

GUIDE FOR INDIVIDUALS WHO ARE THE SUBJECT OF DATA

This document explains the rights of individuals (meaning natural persons) who are the subject of MnDOT data and how those individuals can obtain public and private data about them from MnDOT. This document is required by Minnesota Statutes §13.025.

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Data about You

The Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 (“MGDPA”) provides that individuals who are the subject of government data 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, electronic files, email, CD-ROMs, photographs, etc.

Classification of Data about You

The MGDPA presumes that all government data are public unless a state or federal law or temporary classification classifies the data as not public. Data about you are classified by state law as public, private, or confidential. Below are examples of public, private, and confidential data.

1. **Public data:** We must give public data to anyone who asks. It does not matter who is asking for the data or why they are asking for it. Examples of public data include the names, job titles, and salary information of almost all Minnesota state employees.
2. **Private data:** We cannot give private data to the general public, but you have the right to access private data about you. Your private data can also be accessed by someone who has your permission, by MnDOT staff whose work assignment reasonably requires access to the data, and by others as permitted by law or court order. Examples of your private data are your Social Security Number and date of birth.
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. Confidential data about you can be accessed only by MnDOT staff whose work assignment reasonably requires access to the data and by others as permitted by law or court order. We cannot give you access to confidential data. An example of confidential data is the identity of the subject of an active criminal investigation.

Your Rights under the Data Practices Act

MnDOT must keep its records containing government data in a way that makes it easy for you to access data about you. Also, we can collect and keep only 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 MGDPA allows us to charge you for our actual costs of making 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 MnDOT 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 parent/guardian access to the data. We will make the final decision about your request based on your best interests.

- **When We Collect Data from You**

When we ask you to provide data about yourself that are not public, we must give you a privacy notice. The privacy 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.

- **Protecting your Data**

The MGDPA requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe. In the unfortunate event that we determine a security breach has occurred and an unauthorized person has gained access to your data with the intent to use it for nongovernmental purposes, we will notify you as required by law.

- **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 Data Request

To look at data or request copies of data at MnDOT, make a written request in one of several ways:

1. Send a letter to the Litigation & Data Practices Staff: 395 John Ireland Blvd MS 130, St. Paul, MN 55155
2. Use our webform at <http://www.dot.state.mn.us/information/datapractices/submit-request.html>
3. Send an email to the Data Practices mailbox at: datapractices.dot@state.mn.us.

Your written request should include:

- That you are making a request under the MGDPA for data MnDOT keeps about (1) you, or (2) your minor children, or (3) an individual for whom you have been appointed legal guardian;
- Whether you would like to inspect the data, get copies of the data, or both; and
- A clear description of the data that you would like to inspect and/or have copied.

MnDOT requires proof of your identity before we can respond to your request for not public 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 7.

TIP → Send your request directly to the Data Practices Office using one of the options listed above. Sending your request to an office, or the generic MnDOT address may cause your request to be lost or delay our receipt of it.

How Does MnDOT Respond to a Data Request?

Upon receiving your request, the MnDOT Litigation & Data Practices Unit will review your request. If it is not clear what data you are requesting, we will ask you for clarification. MnDOT will then determine if we have the requested data.

- ❖ If MnDOT does not have the data, MnDOT will notify you in writing within 10 business days.
❖ December 2016
- ❖ If MnDOT has the data, but the data is confidential or private data that is not about you, MnDOT will notify you in writing within 10 business days and state which specific law says you cannot access the data.
- ❖ If MnDOT has the data and the data is public or private data about you, MnDOT will respond to your request within 10 business days by doing one of the following:

- If your request is to inspect 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 email, 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 copying charges is on page 6.

If you do not understand some of the data, such as technical terminology, abbreviations, or acronyms, please let us know and we will give you an explanation of the data.

TIP → The more specific and concise you make your request, the quicker we will be able to locate and produce data for you.

Creating New Data or Providing Data in a Specific Form

The MGDPA does not require MnDOT to create or collect new data in response to a data request. In other words, if the data you request does not exist at MnDOT, there is no data for us to produce. If we agree to create data in response to your question, we will work with you on the details of your request, including cost and response time.

The MGDPA also does not require MnDOT to create new formats of the requested data. For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request.

The MGDPA does not require MnDOT to answer questions that are not requests for data. However, we may choose to answer your question based on customer service.

DATA PRACTICES CONTACTS

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COPY COSTS – DATA SUBJECTS

MnDOT may charge data subjects for copies of government data. These charges are authorized under Minnesota Statutes §13.04, subd. 3.

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

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.

Standard for verifying identity

The following constitute acceptable 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

*** If you are not present a notarized signature is required.**