

City of St. Paul Park

# Data Practices Policy for Data Subjects

The Government Data Practices Act (Minnesota Statutes, Chapter 13) says that data subjects have certain rights related to a government entity collecting, creating, and keeping government data about them. You are the subject of data when you can be identified from the data. This policy outlines the procedures for access to the data about you.

Adopted 9/6/2016

## 1. Classification of Data about You

The Government Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. Data about you are classified by state law as public, private, or confidential. See below for some examples:

**Public data:** We must give public data to anyone who asks. It does not matter who is asking for the data or why the person wants the data. .

*Example of public data about you: Your name on an application for a license from the City.*

**Private data:** We cannot give private data to the general public, but you can have access to private data when the data are about you. We can share your private data with you, with someone who has your permission, with City staff who has a work assignment to see the data, and others as permitted by law or court order.

*Example of private data about you: Your social security number, banking account numbers*

**Confidential data:** Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. We can share confidential data about you with City staff who has a work assignment to see the data, and to others as permitted by law or court order. We cannot give you access to confidential data.

*Example of confidential data about you: Your identity as mandated reporter of child abuse or neglect.*

## 2. Your Rights under the Government Data Practices Act

The City can collect and keep only those data about you that we need for administering and managing programs that are permitted by law. As a data subject, you have the following rights:

### **Access to your data**

You have the right to look at (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. The Government Data Practices Act allows us to charge for copies.

Also, if you ask, we will tell you whether we keep data about you and whether the data are public, private or confidential.

As a parent you have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask the City not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have this right. We may ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will have the final decision about your request based on your best interests. Minors do not have this right if the data in question are educational data maintained by an educational agency or institution.

#### **When We Collect Data From You**

When we ask you to provide data about yourself that are not public, we must give you a notice. The notice is sometimes called a Tennessee warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask for written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent. If you want us to release data to another person, you may use the consent form we provide.

#### **Protecting your data**

The Government Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe.

In the unfortunate event that we determine a security breach has occurred and an unauthorized person has gained access to your data, we will notify you as required by law.

#### **When your Data are inaccurate and/or incomplete**

You have the right to challenge the accuracy and/or completeness of public and private data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

### **3. How to make a request for your data**

All requests for data that the City keeps about you, your minor children, or an individual for whom you have been appointed legal guardian shall be made in writing to the responsible authority, or designee, on a form provided by the City.

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

- You are making a request for data under the Government Data Practices Act, Minnesota Statutes, Chapter 13;

- Whether you would like to inspect the data, have copies of the data or both; and
- A clear description of the data you would like to inspect or have copied; and
- Identifying information that proves you are the data subject, or data subject's parent/guardian.

The Government Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. (For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request.) If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

In addition, the Government Data Practices Act does not require us to answer questions that are not request for data.

## **A. Requesting to inspect data about you.**

You can inspect the data, for free, if your request is to look at the data.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.

## **B. Requesting copies of data about you.**

The City charges for copies of government data. These charges are authorized under Minnesota Statutes, Section 13.04, subdivision 3.

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

### **Actual cost of making copies**

In determining the actual cost of making copies, we factor in employee time, the cost of materials onto which we are copying the data (paper, CD, DVD, etc.) and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.

## C. Proof of Identity

This City requires proof of your identity before we can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a guardian, you must show legal documentation of your guardianship.

### Standards for Verifying Identity

- An **adult individual** must provide a valid photo ID, such as
  - A state driver's license
  - A military ID
  - A passport
  - A Minnesota ID
  - A Minnesota Tribal ID
- A **minor individual** must provide a valid photo ID, such as
  - A state driver's license
  - A military ID
  - A passport
  - A Minnesota ID
  - A Minnesota Tribal ID
  - A Minnesota school ID
- The **parent or guardian of a minor** must provide valid photo ID and *either*
  - A certified copy of the minor's birth certificate *or*
  - A certified copy of documents that establish the parent or guardian's relationship to the child, such as
    - A court order relating to divorce, separation, custody, foster care
    - A foster care contract
    - An affidavit of parentage
- The **legal guardian for an individual** must provide a valid photo ID *and* a certificate copy of appropriate documentation of formal or informal appointment as guardian, such as:
  - Court order(s)
  - Valid power of attorney

NOTE: Individuals who do not exercise their data practices rights in person must provide *either* notarized or certified copies of the documents that are required *or* an affidavit of ID

## 4. How We Respond to a Data Request

If we have the data, but the data are confidential or private data that are not about you, we will notify you within 10 business days and state which specific law says you cannot access the data.

If we have the data, and the data are public or private about you, we will respond to your request within 10 business days by permitting its review.

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

If we do not have the data, we will notify you within 10 business days.

### Contacts

#### **Responsible Authority**

Sharon Ornquist, City Clerk

#### **Data Practices Compliance Official**

Sharon Ornquist, City Clerk

#### **Data Practices Designees(s)**

Kevin Walsh, City Administrator

Jessica Billmeyer, Chief of Police

*This procedure is intended to comply with the Government Data Practices Act (Chapter 13) and any inconsistencies with this procedures and the Act, shall be resolved in favor of the Government Data Practices Act.*

### Forms

- Data Request Form—Data Subjects
- Data Request Form--Informed Consent For the Release of Information