

Data Practices Policy for Data Subjects

CITY OF FOLEY, MINNESOTA

This document is required by Minnesota Statutes, Section 13.025, Subdivision 3 and shall be reviewed and updated annually.

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. Data is a term that means all recorded information a government entity has, including paper, email, DVDs, photographs, etc.

Classification of Data About You

The Government Data Practices Act presumes that all 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: The names of City of Foley employees

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: Social Security Numbers

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 government entity 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.

The following is an example of confidential data about you: The identity of the subject of an active criminal investigation.

Your Rights Under the Data Practices Act

The City of Foley must keep all data in a way that makes it easy for you to access data about you. Also, we can collect and keep only 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 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 the 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, we will tell you that you have this right. We will ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. (Please see the notice to persons under the age of 18 form located on page 9.) We will make the final decision about your request based on your best interests. **Note:** 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 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.

- **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 this government entity keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, make a written request. Make your request for data to the appropriate individual listed in the Data Practices Contacts on page 5. You may make your request in person, by mail, fax, or email using the data request form on page 7.

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

- that you are making a request, under the Government Data Practices Act (Minnesota Statutes, Chapter 13), as a data subject, for data about you;
- whether you would like to inspect the data, have copies of the data, or both;
- a clear description of the data you would like to inspect or have copied; and

- identifying information that proves you are the data subject, or data subject's parent/guardian.

The City of Foley requires proof of your identity before we can respond to your request for private data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a guardian, you must show legal documentation of guardianship. Please see the Standards for Verifying Identity located on page 10.

If you request to have your private data released to another person or persons it must be by written request in person to the person listed in the Data Practices Contacts on Page 5. You must make this request by using the consent to release private data form on page 8.

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 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 to inspect data, for free, if your request is to look at the data, or
 - providing you with copies of the data within 10 business days. You may choose to pick up your copies, or we will mail or fax them to you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format.

Information about copy charges is on page 6.

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

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

Data Practices Contacts

Responsible Authority

Sarah A. Brunn, City Administrator
251 4th Avenue N
PO Box 709
Foley, MN 56329
Phone: 320-968-7260 Fax: 320-968-6325
Email: sbrunn@ci.foley.mn.us

Data Practices Compliance Official

Sarah A. Brunn, City Administrator
251 4th Avenue N
PO Box 709
Foley, MN 56329
Phone: 320-968-7260 Fax: 320-968-6325
Email: sbrunn@ci.foley.mn.us

Data Practices Designee(s)

Monica Shaw, Accounting & Administrative Clerk
251 4th Avenue N
PO Box 709
Foley, MN 56329
Phone: 320-968-7260 Fax: 320-968-6325
Email: mshaw@ci.foley.mn.us

or

Sara Judson-Brown, Administrative & Communications Assistant
251 4th Avenue N
PO Box 709
Foley, MN 56329
Phone: 320-968-7260 Fax: 320-968-6325
Email: sjbrown@ci.foley.mn.us

or

Katie McMillin, Police Chief
251 4th Avenue N
PO Box 709
Foley, MN 56329
Phone: 320-968-7260 Fax: 320-968-6325
Email: kmcmillin@ci.foley.mn.us

Other positions responsible for maintenance of City records are as apparent or assigned.

Copy Costs – Data Subjects

The City of Foley charges data subjects 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 the Copies

In determining the actual cost of making copies, we factor in employee time, 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 make copies is \$25.00 per hour.

City of Foley – Data Request Form

To be Completed by Requester – Please Print

Requester Name: _____ Phone Number: _____
 Street Address: _____ Fax Number: _____
 City, State, Zip: _____ Email Address: _____
 Signature: _____ Date of Request: _____

Note: According to MS § 13.05, Subd. 12, persons are not required to identify themselves, or state a reason for or justify a request for public data

Forward information by: Email Mail Fax Call for Pick-Up

Description of Information Requested – Be as Specific as Possible – Use the Back of This Form if Necessary:

To be Completed by City Department

Department Name: _____ Handled by: _____

Information Classified as:

- Public Non-Public
 Private Protected Non-Public
 Confidential

Action:

- Approved
 Approved in Part (Explain below)
 Denied (Explain below)

Remarks or basis for denial including statute section:

Note: According to MS § 13.03, subd. 3, authorizes us to charge fees to recover costs to provide copies of data, including costs associated with searching, compiling, copying, mailing, or otherwise transmitting data. Prepayment is required prior to receiving copies of data. We do not charge for inspection of data or for separating not public data from public data.

Copy Charges:

_____ Pages x .25¢ per Page = \$ _____
 Employee Time _____ Hours @ \$ _____ = \$ _____
 Other Charges _____ = \$ _____

Identity Verified for Private Information:

- Identification: Driver's License, State Id, Etc.
 Comparison with Signature on File
 Personal Knowledge
 Other: _____

Date Delivered: _____ Total Charges: \$ _____

Consent to Release Private Data

I, _____, authorize the City of Foley ("City") to release the
(print name)
following private data about me:

to the following person or people:

The person or people receiving the private data may use it only for the following purpose or purposes:

This authorization is dated _____ and expires on _____.

The expiration cannot exceed one year from the date of the authorization, except in the case of authorizations given in connection with applications for life insurance or non-cancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

I agree to give up and waive all claims that I might have against the City, its agents and employees for releasing data pursuant to this request.

x _____
Signature

Identity verified by:

- Identification: Driver's License, State ID, Passport, other: _____
- Comparison with signature on file
- Personal Knowledge
- Other: _____

Responsible Authority/Designee: _____

Notice to Persons Under the Age of 18

Some of the information you are asked to provide is classified as private under state law. You have the right to request that some of the information not be given to one or both of your parents/legal guardians. Please complete the form below if you wish to have information withheld.

Your request does not automatically mean that the information will be withheld. State law requires the City to determine if honoring the request would be in your best interest. The City is required to consider:

- Whether you are of sufficient age and maturity to explain the reasons and understand the consequences,
- Whether denying access may protect you from physical or emotional harm,
- Whether there is reasonable grounds to support your reasons, and
- Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes Sections 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize your health.

NOTICE GIVEN TO: _____

Date: _____

BY: _____

(title)

Request to Withhold Information

I request that the following information: _____

Be withheld from: _____

For these reasons: _____

Date: _____ Print Name: _____ Signature: _____

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.