you right away. We do not have to collect or create data for you in order to respond to your request.

We may not have to give you public data in the form you want.

If we have the data you are asking for, but we do not keep the data in the form you want, we may not be able to give you the data in that form. If we cannot put the data in the form you want, you may have the data in our format and convert it to the form you want. If we put the data in the form you want, we will let you know how long it will take us to provide the data and how much it will cost. Then you can decide if you want the data in that form or not.

We cannot charge you a fee for looking at public data.

You have the right to look at public data at no cost. We will let you look at computerized data on a computer screen, or print a copy, so that you can inspect the data at no charge.

You also may inspect public data on your own computer, and you may print or download the data using your own computer, at no cost.

We cannot charge you a fee for separating public data from data that are not public.

You have the right to have public data explained in a way you understand.

If you have any questions about the meaning of public data that we keep, please contact someone from the list below and ask for an explanation. If you ask, we will provide an interpreter or find another way to explain the data.

<u>Name</u>	<u>Title</u>	<u>Phone number</u>	<u>Location</u>
<u>Nathan Burkett</u>	<u>County Administrator</u>	<u>732-6447</u>	<u>215 1st Avenue South, Suite 300</u>
<u>Charles Rasmussen</u>	<u>County Attorney</u>	<u>732-6039</u>	<u>212 2nd Ave. S., Suite 2</u>
<u>Karen Busch</u>	<u>County Auditor-Treasurer</u>	<u>732-4473</u>	<u>215 1st Avenue South, Suite 201</u>
<u>Cheryl Schneider</u>	<u>Human Services Administrator</u>	<u>732-4500</u>	<u>212 2nd Ave. S.</u>
<u>Cheryl Perish</u>	<u>County Recorder</u>	<u>732-4428</u>	<u>215 1st Avenue South, Suite 203</u>
<u>Peter Mikkelson</u>	<u>County Sheriff</u>	<u>732-2157</u>	<u>115 3rd Ave. S.</u>

You have the right to have copies of the public data that we keep.

You have the right to have a copy of any data that you have a right to see. This includes the right to have copies of all or parts of specific documents, files, records, data bases or types of data that we keep. If you ask for the copies in electronic form, and we keep the data in electronic form, we will give you the data in electronic form.

To ask for a copy of public data that we keep, contact someone from the list below or use the data request form available from each department.

<u>Name</u>	<u>Title</u>	<u>Phone number</u>	<u>Location</u>
<u>Nathan Burkett</u>	<u>County Administrator</u>	<u>732-6447</u>	<u>215 1st Avenue South, Suite 300</u>
<u>Charles Rasmussen</u>	<u>County Attorney</u>	<u>732-6039</u>	<u>212 2nd Ave. S., Suite 2</u>
<u>Karen Busch</u>	<u>County Auditor-Treasurer</u>	<u>732-4473</u>	<u>215 1st Avenue South, Suite 201</u>
<u>Cheryl Schneider</u>	<u>Human Services Administrator</u>	<u>732-4500</u>	<u>212 2nd Ave. S.</u>
<u>Cheryl Perish</u>	<u>County Recorder</u>	<u>732-4428</u>	<u>215 1st Avenue South, Suite 203</u>
<u>Peter Mikkelson</u>	<u>County Sheriff</u>	<u>732-2157</u>	<u>115 3rd Ave. S.</u>

In your request, say that you are making a request for copies of data under the MGDPA. Tell us as clearly as you can what types of data or information you want copies of. If we have any questions about the copies you are requesting, we will ask you. You do not have to tell us who you are or explain why you are asking for the data.

Once we have your request, we will provide the copies you asked for as soon as reasonably possible, depending on how many copies you are requesting and how many staff we have available to respond to your request.

We have the right to charge you a reasonable fee for providing copies.

We will require the payment of a fee for providing copies of data. If you ask us to mail or fax the copies, 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.

The County may charge an additional fee for data having commercial value. The fee will be based upon the time and expense of creating the data, and the public value of the data. The fee for each type of commercial valued data will be approved annually by the County Board as part of its County Fee Schedule.

Our fee for providing copies is set out in the SCFS. We require prepayment of any fees connected to data practices requests.

You have the right to know why you cannot see or get copies of data that are not public.

If the information you ask for is not public data, we will tell you that when you make your request, or we will notify you in writing as soon as possible. We also will tell you which specific law makes the information not public. If you ask, we will put this in writing for you.

You have the right to see and have copies of summary data.

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. We will prepare summary data for you if you make a request in writing- letter, fax, e-mail, etc. to any of the names listed below and pay the fee to prepare the data.

<u>Name</u>	<u>Title</u>	<u>Phone number</u>	<u>Location</u>
<u>Nathan Burkett</u>	<u>County Administrator</u>	<u>732-6447</u>	<u>215 1st Avenue South, Suite 300</u>
<u>Charles Rasmussen</u>	<u>County Attorney</u>	<u>732-6039</u>	<u>212 2nd Ave. S., Suite 2</u>
<u>Karen Busch</u>	<u>County Auditor-Treasurer</u>	<u>732-4473</u>	<u>215 1st Avenue South, Suite 201</u>
<u>Cheryl Schneider</u>	<u>Human Services Administrator</u>	<u>732-4500</u>	<u>212 2nd Ave. S.</u>
<u>Cheryl Perish</u>	<u>County Recorder</u>	<u>732-4428</u>	<u>215 1st Avenue South, Suite 203</u>
<u>Peter Mikkelson</u>	<u>County Sheriff</u>	<u>732-2157</u>	<u>115 3rd Ave. S.</u>

We do require prepayment. When we receive your request, we will contact you to make detailed arrangements to prepare the summary data.

We will let you or someone else prepare the summary data if:

- you explain in writing why you want to prepare the data;
- if you agree not to release any of the private or confidential data used to prepare the summary data; and

- if we determine that giving you access to private and confidential data will not compromise those data.

If you have any questions about how to access public data that we keep, please contact the appropriate responsible authority listed below or contact our compliance official, Nathan Burkett, at 732-6447, 347 Central Ave, Suite 5.

<u>Name</u>	<u>Title</u>	<u>Phone number</u>	<u>Location</u>
<u>Nathan Burkett</u>	<u>County Administrator</u>	<u>732-6447</u>	<u>215 1st Avenue South, Suite 300</u>
<u>Charles Rasmussen</u>	<u>County Attorney</u>	<u>732-6039</u>	<u>212 2nd Ave. S., Suite 2</u>
<u>Karen Busch</u>	<u>County Auditor-Treasurer</u>	<u>732-4473</u>	<u>215 1st Avenue South, Suite 201</u>
<u>Cheryl Schneider</u>	<u>Human Services Administrator</u>	<u>732-4500</u>	<u>212 2nd Ave. S.</u>
<u>Cheryl Perish</u>	<u>County Recorder</u>	<u>732-4428</u>	<u>215 1st Avenue South, Suite 203</u>
<u>Peter Mikkelson</u>	<u>County Sheriff</u>	<u>732-2157</u>	<u>115 3rd Ave. S.</u>

SECTION VI YOUR RIGHTS AS THE SUBJECT OF GOVERNMENT DATA

The Minnesota Government Data Practices Act is a law that gives you important rights when we collect, create, keep, use or release data about you, and controls how we collect, use, and release data about you.

An important note about who may exercise your rights

The law defines an individual as a living human being and gives every individual all of the rights discussed in this document.

If you are a minor (which means that you are not yet 18 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.

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.

In some cases, your parent or guardian does not have these rights. For example, we will not let your parent(s) or guardian exercise the rights the law gives you if there is a court order that takes these rights away from them. The court order might be about a divorce, separation, custody or some other matter, or it might take away the parental rights of your parent(s). Sometimes a state or federal law says that we cannot let your parents see information about you.

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.

The law controls how we collect, keep, use and release 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.

The law says we must give you a notice when we ask you to give us data about yourself.

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 notice. The notice tells you these things:

- We will tell you why we are collecting the data from you and how we plan to use the data.
- If there is a law that says you must give us the data, we will tell you that. We also will tell you if you do not have to give us the data.
- We will tell you what might happen (consequences) to you if you give us the data.

- We also will tell you what might happen (consequences) to you if you do not give us the data.
- 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.

Parts of Todd County 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.

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, 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 as soon as we can after that. You do not have to sign the notice if mailed in response to a verbal Tennessee notice.

We only must give you the Tennessee warning 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:

- you give us information we haven't asked for,
- the information we are asking for is about someone else,
- the information we are asking for is public data about you, or
- 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.

The notice puts limits on what we can do with data we keep about you.

Usually, after we give you the Tennessee warning 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:

- 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 did not tell you about in that notice, then we will use or release the information in order to comply with the new law.
- Sometimes, after we collect private or confidential data about people for one purpose, we need to use or release that 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 cannot 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 cannot 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.
- 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 also can ask the Commissioner of Administration for permission to use, keep or release the data to protect public health, safety or welfare.
- If a court orders us to release private or confidential data about you, we must release the data.

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

If we need to use or release private data about you in a way that we did not tell you about in the Tennessean warning notice, we will ask you for your 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 at the end of this document.

The consent form tells you:

- What information we want to release, or what information we want someone else 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.
- 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.
- 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.
- What will happen (the consequences) if you let us release or use the information in a new way.
- Who to talk to if you have any questions.

You do not have to let us use or release the information in the new way. Before you decide, you should 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.

We must 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.

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 or part of your consent. Stopping your consent will not affect information that already has been released because you gave your consent.

We also will ask for your consent if someone asks us for private data about you and the law does not let us give the data to that person.

If *you* ask us to release private data about you to someone else, we will ask for your informed consent. If you give us your informed consent, we must release the data in the way you ask.

We only ask for your informed consent to release *private* data about you. We do not need to ask for your consent to release public data about you because the law says we must 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.

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

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 responsible authority listed below or contact Nathan Burkett, our compliance official, at 732-6447, 215 1st Avenue South, Suite 300. You must use a special form to make your request. A copy of this form is at the end of this document.

<u>Name</u>	<u>Title</u>	<u>Phone number</u>	<u>Location</u>
<u>Nathan Burkett</u>	<u>County Administrator</u>	<u>732-6447</u>	<u>215 1st Avenue South, Suite 300</u>
<u>Charles Rasmussen</u>	<u>County Attorney</u>	<u>732-6039</u>	<u>212 2nd Ave. S., Suite 2</u>
<u>Karen Busch</u>	<u>County Auditor-Treasurer</u>	<u>732-4473</u>	<u>215 1st Avenue South, Suite 201</u>
<u>Cheryl Schneider</u>	<u>Human Services Administrator</u>	<u>732-4500</u>	<u>212 2nd Ave. S.</u>
<u>Cheryl Perish</u>	<u>County Recorder</u>	<u>732-4428</u>	<u>215 1st Avenue South, Suite 203</u>
<u>Peter Mikkelson</u>	<u>County Sheriff</u>	<u>732-2157</u>	<u>115 3rd Ave. S.</u>

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.

Once we have your data request, we will show you the data right away if we can. If we cannot show you the data right away, we will show you the data in no more than ten business days.

The law says we must protect private data about you. For this reason, a member of our staff may be with you when you inspect the information.

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.

Note regarding access to data about minors:

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 do not want us to give your parents information about you, you must write to the appropriate responsible authority listed below or contact Nathan Burkett, our compliance official, at 732-6447, 215 1st Avenue South, Suite 300. Tell us why you do not want to release the information to your parents; then sign your name, on your request. If you have any

questions about how to do this, talk to the appropriate responsible authority listed below or contact Nathan Burkett our compliance official, at 732-6447, 215 1st Avenue South, Suite 300.

<u>Name</u>	<u>Title</u>	<u>Phone number</u>	<u>Location</u>
<u>Nathan Burkett</u>	<u>County Administrator</u>	<u>732-6447</u>	<u>215 1st Avenue South, Suite 300</u>
<u>Charles Rasmussen</u>	<u>County Attorney</u>	<u>732-6039</u>	<u>212 2nd Ave. S., Suite 2</u>
<u>Karen Busch</u>	<u>County Auditor-Treasurer</u>	<u>732-4473</u>	<u>215 1st Avenue South, Suite 201</u>
<u>Cheryl Schneider</u>	<u>Human Services Administrator</u>	<u>732-4500</u>	<u>212 2nd Ave. S.</u>
<u>Cheryl Perish</u>	<u>County Recorder</u>	<u>732-4428</u>	<u>215 1st Avenue South, Suite 203</u>
<u>Peter Mikkelson</u>	<u>County Sheriff</u>	<u>732-2157</u>	<u>115 3rd Ave. S.</u>

After you make your request, we must decide if we will let your parents see the data. Before we make this decision, we must think about:

- Is there a law that says we must give the data to your parents?
- Do you have a good reason for asking us not to release the data?
- If we give your parents the data, would you be harmed in any way?
- Do you understand what will happen if we do not release the data?

We also must think about whether it is in your best interest for us not to give the data to your parents.

We cannot 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 must make a copy of the information so that you can look at it.

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 appropriate responsible authority listed below or contact Nathan Burkett, our compliance official, at 732-6447, 215 1st Avenue South, Suite 300. 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.

<u>Name</u>	<u>Title</u>	<u>Phone number</u>	<u>Location</u>
<u>Nathan Burkett</u>	<u>County Administrator</u>	<u>732-6447</u>	<u>215 1st Avenue South, Suite 300</u>
<u>Charles Rasmussen</u>	<u>County Attorney</u>	<u>732-6039</u>	<u>212 2nd Ave. S., Suite 2</u>
<u>Karen Busch</u>	<u>County Auditor-Treasurer</u>	<u>732-4473</u>	<u>215 1st Avenue South, Suite 201</u>

<u>Cheryl Schneider</u>	<u>Human Services Administrator</u>	<u>732-4500</u>	<u>212 2nd Ave. S.</u>
<u>Cheryl Perish</u>	<u>County Recorder</u>	<u>732-4428</u>	<u>215 1st Avenue South, Suite 203</u>
<u>Peter Mikkelson</u>	<u>County Sheriff</u>	<u>732-2157</u>	<u>115 3rd Ave. S.</u>

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

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 appropriate responsible authority listed below or contact Nathan Burkett, our compliance official, at 732-6447, 215 1st Avenue South, Suite 300.

<u>Name</u>	<u>Title</u>	<u>Phone number</u>	<u>Location</u>
<u>Nathan Burkett</u>	<u>County Administrator</u>	<u>732-6447</u>	<u>215 1st Avenue South, Suite 300</u>
<u>Charles Rasmussen</u>	<u>County Attorney</u>	<u>732-6039</u>	<u>212 2nd Ave. S., Suite 2</u>
<u>Karen Busch</u>	<u>County Auditor-Treasurer</u>	<u>732-4473</u>	<u>215 1st Avenue South, Suite 201</u>
<u>Cheryl Schneider</u>	<u>Human Services Administrator</u>	<u>732-4500</u>	<u>212 2nd Ave. S.</u>
<u>Cheryl Perish</u>	<u>County Recorder</u>	<u>732-4428</u>	<u>215 1st Avenue South, Suite 203</u>
<u>Peter Mikkelson</u>	<u>County Sheriff</u>	<u>732-2157</u>	<u>115 3rd Ave. S.</u>

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.

Once we have your request for copies, we will give you the copies right away if we can. If we cannot give you the copies right away, we will give them to you in no more than ten business days.

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

We require the payment of a fee for providing copies of data. 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.

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

If the information you want to see is not public or private data about you, we will tell you that, and we will tell you what part of the law says we cannot show it to you.

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

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.

- *Accurate* means the data are reasonably correct and do not contain any errors.

- *Complete* means that the data describe the history of your contracts 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.

To make a data challenge, write a letter to the appropriate responsible authority listed below or contact Nathan Burkett, our compliance official, at 732-7447, 215 1st Avenue South, Suite 300 and say that you are challenging the accuracy and completeness of data we maintain about you.

<u>Name</u>	<u>Title</u>	<u>Phone number</u>	<u>Location</u>
<u>Nathan Burkett</u>	<u>County Administrator</u>	<u>732-6447</u>	<u>215 1st Avenue South, Suite 300</u>
<u>Charles Rasmussen</u>	<u>County Attorney</u>	<u>732-6039</u>	<u>212 2nd Ave. S., Suite 2</u>
<u>Karen Busch</u>	<u>County Auditor-Treasurer</u>	<u>732-4473</u>	<u>215 1st Avenue South, Suite 201</u>
<u>Cheryl Schneider</u>	<u>Human Services Administrator</u>	<u>732-4500</u>	<u>212 2nd Ave. S.</u>
<u>Cheryl Perish</u>	<u>County Recorder</u>	<u>732-4428</u>	<u>215 1st Avenue South, Suite 203</u>
<u>Peter Mikkelson</u>	<u>County Sheriff</u>	<u>732-2157</u>	<u>115 3rd Ave. S.</u>

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.

Tell us very clearly why or how the data are inaccurate or incomplete. Be very specific and write down as many reasons as you can.

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.

When we receive your letter, the law says 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.

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.

If we *do not 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.

You have the right to include a statement with 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 must include your statement or disagreement with the data.

You can appeal our decision about your data challenge.

If you do not 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 (about two months) to file your appeal. If we do not tell you about your right to appeal our decision, you have 180 days (about six months) to file your appeal.

Your appeal must be made to the Commissioner of Administration in writing- a letter, an e-mail message, or fax. Include your name, address, and a phone number, and make sure you name Todd County and its responsible authority(s).

Say that you are appealing a decision we made about your data challenge (or your challenge to accuracy and/or completeness of data we keep about you). Tell the Commissioner what data you believe are inaccurate or incomplete. Also tell why you disagree with our decision.

Then tell the Commissioner what you want to happen because of your appeal. For example, do you want us to add, change or delete data in our files?

Include a copy of your challenge letter and any other letters about your challenge that you have sent or received. Send your appeal to:

Commissioner of Administration
State of Minnesota
50 Sherburne Avenue
Saint Paul, MN 55155

The Commissioner's staff will contact you about your appeal. The Commissioner's staff can be reached at:

Information Policy Analysis Division (IPAD)
Minnesota Department of Administration
305A Centennial Building, 658 Cedar Street
Saint Paul, MN 55155

Voice: 651.296.6733 or 1.800.657.3721

Fax: 651.205.4219

www.ipad.state.mn.us

If you have any questions about your rights, please contact the appropriate responsible authority listed below or contact Nathan Burkett, our compliance official, at 732-6447, 215 1st Avenue South, Suite 300.

<u>Name</u>	<u>Title</u>	<u>Phone number</u>	<u>Location</u>
<u>Nathan Burkett</u>	<u>County Administrator</u>	<u>732-6447</u>	<u>215 1st Avenue South, Suite 300</u>
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