

Data Practices Policy for Data Subjects

County of Martin, MN

This document 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 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 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: 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.

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 appropriate Martin County staff who need the data to do their work, and as permitted by law or court order. An example of private data is a 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 appropriate Martin 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.

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

Your Rights under the Government Data Practices Act

Martin 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.

- **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 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.

Minors have the right to ask Martin 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 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 may 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 Martin County 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 on pages 5-6 and by completing Section A of the Information Disclosure Request form on page 9.

You may make your request by mail, fax, or email, using the data request form on page 8. Requests for a small amount of public data may not require a written request, at the sole discretion on the Responsible Authority or Designee for the department which maintains the data.

If you choose not to use the data request form, your 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.

If the data is private, Martin 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 located on page 10.

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:
 - 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 will also 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 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 Government Data Practices Act to respond to questions that are not specific requests for data.

Data Practices Contacts Martin County, MN

Office	Responsible Authority	Data Practices Compliance Official	Designees
County Auditor/ Treasurer	Michael Forstner 201 Lake Avenue Fairmont, MN, 56031 507-238-3272 michael.forstner@co.martin.mn.us	Michael Forstner 201 Lake Avenue Fairmont, MN, 56031 507-238-3272 michael.forstner@co.martin.mn.us	
County Attorney	Taylor McGowan 123 Downtown Plaza Fairmont, MN 56031 507-238-4377	Taylor McGowan 123 Downtown Plaza Fairmont, MN 56031 507-238-4377	
County Recorder	Michelle Duncan 201 Lake Avenue Fairmont, MN 56031 507-238-3255 michelle.duncan@co.martin.mn.us	Michelle Duncan 201 Lake Avenue Fairmont, MN 56031 507-238-3255 michelle.duncan@co.martin.mn.us	
Sheriff	Jeff Markquart Security Building 201 Lake Avenue Fairmont, MN 56031 507-238-4481 jeff.markquart@co.martin.mn.us	Jeff Markquart Security Building 201 Lake Avenue Fairmont, MN 56031 507-238-4481 jeff.markquart@co.martin.mn.us	

Office	Responsible Authority	Data Practices Compliance Official	Designees
All Other Offices	Scott Higgins County Coordinator 201 Lake Avenue, Fairmont, MN 56031 507-238-3126; Fax 507-238-3136 scott.higgins@co.martin.mn.us	Scott Higgins County Coordinator 201 Lake Avenue, Fairmont, MN 56031 507-238-3126; Fax 507-238-3136 scott.higgins@co.martin.mn.us	HR Director Leigha Johnson 507-238-5222 leigha.johnson@co.martin.mn.us County Assessor Mike Sheplee 507-238-3278 mike.sheplee@co.martin.mn.us U of M Extension Hannah Neil 507-238-3116 hneil@umn.edu Library Jenny Trushenski 507-238-4207 jtrushenski@tds.lib.mn.us MIS Steve McDonald 507-238-3133 steven.mcdonald@co.martin.mn.us Planning & Zoning Pam Flitter 507-238-3242 pam.flitter@co.martin.mn.us Probation Department Nancy Johnson 507-238-3221 nancy.johnson@state.mn.us Highway Kevin Peyman 507-235-3347 kevin.peyman@co.martin.mn.us Veteran Services Doug Landsteiner 507-238-3257 doug.landsteiner@co.martin.mn.us Victim Services Rebecca Bentele 507-238-3209 rebecca.bentele@co.martin.mn.us

Costs – Data Subjects

This government entity 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, 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.

If, because of the subject matter of your request, we find it necessary for employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge based on the lowest salary/wage in the Department/Office.

For other fees, refer to the Martin County Fee Schedule for a detailed listing of all copy fees. If not otherwise specified in the Martin County Fee Schedule, please contact the Department with whom you made the request.

Martin County will accept cash, money order, checks or collected funds. It is at the discretion of the Department Head on what types of funds they will accept.

Data Request Form – Data Subjects

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:

Inspection

Copies

Both inspection and copies

Note: Note: inspection is free, but there may be charges applied as listed in this policy.

These are the data I am requesting:

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 _____

Staff Verification

Identification provided _____

We will respond to your request within 10 business days.

MARTIN COUNTY DATA/INFORMATION DISCLOSURE REQUEST

A. Requester Complete, at a minimum, the highlighted sections.

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, Middle)	2. Company Name (if applicable)	3. Date of Request
4. Parent/Guardian (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)	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 Note: Inspection is free, but there is a charge for copies.	
11. Requestor Signature (if required to prove identity- for private data)		
B. County Department 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. Request By: <input type="checkbox"/> Subject of Data <input type="checkbox"/> Not the Subject of Data	
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 (explain in #20) <input type="checkbox"/> Approved in Part (explain in #20)	
18. Identification provided (if request for private data ONLY-see Page 2 for Standard for Verifying Identity)		
19. Authorized Signature		
20. Remarks/Comments (If requested data is classified so as to deny access to the requestor, cite the authority or reason. Also enter any other remarks or comments that are appropriate.)		
21. Date Completed	22. Date Notified and by Whom:	

C. Department Complete When Fees are Assessed

(A receipt copy of the form is to be provided to the requestor each time money is received.)

23. <input type="checkbox"/> Fees: Flat Rate	24. Fees: Special Rate $\frac{\text{_____}}{\text{(# of items)}} \times \text{_____} = \text{_____}$ (Rate Amt.)		
I have received from the above named, the amount (s) indicated below opposite my signature(s) for providing the information requested.			
25.. Total Amount Due	\$ _____	Received By:	Today's Date:
25a. Total Amount Due (50% of est. totals over \$50.00)	\$ _____	Received By:	Today's Date:
25b. Balance Due: (Upon Completion of Copying)	\$ _____	Received By:	Today's Date:

Standards for Verifying Identity Martin County, MN

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.