

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

IMPORTANT RIGHTS FOR SUBJECTS 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 section.

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. This means that each of your parents or your guardian usually can look at and have copies of the 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 won't 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 can't let your parents see information about you.

If you have been appointed as a legal guardian for an individual, you may exercise that individual's rights under the MGDPA. To do so, you must show proof of your appointment as a 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 have to 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 Tennessen 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 have to 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 the Department of Public Safety 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 and 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 for you to sign as soon as we can after that. You do not have to sign the notice.

We only have to 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 law enforcement officers and members of the fire department and sheriff's office. The Department of Public Safety has several divisions that investigate crime.

The notice puts limits on what we can do with the 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 didn't 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 can't 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 can't 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 have to 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 didn't tell you about in the Tennessee 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 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 don't 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 have to 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 doesn't 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 have to release the data in the way you ask.

We only ask for your informed consent to release *private* data about you. We don't need to ask for your consent to release public data about you because the law says we have to 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 a certain DPS division keeps about you, contact the division representative listed in the attachment. To find out what information all of DPS keeps about you, contact Kim Parker, Data Practices Compliance Official/General Counsel, Department of Public Safety, 445 Minnesota St., Suite 1000 Town Square Tower, St. Paul, MN 55101 Telephone: 651/201- 7170.

You have the right to see the data we keep about you.

If you ask us, we will show you the public and private data that we keep about you. Contact the division representative listed in the attachment if your request relates to specific divisions with DPS. If your request involves multiple divisions or the entire agency, contact Kim Parker, Data Practices Compliance Official/General Counsel, Department of Public Safety, 445 Minnesota St. Suite 1000 Town Square Tower, St. Paul, MN 55101, Telephone: 651/201-7170.

In your request, tell us as clearly as you can about 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 can't show you the data right away, we will show you the data in no more than ten business days.

The law says we have to 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 about 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 don't want us to give your parents information about you, you must write to Kim Parker, Data Practices Compliance Official/General Counsel, Department of Public Safety, 445 Minnesota St., 1000 Town Square Tower, St. Paul, MN 55101. Tell us why you don't want us 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 Kim Parker, Data Practices Compliance Official/General Counsel, Department of Public Safety, 445 Minnesota St., Suite 1000, Town Square Tower, St. Paul 651/201-7170.

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

- Is there a law that says we have to 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 don't release the data?

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

We can't 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 have to 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 division representative listed in the attachment or Kim Parker, Data Practices Compliance Official/General Counsel, Department of Public Safety, 445 Minnesota St., Suite 1000 Town Square Tower, St. Paul, MN 55101, Telephone: 651/201- 7170. 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.

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 Kim Parker, Data Practices Compliance Official/General Counsel, Department of Public Safety, 445 Minnesota St., Suite 1000, Town Square Tower, St. Paul, MN 55101, Telephone: 651/ 201-7170.

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 can't 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 will charge you a fee for making copies of the data you ask for. We can only charge you the actual cost of making and compiling the copies. If you ask us to fax the copies to you, the fee will not include 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 can't see or get copies of the 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 can't 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 the accuracy and completeness of data.

- *Accurate* means the data are reasonably correct and do not contain any errors.
- *Complete* means that the data describes the history of your contacts 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 gives 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 DPS's responsible authority, Bob Jacobson, Commissioner, 445 Minnesota St, Suite 1000, Town Square Tower, St. Paul, MN 55101, and say that you are challenging the accuracy and completeness of data DPS maintains about you.

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 is 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 *don't 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 the public or private data we have about you is 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 have to include your statement of disagreement with the data.

You can appeal our decision about your data challenge.

If you don't 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 to file your appeal. If we do not tell you about your right to appeal our decision, you have 180 days to file your appeal.

Your appeal must be made to the Commissioner of Administration in writing (such as sending a letter, an e-mail message, or a fax). Include your name, address, and phone number, and make sure you name the Department of Administration and the Commissioner of Administration.

Say that you are appealing a decision we made about your data challenge (or your challenge to the accuracy and/or completeness of data we keep about you). Tell the Commissioner precisely what data you believe are inaccurate or incomplete. Also, say 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
St. Paul, MN 55155

The Commissioner's staff will contact you regarding your appeal. The Commissioner's staff is available at:

Information Policy Analysis Division (IPAD) 201 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155
Voice: 651/296-6733 or 1-800-657-3721 Fax: 651/205-4219

<http://www.ipad.state.mn.us>

If you have any questions about your rights, please contact Bob Jacobson, who is our responsible authority, or Kim Parker, who is our compliance official at the Department of Public Safety, 445 Minnesota Street, Suite 1000, Town Square Tower, St. Paul, MN 55101, Telephone: 651/201-7170.

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