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Data Practices Policy for Data Subjects

The Office of the State Auditor (OSA) collects and uses information (data) in its work on behalf of the public. Minnesota Statutes, Chapter 13, the Government Data Practices Act (GDPA) states that individuals who are the subjects of data collected or stored by a government entity have certain rights related to how the governmental entity collects, creates, receives, maintains and disseminates data about them. You are the subject of government data when the data is about you and you can be identified from it. Government data is a term that means all recorded information collected, created, received, maintained or disseminated by a governmental entity regardless of the information's physical form, storage media or conditions of use. Government data includes but is not limited to such things as paper records, e-mail, and photographs.

Classification of Data on Individuals

The GDPA presumes that all government data are public unless a State or federal law says that the data are not public. Data on individuals are classified by State law as public, private, or confidential.

1. **Public data:** We must give public data about you to anyone who asks; it does not matter who is asking for the data or why.

An example of public data is a contract between you and a local government.

2. **Private data:** We cannot give private data about you to the general public without your permission. We can share your private data with you, with someone who has your permission, with OSA staff who need the data to do their work, and as permitted or required by law or court order.

For example, your social security number is classified as private data.

3. **Confidential data:** Confidential data have the most protection. Neither the public nor you can get access to it, even when it is about you. We can share confidential data about you with OSA staff who need the data to do their work and to others as permitted or required by law or court order. We cannot give you access to confidential data.

An example of confidential data about you is data in or from an active OSA audit or examination.

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Your Rights as a Data Subject

Records containing government data must be kept so they are easily accessible for convenient use. As a data subject, you have the following rights:

- To know why the requested data is being collected;
- To know whether the government has data about you; and
- To be able to contest the accuracy and completeness of the data about you.

When a Minor is a Data Subject (Rights of Parents, Legal Guardians, and Minors)

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 this government entity not to give data about them to their parent or guardian. If you are a minor from whom we collect private data, we will tell you that you have this right. We may ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on your best interests. 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 you that are not public, we must give you a notice. The notice is sometimes called a Tennessee notice. The notice controls what we do with the data that we collect from you. Generally, we can use and release the data only in the ways described in the notice.

We will ask for your 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 or entity. This permission is called “informed consent.” If you want us to release data to another person or entity, you may use the attached Informed Consent form.

The OSA collects and keeps only data about you that we need for administering and managing programs that are permitted by law.

Access to Your Data

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

You may inspect, free of charge, public and private data that we keep about you. You also may obtain copies of public and private data about you. The GDPR allows us to charge for copies

and, generally, we charge for copies unless we have waived the charges. You may look at data, free of charge, before deciding to request copies.

Protecting Your Data

The GDPR requires the OSA to protect not public data on individuals. 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 not public data about you, we will notify you as required by law.

When Your Data are Inaccurate and/or Incomplete

You may challenge the accuracy and/or completeness of public and private data about you. You also may appeal our decision.

How to Make a Request for Your Data

To look at data or request copies of data that the OSA keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, you may make a written request. Make your request to the OSA Data Practices Compliance Official, Mark Kerr. You may make your request by e-mail at datarequests@osa.state.mn, by U.S. mail at 525 Park St., Suite 500, St. Paul, MN 55103, or by fax at 651-296-4755, using the attached Data Request Form. If you make your request by fax or e-mail, please do not include private data such as your Social Security Number. If you are unsure how the data you are providing is classified, please contact Mark Kerr by e-mail at datarequests@osa.state.mn.us or by phone at 651-296-4717.

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

- That you are making a request, under the GDPR, for data about you;
- Whether you would like to inspect the data, have copies of the data, or both;
- A clear description of the data you would like to inspect or have copied; and
- Identifying information that proves you are the data subject, or the data subject's guardian.

If the response to your request includes private data, the OSA will need to verify your identity before we can respond. If you are requesting private data about your minor child, you must show proof that you are the minor's parent. If you are a guardian, you must show legal documentation of your guardianship. Please see the attached Standards for Verifying Identity.

Standing requests will be honored for 90 days, after which they must be renewed to insure that the requester is still interested in the data.

How We Respond to a Data Request

Once you make your request, we will work to process it. If it is not clear what data you are requesting, we will ask you for clarification.

If we do not have the data, we will notify you of that fact within 10 business days. If we have the data, but the data are confidential or private data about individuals but not about you, we will notify you of that fact within 10 business days and state which specific law classifies the data so as to deny you access. If we have the data, and the data are public or private data about you, we will respond to your request within 10 business days, by doing one of the following:

1. If your request is to look at the data, we will arrange a date, time, and place for you to inspect the data, for free.
2. If you request copies of the data, you may choose to pick them up, or have them mailed to you. We will provide electronic data upon request if we keep the data in an electronic format but, because the data being provided is private data, we will e-mail the data using “secure” e-mails.

We will provide you with an estimate of the costs, if you ask for it. We will arrange for you to pre-pay for the copies if the estimate for the cost of the copies is \$100.00 or more. Information about copy costs is attached.

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 you have notified us in writing that you are disputing the accuracy or completeness of the data or we collect or create new data about you.

The GDPR 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. 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.

The OSA cannot give you legal advice but can provide information. 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.

The GDPR does not require us to answer questions that are not specific requests for data.

Copy Costs – Data Subjects

The OSA charges data subjects for copies of government data. These charges are authorized under Minnesota Statutes, section 13.04, subdivision 3. We will give you an estimate of the costs, if you ask.

If the estimated costs of the copies are over \$100, you must pay for the copies before we will give them to you, unless you make other arrangements with the OSA.

The OSA may waive the costs of the copies if the circumstances warrant it. The decision to waive the costs of the copies is within the sole discretion of the OSA.

Actual Cost of Making Copies

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

The cost of employee time to search for data, retrieve data, and make copies will be included and will be separately identified in an estimate. The cost of employee time will be computed using the hourly rate of the lowest-paid employee who is capable of completing the task. The OSA will prepare an invoice for all copying charges.

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

**Office of the State Auditor
Data Request Form – Data Subjects**

Date of request: _____

To request private data as a data subject, you must show a valid State ID, such as a driver’s license, military ID, or passport as proof of identity. See attached Standards for Verifying Identity.

I am requesting access to data in the following way:

- Inspection Copies Both inspection and copies

Inspection is free but the OSA charges for the costs of copies unless we have agreed to waive the charges.

These are the data I am requesting:

Describe the data you are requesting as specifically as possible in the space below. If you need more space, please attach additional paper to this form.

<p>Contact Information</p> <p>Data subject name: _____</p> <p>Parent/guardian name (if applicable): _____</p> <p>Address: _____</p> <p>Phone number: _____ E-mail address: _____</p> <p>Staff Verification of Identification</p> <p>Identification provided _____</p>

We will respond to your request within 10 business days.

INFORMED CONSENT

Request from Individual for Release of Private Data

Explanation of Your Rights

The OSA cannot release an individual's private data to an outside person or entity without the legal authority to do so. If you provide the OSA with an Informed Consent form, signed by you, the OSA can provide your private information to the individual or entity you have identified on the form. By signing the Informed Consent form, you give the OSA permission to provide the data to the outside person or entity identified by you.

The OSA cannot give you legal advice, but can provide information. If you have a question about giving your informed consent to allow the OSA to release data to an outside person or entity or if you have questions about this form, before you sign it, please contact Mark Kerr by phone at 651-296-4717 or e-mail at datarequests@osa.state.mn.us.

Informed Consent

**Office of the State Auditor
Request from Individual for Release of Private Data**

1. I, _____, give my permission for the OSA to release data about me described on this form.

2. The specific data I want the OSA to release is:

3. I understand that I have asked the OSA to release private data.

4. I understand that although the data are classified as private at the OSA, the classification/treatment of the data at or with the entity or person named above depends on the laws or policies that apply to the entity or person named above, which may be different than the laws and policies that apply to the OSA.

The expiration of this authorization shall be one year from the date of my signature.

Signature of Applicant _____ **Date** _____

Standards for Verifying Identity

The following constitute proof of identity.

An **adult individual** must provide a valid photo ID, such as:

- a state driver's license
- a military ID
- a passport
- a Minnesota ID
- a Minnesota tribal ID

A **minor individual** must provide a valid photo ID, such as

- a state driver's license
- a military ID
- a passport
- a Minnesota ID
- a Minnesota Tribal ID
- a Minnesota school ID

The **parent or guardian of a minor** must provide a valid photo ID and either

- a certified copy of the minor's birth certificate or
- a certified copy of documents that establish the parent or guardian's relationship to the child, such as
 - a court order relating to divorce, separation, custody, foster care
 - a foster care contract
 - an affidavit of parentage

The **legal guardian for an individual** must provide a valid photo ID *and* a certified copy of appropriate documentation of formal or informal appointment as guardian, such as

- a court order(s)
- a valid power of attorney

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.