



## Minnesota Department of Transportation Office of Chief Counsel, Data Practices Unit

### GUIDE FOR REQUESTING INFORMATION ABOUT YOURSELF

This document discusses your rights when government entities collect and keep information about you and explains the process used to obtain data about yourself. Minnesota Statutes §13.05 Subd. 8 require MnDOT to have this document.

#### **Data about you**

The Minnesota Government Data Practices Act (Minnesota Statutes Chapter 13) states that data subjects have certain rights related to a government entity creating, collecting, and maintaining 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, electronic files, 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 are classified by state law as public, private, or confidential.

#### **Public data**

MnDOT does not maintain a significant volume of public data about individuals because of the type of work MnDOT performs. However, if MnDOT does have public data about you, MnDOT must give it to anyone who asks; it does not matter who is asking for the data or why.

If you are a MnDOT employee, MnDOT must give public data about you to anyone who asks; it does not matter who is asking for the data or why. Examples of public data about you:

- Name
- Job Title
- Bargaining Unit

The Data Practices Act lists public information on MnDOT employees at Minnesota Statutes §13.43 Subd. 2.

#### **Private data**

MnDOT does not maintain a significant volume of private data about individuals because of the type of work MnDOT performs.

MnDOT cannot give private data to the general public, but you have access to private data when the data are about you. MnDOT can share your private data with you, with someone who has your permission, with MnDOT staff who need the data to do their work and, as permitted by law or court order.



## **Confidential data**

Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. MnDOT can share confidential data about you with MnDOT staff who need the data to do their work and as permitted by law or court order.

## **MnDOT data inventory**

MnDOT maintains an inventory on the types of private and confidential data it collects on individuals. You may request a copy of the Data Inventory by contacting the Data Practices Office.

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

MnDOT must keep all government data in a way that makes it easy for you to access data about you. Also, MnDOT can collect and keep only those data about you that MnDOT needs for administering and managing programs that are permitted by law.

## **Your access to your data**

You have the right to look at (inspect) free of charge, public and private data that MnDOT keeps about you. You also have the right to get copies of public and private data about you. The Data Practices Act allows MnDOT to charge for copies.

Also, if you ask, MnDOT will tell you whether MnDOT keeps 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 MnDOT not to give data about them to their parent or guardian. If you are a minor, MnDOT will tell you that you have this right. MnDOT may ask you to put your request in writing and to include the reasons that MnDOT should deny your parent's access to the data. MnDOT 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 MnDOT collects data from you**

When MnDOT asks you to provide data about yourself that are not public, MnDOT must give you a notice. The notice is sometimes called a Tennesen Warning or Data Privacy Notice. The notice controls how MnDOT uses the data that it collects from you. MnDOT can use and release the data only in the ways described in the notice.

MnDOT will ask for your written permission if MnDOT needs to use or release private data about you in a different way, or if you ask MnDOT to release the data to another person. This permission is called informed consent.



## Protecting your data

The Data Practices Act requires MnDOT to protect your data. MnDOT has established appropriate safeguards to ensure that your data are safe. In the unfortunate event that MnDOT determines a security breach has occurred and an unauthorized person has gained access to your data, MnDOT will notify you as required by law.

## When data about you is 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 Mn/DOT's 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 MnDOT keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, make a written request. You can make a written request in one of several ways:

1. Send a letter to the Data Practices Staff
2. Send an email to the Data Practices Staff
3. Send an email to the Data Practices mailbox at: [data.practices@state.mn.us](mailto:data.practices@state.mn.us)
4. Fax a data practices request

Your written request should include:

- 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.

MnDOT requires proof of your identity before MnDOT 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 8.

Alternatively, you may use the data request form on page 7 to request information. If you want us to release data to another person, you must complete a consent form. Contact our office to get a consent form.

## How we respond to a data request for data about you

Upon receiving your written request, MnDOT will work to process it. You will be sent an acknowledgement letter or email stating that MnDOT has received your request.

- If MnDOT does not have the data, MnDOT will notify you in writing or email within 10 business days.



- If MnDOT has the data, but the data are confidential or private data that are not about you, MnDOT will notify you in writing or email within 10 business days and cite the specific law(s) that says you cannot access the data.
- If MnDOT has the data, and the data are public or private about you, MnDOT will respond to your request within 10 business days by doing one of the following:
  - If your request is to look at the data, MnDOT will arrange a date, time, and place to inspect the data, for free;
  - If you request copies of the data, MnDOT will provide you with copies within 10 business days. You may choose to pick up your copies or MnDOT will send them to you. If you want MnDOT to send you the copies, you will need to provide an address. Whenever possible, MnDOT will provide data in electronic format.
  - Information about copy charges is on page 6.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let MnDOT know. MnDOT will give you an explanation if you ask.

After MnDOT has provided you with access to data about you, MnDOT does not have to show you the data again for six months unless there is a dispute or MnDOT collects or creates new data about you.

### **Creating new data or providing data in a specific form**

The Data Practices Act does not require MnDOT to create or collect new data in response to a data request.

The Data Practices Act requires MnDOT to provide access to view public government data for free and the opportunity to receive copies of public data upon request. For example, if the data you request are on paper only, MnDOT is not required to create electronic documents to respond to your request.

The Data Practices Act does not require MnDOT to answer questions that are not requests for data. If MnDOT agrees to create data in response to your question, MnDOT will work with you on the details of your question, including cost and response time.



## DATA PRACTICES CONTACTS

### Responsible Authority

Betsy Parker  
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### Data Practices Compliance Official

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## **COPY COSTS - MEMBERS OF THE PUBLIC**

MnDOT may charge members of the public for copies of government data. These charges are authorized under Minnesota Statutes §13.03 Subd. 3(c).

MnDOT does not charge for copies if the cost is less than \$10.00.

### **For 100 or fewer paper copies – 25 cents per page**

One hundred or fewer pages of black and white, letter, or legal size paper copies cost 25 cents per page for a one-sided copy or 50 cents per page for a two-sided copy.

### **Most other types of copies – actual cost**

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email).

In determining the actual cost of searching for and retrieving data and making copies, MnDOT factors in employee time, the cost of the materials onto which MnDOT is copying the data (paper, CD, DVD, etc.), and any mailing costs. If your request is for copies of data that MnDOT cannot reproduce, such as photographs, MnDOT will charge you the actual cost MnDOT must pay an outside vendor for the copies.

MnDOT will assign the retrieval and copying tasks to the lowest salaried employee appropriate to each task.



## 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:**

Note: inspection is free, but MnDOT may charge for copies when the cost is over \$10.00.

- Inspection    Copies    Both inspection and copies

**This is 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: \_\_\_\_\_

MnDOT will respond to your request within 10 business days.



## STANDARDS FOR VERIFYING IDENTITY

The following constitute proof of identity.

- An **adult individual** must provide a valid photo ID, such as:
  - State driver's license
  - Military ID
  - Passport
  - Minnesota ID
  - Minnesota tribal ID
- A **minor individual** must provide a valid photo ID, such as:
  - State driver's license
  - Military ID
  - Passport
  - Minnesota ID
  - Minnesota Tribal ID
  - Minnesota school ID
- The **parent or guardian of a minor** must provide a valid photo ID *and either*
  - Certified copy of the minor's birth certificate *or*
  - Certified copy of documents that establish the parent or guardian's relationship to the child, such as
    - court order relating to divorce, separation, custody, foster care;
    - foster care contract;
    - 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 a* notarized or certified copy of the documents that are required *or* an affidavit of ID.