



Accessing Data on Individuals

The Minnesota Government Data Practices Act governs access to “data on individuals” held by the Bureau of Criminal Apprehension (BCA). This guide uses a Question and Answer format to explain your rights to data about yourself, a minor child, an individual under your guardianship, or a decedent.

The term “data on individuals” means that the data are about a living human being. State law requires that data on individuals be protected so that they are accurate, current, complete and secure. Also, before releasing any data, the BCA must take reasonable steps to make sure that the individual asking for the data is permitted to have the data. The information in this guide explains how the BCA will meet these requirements and uses the word “individual” to reference a living human being.

To learn how to access public government data held by the BCA, please see the “[Accessing Public Government Data](#)” Guide.¹

What data does the BCA maintain?

Most of the data maintained by the BCA are about individuals and whether they have violated criminal laws. The data may be in an investigative file, a criminal history record or a laboratory test result.

What are my rights to data held by the BCA?

Your rights to data held by the BCA are to know whether the BCA has data about you and whether the data are classified as public, private, or confidential under the Minnesota Government Data Practices Act.

- **Public data** are accessible to anyone who asks.
- **Private data** are accessible to the individual who is the subject of the data, to someone who has the individual’s permission to see the data, to staff at the BCA who need the data to do their work, and to others specifically authorized by law.
- **Confidential data** are *not* available to the individual who is the subject of the data. Confidential data are accessible only to staff at the BCA who need the data to do their work and to others specifically authorized by law.

You may request to inspect or obtain copies of data about yourself that are classified as public or private. If the BCA keeps confidential data about you, you are entitled to know only that those confidential data exist. You also must prove your identity *before* the BCA will release private data or

¹ <https://dps.mn.gov/divisions/bca/Documents/Public%20Guide%20120811.pdf>

tell you if confidential data exist. Please refer to the BCA "[Data Inventory](#)"² to learn how data on individuals held by the BCA are classified.

May I request data about my minor child or an individual under my guardianship?

Yes, you may request public and private data about your minor child or an individual under your guardianship. Please complete the "[Request for Data by Parent or Guardian](#)" form³.

You also must provide proof of your identity and proof of your relationship to the minor child or individual under your guardianship *before* the BCA will release the data. In general, a parent's right to access data about a minor child remains, regardless of the relationship between the parents, unless a court issues an order terminating parental rights.

Minor children have the right to ask the BCA not to release private data about them to a parent or guardian. In that case, the BCA Responsible Authority determines whether withholding the data is in the best interests of the minor child. The BCA Responsible Authority is the Commissioner of the Minnesota Department of Public Safety, of which the BCA is a division.

May I request data about a decedent?

Yes, you may request public or private data about a decedent under certain conditions. Please use the "[Request for Data on a Decedent](#)" form⁴. You also must provide proof of your identity and proof of your relationship to the decedent *before* the BCA will release the data. State law provides a different way to access these data because they were collected by the BCA prior to the individual's death and the individual is no longer able to give permission.

Private data about a decedent become public *if* at least 10 years have passed since the decedent's death *and* 30 years or more have passed since the data were created. Until that time, the personal representative of the decedent's estate is permitted to request private data, or authorize its release to a third party. If there is no personal representative, the decedent's surviving spouse or child may request access to or authorize the release of private data. And, if there is no personal representative, surviving spouse, or child, the decedent's parent may request access to or authorize the release of private data. Lastly, if there is a wrongful death lawsuit about the death of the decedent, then the court-appointed trustee in that lawsuit may have access to the data on the decedent.

May I ask the BCA to provide private data to someone else?

You may authorize the BCA to provide private data about you to someone else (such as a prospective employer or your attorney). Please complete the "[Informed Consent for Release of Data](#)" form⁵. A current, government-issued photo identification must be shown to a notary public to properly witness your signature on the Informed Consent form *before* bringing or mailing it to the BCA.

² <https://dps.mn.gov/divisions/bca/Documents/Data%20Inventory%20101111.pdf>

³ <https://dps.mn.gov/divisions/bca/Documents/Parent%20or%20Guardian%20Data%20Request%201211.pdf>

⁴ <https://dps.mn.gov/divisions/bca/Documents/Data%20on%20Decedent%201211.pdf>

⁵ <https://dps.mn.gov/divisions/bca/Documents/Informed%20Consent%201211.pdf>

If you are the decedent's...

you must provide...

| | |
|---|--|
| Personal Representative | a <i>certified</i> copy of the court order appointing you as the estate's personal representative. |
| Surviving spouse | a <i>certified</i> copy of the decedent's death certificate <u>and</u> a <i>certified</i> copy of your marriage certificate. |
| Child | a <i>certified</i> copy of the decedent's death certificate <u>and</u> a <i>certified</i> copy of your birth certificate or adoption papers, listing the decedent as your birth or adoptive parent. |
| Parent | a <i>certified</i> copy of the decedent's death certificate <u>and</u> a <i>certified</i> copy of the decedent's birth certificate or adoption papers, listing you as the decedent's birth or adoptive parent. |
| Court Appointed Trustee of Next of Kin in wrongful death lawsuit | a <i>certified</i> copy of the court order appointing the trustee. |

Who should receive my BCA data request?

For fastest service, please bring your request to the BCA or mail it to the BCA Data Practices Designee:

Judith M. Strobel

Attn: Data Practices
Bureau of Criminal Apprehension
1430 Maryland Avenue East
Saint Paul, Minnesota 55106

You may also bring or mail your request to the BCA Responsible Authority:

Commissioner John Harrington

Minnesota Department of Public Safety
445 Minnesota Street, Suite 1000
Saint Paul, Minnesota 55101-5000

To seek resolution of an issue related to a data request, please contact:

Sydnee N. Woods

Attn: BCA Data Practices Compliance Official
Minnesota Department of Public Safety
445 Minnesota Street, Suite 1000
Saint Paul, Minnesota 55101-5000

How much time does the BCA have to provide the requested data?

The BCA has 10 business days from receipt of a properly completed data request to provide any responsive data or notify you that:

1. it does not have the data you requested,

2. your request does not describe the data you are seeking clearly enough to determine what you are requesting,
3. more information (such as proof of your identity) is needed to act on your request, or
4. you are not legally entitled to the data. (The BCA will tell you which law prohibits release of the data.)

How often may I request data?

You may request data once during a six-month period *unless* new data have been created or collected, or you are challenging the accuracy or completeness of the data. You also may make a “standing data request” that will last 60 days. This means the BCA will periodically send you any new responsive, public or private data that have been created or collected within 60 days of receipt of your original data request.

Is there a cost to receive data?

There is no cost to see data about you, your minor child, an individual under your guardianship, or a decedent, if you inspect the data at the BCA.

If you request paper copies, the charge is for the actual cost of the paper, envelope or other mailer, postage, if any, and employee time to make the copies. If you request data in an electronic format and the BCA has the data in that electronic format, the cost is for the electronic media, the mailer and postage, if any, along with the employee time to make the electronic copy. Payment must be received *before* the BCA will produce the copies. There is no charge if the total cost is less than \$10.

What if my name is in the public criminal history and I did not commit a crime?

Your name may be in the public criminal history even if you did not commit a crime, because another individual has your same name and date of birth or has used your name and date of birth as part of a crime. If this is your situation, please follow the steps in the BCA “Questioned Identity” [fact sheet](#)⁶.

The Questioned Identity process allows you to work to resolve any questions about your identity by providing fingerprints and some basic information about yourself and circumstances to the BCA. If your fingerprints do not match those of the person who has the same name or who has used your name as part of a crime, you will be provided with documentation stating that fact.

Please do *not* use the questioned identity process to challenge the listing of an offense for which you were actually convicted, even if you believe the conviction was unfair or wrong.

What if I believe the data are inaccurate or incomplete?

If the data you believe are inaccurate or incomplete were ***created by a criminal justice agency and sent to the BCA***, please check first with the criminal justice agency that created or collected the

⁶ <https://dps.mn.gov/divisions/bca/Pages/criminal-history-general-information.aspx>

information *before* you challenge the data held by the BCA. If the BCA has recorded data completely and accurately as they were provided by the other entity, the BCA may not change the data unless the other entity submits a correction. If the other agency submits a correction to the BCA, a challenge would be unnecessary.

If the data you believe are inaccurate or incomplete were ***created by the BCA***, you may challenge the data by providing:

1. a statement that you are challenging the data under the Minnesota Data Practices Act,
2. a clear description of the data you are challenging, and
3. why, in specific terms, the data are inaccurate or incomplete.

Because only the subject of the data may challenge the data's accuracy or completeness, you also must prove your identity by having your signature notarized on the written challenge. For more information on challenges to the accuracy or completeness of data, please see [section 13.04, subdivision 4](#)⁷.

If you wish to have someone else communicate with the BCA on your behalf about a data challenge, please complete the "Informed Consent for Release of Data" form and submit it with your challenge. If you are challenging data about your minor child, an individual under your guardianship, or a decedent, you must provide one of the proof of relationship documents described on page 4.

Please bring or mail your written challenge to the BCA Responsible Authority whose contact information is listed on page 4. A decision regarding your written challenge will be made by the BCA Responsible Authority within 30 days of receipt. If the BCA Responsible Authority agrees that the data are inaccurate or incomplete, the BCA will correct the data and attempt to alert past recipients of the data that it has made a correction. If the BCA Responsible Authority disagrees with all or part of your challenge, you will be notified in writing.

If the data you believe are inaccurate or incomplete *came from a Minnesota court*, you must follow the Judicial Branch process outlined on the Minnesota State Court Administration [website](#)⁸.

What if I do not understand the data I receive?

If you do not understand the data you receive, you may ask for an explanation. The BCA will make reasonable efforts to explain very specialized data as well as acronyms, abbreviations, and common words whose meaning is not readily apparent in the context of the data.

Are there forms that I can use to request data held by the BCA?

Yes, BCA forms are available for your use. See the web page [Your Data Rights](#).⁹

⁷ <https://www.revisor.mn.gov/statutes/?id=13.04>

⁸ <http://www.mncourts.gov/?page=244>

⁹ <https://dps.mn.gov/divisions/bca/Pages/your-data-rights.aspx>