

# **Data Practices Policy for Data Subjects**

**City of Montrose, Minnesota**

**Adopted: October 12, 2015**

## **Data about You**

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. Government data is a term that means all recorded information a government entity, such as the City of Montrose, Minnesota (the “City”) has, including paper, email, DVDs, photographs, etc.

### **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.

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

The following is an example of public data about you:

#### **Your Residential Address**

2. **Private data:** We cannot give private data to the general public, but you have access when the data are about you. We can share your private data with you, with someone who has your permission, with our government entity staff who need the data to do their work, and as permitted by law or court order.

The following is an example of private data about you:

#### **Your Social Security Number**

3. **Confidential data:** Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. We can share confidential data about you with our City staff who need the data to do their work and to others as permitted by law or court order. We cannot give you access to confidential data. Confidential data is defined as data which is expressly classified as confidential by either a state statute or federal law.

### **Your Rights under the Government Data Practices Act**

The City must keep all government data in a way that makes it reasonable for you to access data about you. Also, we 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 obtain copies of public and private data about you. The

Government Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

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

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.

- **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 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. This permission is called informed consent. If you want us to release data to another person, you must 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, such as securing all data and governmental records, providing training or allowing for City staff to attend training on this topic, and providing a “Tennessee warning” before any not public data are released to us. The City is implementing procedures to ensure that not public data are only accessible to persons whose work assignments reasonably requires access to the data, and is only being accessed by those persons for reasonable governmental purposes.

- **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.

### **How to Make a Request for Your Data**

To look at data, or request copies of data that the City keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, make a request on the City’s Data Practices Request Form attached hereto as Exhibit A. Make your request for data to the appropriate individual listed in the Data Practices Contacts located in this Policy. You may make your request by mail, fax, or email, using the Data Practices Request Form.

The City requires proof of your identity before we can respond to your request for data about you. If you are requesting data about your minor child, you must show proof that you are the minor’s parent.

If you are a guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity located in this Policy at Exhibit B.

### **How We Respond to a Data Request**

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

- If we do not have the data, we will notify you in writing within 10 business days.
- 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 data about you, we will respond to your request within 10 business days, by doing one of the following:
  - arranging a date, time, and place at City Hall to inspect data, if your request is to look at the data, or
  - providing you with copies of the data within 10 business days upon payment. You may choose to pick up your copies, or we will mail or fax them to you. We may provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format and payment has been secured.

Information about copy charges is located in this Policy.

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

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 and at your cost, we will work with you on the details of your request, including pricing and response time.

In addition, we are not required under the Government Data Practices Act to respond to questions that are not specific requests for data.

## **Data Practices Contact**

### **Responsible Authority**

City of Montrose  
Wendy Manson, Deputy Clerk/Data Practices Compliance Official  
311 Buffalo Avenue South  
Montrose, Minnesota 55363  
763-575-7422 (phone)  
763-675-3032 (fax)  
wmanson@montrose-mn.com (email)

## **Copy Costs – Data Subjects**

The City charges data subjects for copies of government data, based on actual costs incurred to produce the data. These charges are authorized under Minnesota Statutes, Section 13.04, Subdivision 3. You must pay for the requested copies of data before we will release them to you.

### **Actual Cost of Making the 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, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data, and make copies is \$25.00 per hour. This fee may be included in the City's regular fee schedule, which is adopted from time to time by ordinance.

**EXHIBIT A**

**DATA PRACTICES REQUEST FORM**

## EXHIBIT B

### STANDARDS FOR VERIFYING IDENTITY

The following constitute proof of identity.

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

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