Minnesota Department of Education

GUIDE TO REQUESTING INFORMATION ABOUT YOURSELF

This document discusses your rights when government entities collect and keep information about you. Minnesota Statutes, section 13.05, Subdivision 8, requires the Minnesota Department of Education (MDE) to have this document.

Data about You

The Minnesota Government Data Practices Act (Data Practices Act), Chapter 13 of the Minnesota Statutes, ensures that data subjects have certain rights related to a government entity collecting, creating, and keeping government data about them. Government data means all recorded information collected, created, received, maintained, or disseminated by a government agency like MDE, in any form, including paper documents, emails, electronic databases, CDs and photographs or videos.

You are the subject of data when you can be identified from the data.

Your Rights under the Data Practices Act

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

Classification of Data about You

The Data Practices Act presumes that all government data are public unless a state or federal law provides that the data are not public. Data about you are classified by state law as public, private, or confidential.

Public data are all government data that MDE collects, creates, receives, maintains, or disseminates that are not classified by state statute or federal law as private, nonpublic, or confidential. MDE must give public data to anyone who asks for the data; it does not matter who is asking for the data or why. Examples of public data about individuals that are maintained by MDE include teacher salary data or, if you are an employee of a government entity, the fact that you work for the entity, your job title, and bargaining unit.

Private data are data about you that are made not public by statute or federal law. Private data cannot be shared with the general public, but you can have access when the data are about you. Examples of private data maintained by MDE include educational data about an identifiable individual student, and the Social Security numbers of teacher license applicants.

MDE can share your private data with you, with someone who has your written permission, with MDE staff who need the data to do their work, and as permitted by law or court order. When the private data

involve a minor child, like much of the educational data that MDE maintains do, the definition of an individual includes the minor child's parent for data practices purposes.

Confidential data have the most protection. Neither the public nor you can get access to this data, even when the confidential data are about you. MDE can share confidential data about you with MDE staff who need the data to do their work, and with others as permitted by law or court order. MDE holds very little confidential data, but examples of this type of data that MDE maintains are data about an ongoing employee disciplinary action and the identity of mandated maltreatment reporters.

Your Access to Your Data

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

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). In many cases, federal law also permits parents to access private educational data about their children who are age 18 or older.

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.

If you ask, MDE will tell you whether it keeps data about you and whether the data are public, private, or confidential.

When MDE Collects Data from You

If MDE asks you to provide data about yourself that are not public, it must give you a notice. The notice is sometimes called a Tennessen warning, and it controls what MDE does with the data that it collects from you. Usually, MDE can use and release the data it has collected from you only in the ways described in the notice.

MDE will ask for your written permission if it needs to use or release private data that it collected from you in a different way, or if you ask MDE to release the data to another person. This permission is called informed consent. If you want MDE to release data to another person, you may use the consent form MDE provides.

Note that much of the private data held by MDE – primarily, student educational data – are not collected by MDE directly from the individual data subjects but rather are received by MDE from schools, which are required by both state and federal law to share this data with MDE. Those same federal and state laws also allow or direct MDE to share this data without your prior consent with a limited number of outside entities, such as other schools, the federal government, MDE contractors and other legally qualified entities.

Protecting Your Data

The Data Practices Act requires MDE to protect your data, and MDE has established appropriate safeguards to ensure that your data are safe. In the unfortunate event that MDE determines a security breach has occurred and an unauthorized person has gained access to your data, MDE 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 MDE's decision in response to your challenge. 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 MDE holds about you, your minor child, or an individual for whom you have been appointed legal guardian, make a written data request by sending a letter or email to the appropriate data practices contact, or by faxing a data practices request to the attention of the data practices compliance official. MDE has several data practices contacts who can respond to data requests. They are listed on the data practices contacts page, which is included in this document and is also available on MDE's data practices Web page.

Your written request should:

- state that you are making a request for data under the Data Practices Act, Minnesota Statutes, Chapter 13, as a data subject;
- state whether you would like to look at the data, get copies of the data, or both;
- include a clear description of the data you would like to inspect or have copied; and
- include identifying information that proves you are the data subject or data subject's parent or guardian.

Alternatively, you may use the Data Request Form that is included at the end of this document.

MDE requires proof of your identity before it can respond to your request for data about you that is private. In addition, 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. For information about how to demonstrate proof of your identity, please see the Standards for Verifying Identity page, which is included in this document and is also available on MDE's Data Practices Web page.

If you are not sure how to describe the data you would like to inspect or copy, feel free to contact the data practices compliance official or other MDE data practices contact before making your request.

How MDE Responds to a Data Request

Upon receiving your written request, MDE will work to process it in a timely manner.

- If MDE does not have the data, it will notify you in writing within 10 business days.
- If MDE has the data, but the data are confidential and not available to you, it will notify you in writing within 10 business days and state which specific law says the data are not available to you.
- If MDE has the data, and the data are public or private data about you, it will respond to your request within 10 business days by doing one of the following:
  - arranging a date and time to inspect data at MDE offices, for free, if your request is to look at the data, or
  - providing you with copies of the data. You may choose to pick up your copies, or MDE will mail or fax them to you. If you want MDE to send you the copies, you will need to provide MDE with an address or fax number. MDE will provide electronic copies on CD upon request if MDE keeps the data in electronic format. MDE also will arrange for you to pre-pay for the copies if your request results in a copy charge. Information about copy charges is found on the Copy Costs page included in this document.
- If your request requires clarification in order to process, MDE will contact you by letter, email, or phone call to discuss your request and mutually arrange how MDE will proceed with the request.

If you come in to review records, an MDE staff member may be with you during your review, particularly if you are reviewing original records or large amounts of documentation. If you do not understand some of the data, such as technical terminology, abbreviations or acronyms, please contact your MDE data practices contact. MDE will give you an explanation if you ask for one.

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

Creating New Data or Providing Data in Different Formats

The Data Practices Act does not require MDE 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. If MDE agrees to create data in response to your request, MDE will work with you on the details of your request, including cost and response time.

The Data Practices Act also does not require MDE to answer questions that are not requests for data.

DATA PRACTICES CONTACTS

The staff members listed below are available to assist you with data practices requests and concerns.

Data Practices Compliance Official
Kathryn Olson
1500 Highway 36 West
Roseville, MN 55113
(651) 582-8669
TTY (651) 582-8201
FAX (651) 582-8248
kathryn.a.olson@state.mn.us

The agency's Data Practices Compliance Official answers questions and concerns about data practices issues, including addressing problems in obtaining access to data held by the Minnesota Department of Education (MDE). The Data Practices Compliance Official also answers questions concerning the provisions of the Minnesota Government Data Practices Act, Chapter 13 of the Minnesota Statutes, and other state and federal laws that govern data held by MDE.

Data Practices Designees

The MDE Responsible Authority, Commissioner Brenda Cassellius, has designated several data practices designees, as authorized by law at Minnesota Statutes, section 13.02, Subdivision 6. The designees are responsible for receiving and complying with requests for government data.

General Data Requests
Kathryn Olson, Data Practices Compliance Official
1500 Highway 36 West
Roseville, MN 55113
(651) 582-8669
FAX (651) 582-8248
kathryn.a.olson@state.mn.us

Media Data Requests
Charlene Briner, Chief of Staff and Communications Director
1500 Highway 36 West
Roseville, MN 55113
(651) 582-1145
charlene.briner@state.mn.us

Government Data Requests
Kevin McHenry, Government Relations Director
1500 Highway 36 West
Roseville, MN 55113
(651) 582-8407
kevin.mchenry@state.mn.us

IT Database Data Requests

MDE's Data Center features many customizable reports and other public data. If you cannot find the data you seek at the Data Center, please contact mde.analytics@state.mn.us.

Responsible Authority

Commissioner Brenda Cassellius, Ed.D.
1500 Highway 36 West
Roseville, MN 55113
(651) 582-8200
TTY (651) 582-8201
mde.commissioner@state.mn.us

The Responsible Authority is the state official designated by law as the individual responsible for the collection, use and dissemination of all agency data. You are always welcome to direct your data request or concern to the Responsible Authority, however, please note that requests and concerns generally are handled by specific MDE staff members. If you direct your request to the Responsible Authority, there may be a delay in responding to your request while MDE works to get it to the right staff person.

COPY COSTS FOR INDIVIDUAL DATA SUBJECTS

The Minnesota Department of Education (MDE) may charge 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 MDE will give them to you.

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

Actual Cost of Making the Copies

When a data subject asks for copies of data about themselves, MDE may charge the actual costs for an employee to make those copies. In determining the actual cost of making copies, MDE factors in employee time, the cost of the materials onto which it copies the data (paper, CD, DVD, etc.), and mailing costs (if any):

- The actual material cost of a paper copy is 10 cents per copied page, which is one side of a piece of paper.
- The cost of employee time to make copies is $24.71 per hour.
- If your request is for copies of data that MDE cannot reproduce internally, such as photographs or transcripts, it will charge you the actual cost it must pay an outside vendor for the copies.

What MDE Does Not Include in Copy Charges

As a courtesy to our community, MDE never charges for the time of the data practices compliance official or other data practices staff, even when those individuals are substantially involved in making copies of data. In addition, MDE does not charge for the first two (2) hours of program staff time spent making copies of data.

Discretionary Copy Charge Waivers

In some cases, whether MDE charges you a copy charge will depend on the costs to MDE for providing the copies compared to its costs for collecting and recording a copy charge payment from you. If the cost of providing the copies is outweighed by the costs to MDE for collecting and recording your payment, MDE may waive your copy charge.

Minnesota Department of Education

DATA SUBJECT REQUEST FORM

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. Please refer to the Standards for Verifying Identity page for more information about proof of identity.

Date of request: _____

MDE will respond to your request within 10 business days of receipt.

I am requesting access to data in the following way:

☐ Inspection ☐ Copies ☐ Both inspection and copies

Note: Inspection is free but we charge for copies when the cost is over $10.00.

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 of Identification provided _____

Return this form to:
Data Practices Compliance Official
1500 Highway 36 West
Roseville, MN 55113

or

kathryn.a.olson@state.mn.us

FAX (651) 582-8248

Alternatively, direct your request to one of the agency's other data practices contacts, listed on the data practices contacts page.

STANDARDS FOR VERIFYING IDENTITY

These standards apply whenever individuals make a request for private data about themselves, their children or those they represent as legal guardian.

Note: MDE will accept proof of identity documents submitted in person, by mail, by fax, or by email. 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.

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 or foster care; a foster care contract; or 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) or a valid power of attorney