

# **Guide for Requesting Information about You**

## **FILLMORE COUNTY**

This document also discusses your rights when government entities collect and keep information about you. Minnesota Statutes, section 13.05, subdivision 8, requires us to have this document.

## **Data about You**

The 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 has, including paper, email, CD-ROMs, photographs, etc.

## **Classification of Data about You**

The 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 is classified by state law as public, private, or confidential. See below for some examples.

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: If you are an employee of a government entity, the fact that you work for the entity, and your job title and bargaining unit is public.

Private data: We cannot give private data to the general public, but you have access when the data is about you. The following is an example of private data about you: your Social Security number. We can share your private data with you, with someone who has your permission, with Fillmore County staff who need the data to do their work, and as permitted by law or court order.

Confidential data: Confidential data has the most protection. Neither the public nor you can get access even when the confidential data are about you. The following is an example of confidential data about you: if you register a complaint with a government entity concerning violations of state laws or local ordinances concerning the use of real property, your identity is confidential. We can share confidential data about you with Fillmore County 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.

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

Fillmore County must keep all government data in a way that makes it easy 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.

Your 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 appointed guardian.

Minors have the right to ask Fillmore County 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 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. 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 Tennessean 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 may use the consent form we provide. However, if you do not use the consent form we provide, we request that the form be reviewed by our County Attorney's office.

Protecting your Data: The 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 Fillmore County keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, you need to make a written request. Make your request for data to the appropriate individual listed in the Data Practices Contacts document on page 5. You may make your written request by mail, email or fax, by completing Section A of the Information Disclosure Request form on page 8. Requests for a small amount of public data may not require a written request, at the sole discretion of the Responsible Authority or Designee for the department which maintains the data.

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

- a statement that you are making a request, under the 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.

If the data is private, Fillmore County requires proof of your identity before we can respond to your request for 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 your guardianship. Please see the Standards for Verifying Identity document located on page 9.

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

Once you make your written 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 in writing 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:
  - arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
  - provide 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. We also will arrange for you to prepay for the copies. Pre-payment of copies is required unless other arrangements are approved by the Department Head or Data Practices Compliance Official for the responding department.

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 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 requests for data.

## Data Practices Contacts

### FILLMORE COUNTY

Office	Responsible authority	Data Practices Compliance Official
<b>County Auditor/Treasurer</b>	<b>Shirl Boelter PO Box 627 Preston, MN 55965 507-765-3811 &amp; 765-4701 Fax: 507-765-2662 Email: sboelter@co.fillmore.mn.us</b>	<b>Shirl Boelter PO Box 627 Preston, MN 55965 507-765-3811 &amp; 765-4701 Fax: 507-765-2662 Email: sboelter@co.fillmore.mn.us</b>
<b>County Attorney</b>	<b>Brett Corson PO Box 307 Preston, MN 55965 507-765-2530 Fax: 507-765-4543 Email: bcorson@co.fillmore.mn.us</b>	<b>Brett Corson PO Box 307 Preston, MN 55965 507-765-2530 Fax: 507-765-4543 Email: bcorson@co.fillmore.mn.us</b>
<b>County Recorder</b>	<b>David Kiehne PO Box 465 Preston, MN 55965 507-765-3852 Fax: 507-765-2802 Email: dkiehne@co.fillmore.mn.us</b>	<b>David Kiehne PO Box 465 Preston, MN 55965 507-765-3852 Fax: 507-765-2802 Email: dkiehne@co.fillmore.mn.us</b>
<b>Sheriff</b>	<b>Daryl Jensen 901 Houston Street PO Box 525 Preston, MN 55965 507-765-3874 Fax: 507-765-2703 Email: djensen@co.fillmore.mn.us</b>	<b>Daryl Jensen 901 Houston Street PO Box 525 Preston, MN 55965 507-765-3874 Fax: 507-765-2703 Email: djensen@co.fillmore.mn.us</b>
<b>Community Services</b>	<b>Thomas Boyd 902 Houston St. NW, Suite 1 Preston, MN 55965 507-765-2175 Fax: 507-765-3895 Email: tboyd@co.fillmore.mn.us</b>	<b>Thomas Boyd 902 Houston St. NW, Suite 1 Preston, MN 55965 507-765-2175 Fax: 507-765-3895 Email: tboyd@co.fillmore.mn.us</b>
<b>All other County Offices</b>	<b>Karen Brown 101 Fillmore St. W PO Box 466 Preston, MN 55965 507-765-4566 Fax: 507-765-2803 Email: kbrown@co.fillmore.mn.us</b>	<b>Karen Brown 101 Fillmore St. W PO Box 466 Preston, MN 55965 507-765-4566 Fax: 507-765-2803 Email: kbrown@co.fillmore.mn.us</b>

# Copy Costs - Data Subjects

## Fillmore County

Fillmore County charges data subjects for copies of government data. These charges are authorized under section 13.04, subdivision 3.

You must pay for the copies before we will give them to you. Pre-payment of copies is required unless other arrangements are approved the Department Head or Data Practices Compliance Official for the responding department.

### 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.

**FEE SCHEDULE - SUBJECT TO CHANGE**

5/13/2010

#### Copies: Fee Calculation Method

		Fee	Per	#	Cost
DATA REQUESTER IS ALSO THE DATA SUBJECT:					
Lowest yearly salary in dept =					
Staff time required (in minutes) =		0	minute(s)		\$0.00
Number of sheets of paper =	Actual Cost	0.02	sheet		\$0.00
Number of <u>sides</u> black & white =	Actual Cost	0.01	sheet		\$0.00
Number of <u>sides</u> colored =	Actual Cost	0.08	sheet		\$0.00
Number of copies stapled =	Actual Cost	0.01	staple		\$0.00
Sending Fax - local	Cost per min.	0.001	minute(s)		\$0.00
Sending Fax - long distance	Cost per min.	0.01	minute(s)		\$0.00
Postage =	Actual Cost	0.44	stamp		\$0.00
Envelope =	Actual Cost		envelope		\$0.00
TOTAL:					\$0.00

#### Other Fees

	Fee	Per	#	Cost
FAX - only if we provide the paper	\$0.25	page		\$0.00
LAMINATION	\$0.50	page		\$0.00

# Data Request Form – Data Subjects

## FILLMORE COUNTY

**Date of request:** \_\_\_\_\_

To request 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.

**I am requesting access to data in the following way:**

Note: inspection is free but Fillmore County will charge in accordance with the copy costs – data subjects (see previous page).

Inspection

Copies

Both inspection and copies

**These are the data I am requesting:**

Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

**Contact Information**

Data subject name \_\_\_\_\_

Parent/Guardian name (if applicable) \_\_\_\_\_

Address \_\_\_\_\_

Phone number \_\_\_\_\_ Email address \_\_\_\_\_

Signature of Data Subject or Parent/Guardian \_\_\_\_\_

**Staff Verification**

Identification provided \_\_\_\_\_

Fillmore County will respond to your request within 10 business days.

## Fillmore County DATA/INFORMATION DISCLOSURE REQUEST

### A. Requester Complete

**Note:** Request Frequency – Private Data on individuals. After you have been shown the data and informed of its meaning, the data need not be disclosed to you until six months thereafter unless a dispute or action is pending or additional data on you has been collected.

1. Requester Name (Last, First, MI)	2. Company Name (if applicable)	3. Date of Request
4. Parent/Guardian Name (if applicable – for request for data about minor)	5. Description of Requested Information	
6. Mailing Address		
7. City, State, ZIP code		
8. Phone (if required to advise when data is ready)		
9. e-mail address (if required for electronic delivery of data)		
11. Requester Signature (If required to prove identity – for requests for private data)		10. I am requesting access to the data in the following way: <input type="checkbox"/> Inspection <input type="checkbox"/> Copies <input type="checkbox"/> Both Inspection and Copies <b>Note: Inspection is free, but there is a charge for copies</b>

Note: You are not required to complete the name & contact information requested. However, if we do not understand your request & need clarification, we may not be able to begin processing it until you contact us. Also, we will need contact information if you want us to mail or email data to you.

### B. County Department/Division Complete

12. Department:	13. Request Handled By:
14. Request Type: <input type="checkbox"/> In-Person <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> E-mail	15. Requested by: <input type="checkbox"/> Subject of Data <input type="checkbox"/> Not the Subject of Data (explain in #14)
16. The Information Requested is Classified: <input type="checkbox"/> Public <input type="checkbox"/> Non-Public <input type="checkbox"/> Private <input type="checkbox"/> Protected Non-Public <input type="checkbox"/> Confidential	17. Request: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved in Part (explain in #17)
18. Identification provided (if request for private data ONLY – see Page 2 for Standard for Verifying Identity) Indicate form of identification provided:	
19. Authorized Signature:	
20. Remarks/Comments: (If requested data is classified so as to deny access to the requester, cite authority or reason. Also enter any other remarks or comments that are appropriate:	

### C. Department/Division Complete when Fees are assessed

(A receipted copy of this form is to be provided to the requester each time money is received.)

21. <input type="checkbox"/> Fees: Flat Rate	22. <input type="checkbox"/> Fees: Special Rate _____ X _____ = _____ <small>(# of items) (Rate Amt)</small>
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I have received from the above named, the amount(s) indicated below opposite my signature(s) for providing the information requested.

23. Total Amount Due	\$	Received By:	Today's Date:
23a. Amount to be Prepaid (50% of est. totals over \$50.00)	\$	Received By:	Today's Date:
23b. Balance Due (Upon completion of copying)	\$	Received By:	Today's Date:

### D. Requester, Please Note Items Checked

Make check/money order payable to:  
**Fillmore County Auditor/Treasurer**

If mailed, return entire form and any fees to:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Standards for Verifying Identity

## Fillmore County

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.