

Data Practices Policy

Individual Data Subjects



Nobles County, Minnesota
www.co.nobles.mn.us
November 22, 2016

Data about You

The Government Data Practices Act (Minnesota Statutes, Chapter 13) dictates 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: *“your name on the application for a license from the county.”*

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 our government entity staff who need the data to do their work, and as permitted by law or court order.

The following is an example of private data about you: *“your 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 our government entity 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: *“whether you are a subject of an active criminal investigation”*

Your Rights under the Government Data Practices Act

This government entity 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 this government entity 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 must 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.

In the unfortunate event that we determine a security breach has occurred and an unauthorized person has gained access to your data, 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 Request for Your Data

To look at data, or request copies of data that this government entity 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 Responsible Authority as listed in the Data Practices Contacts on page 6 of this document, or you may make your request by using postal service mail delivery or e-mail, using the data request form starting on Page 7 of this document or on our website at: www.co.nobles.mn.us, or directly from the Administration Office at 315 Tenth St., Worthington, MN 56187. We do not accept requests in other forms unless the substantial requirements of our form are met with your request. The fee schedule for data is on page 9 of this document.

Nobles 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 5.

How We Respond to a Data Request

Once you make your request, Nobles County staff will work to process your request. If it is not clear what data you are requesting, we will ask you for clarification. If there will be a charge for the data, the requestor must pay for the data prior to the County staff working on the request.

- 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:
 - provide you with copies of the data, or
 - arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
 - if the data request is for large amounts of data or complex data we will respond with an estimated time it will take us to prepare the data.

You may choose to pick up your copies, or we will mail 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 related to costs which may be incurred is included as part of the data request form, prepayment is required

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 and we will assist you in understanding the meaning of the data.

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, format or arrangement if we do not keep the data in that respective manner. (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.

Standards for Verifying Identity

The following constitute proof of identity.

- An **adult individual** must provide a valid photo ID, such as
 - o a state driver's license
 - o a military ID
 - o a passport
 - o a Minnesota ID
 - o a Minnesota tribal ID
 - o your Nobles County identification badge

- A **minor individual** must provide a valid photo ID, such as
 - o a state driver's license
 - o a military ID
 - o a passport
 - o a Minnesota ID
 - o a Minnesota Tribal ID
 - o a Minnesota school ID

- The **parent or guardian of a minor** must provide a valid photo ID **and either**
 - o a certified copy of the minor's birth certificate *or*
 - o 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
 - o court order(s)
 - o 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.

Data Practices Contacts for Nobles County

Office	Responsible Authority	Designees
Nobles County Auditor/Treasurer	Joyce Jacobs, Auditor/Treasurer 315 Tenth Street, PO Box 757 Worthington MN 56187 507-295-5257; Fax 507-372-8390 jjacobs@co.nobles.mn.us	
Nobles County Attorney	Braden Hoefert, County Attorney 1530 Airport Rd STE 400 PO Box 337 Worthington MN 56187 507-295-5298, Fax 507-372-8439 bhoefert@co.nobles.mn.us	
Nobles County Recorder	Thelma Yager, County Recorder 315 Tenth Street, PO Box 757 Worthington MN 56187 507-295-5268, Fax 507-372-8235 tlyager@co.nobles.mn.us	
Nobles County Sheriff	Ryan Kruger, Sheriff 1530 Airport Rd STE 100 Worthington MN 56187 507-295-5400, Fax 507-372-5977 rkruger@co.nobles.mn.us	
Nobles County Community Services	Stacie Golombiecki, Community Services Director 318 9 th Street, PO Box 189 Worthington MN 56187 507-295-5213, Fax 507-372-5094 sgolombiecki@co.nobles.mn.us	
All other County Offices	Bruce Heitkamp County Administrator 315 Tenth Street, PO Box 757 Worthington MN 56187 507-295-5201, Fax 507-372-8363 bheitkamp@co.nobles.mn.us	Sue Luing Human Resources 315 Tenth Street, PO Box 757 Worthington MN 56187 507-295-5201, Fax 507-372-8363 sluing@co.nobles.mn.us

Data Practices Compliance Official

Braden Hoefert
County Attorney
1530 Airport Rd STE 400
PO Box 337
Worthington MN 56187
507-295-5298, Fax 507-372-8439
bhoefert@co.nobles.mn.us



Data Subject
Information Request Form

This form is available at the Nobles County Government Center and online at:
www.co.nobles.mn.us

and may be printed, completed, and emailed to:
administration@co.nobles.mn.us

or mailed via the postal service to:

Administration Office
315 Tenth St., P.O. Box 757
Worthington, MN 56187

Date of Request: _____

Data Subject Name: _____

Individual name if not Data Subject: _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

Note: Certain data may require additional approval such as the completion of an Informed Consent Form, also available through the same manner as above.

Description of Subject Data Requested

Pursuant to the Minnesota Data Practice Act, Minnesota Statutes Chapter 13, I hereby request the following information currently existing in the records of Nobles County, Minnesota. (Please specify the information on yourself which you are requesting along with the approximate dates of these records.)

Place a (✓) next to the best option that suits your needs.

COPY

I would like a copy of the requested information. I understand that I must pay the appropriate fees as stated below.

TYPE OF COPY

- Paper Copies
- Electronic Copies scanned and saved to a CD or mailed electronically

Delivery Method

- PICK UP** I will pick up the information requested. Please contact me at the phone number listed above when documents are ready.
- MAIL** Please mail the information to me at the address listed above.
- EMAIL** Please email the information at the email address listed above.

Fee schedules for the above requested 'COPY' are included at the end of this document.

IN-PERSON REVIEW

I do not want copies but I wish to inspect the originals of the requested information. Please call me at the telephone number listed above to schedule a time when records will be available for viewing.

There is no charge for an in-person inspection of documents.

In making this request, I understand that:

- Nobles County is under no obligation to create a document that does not already exist.
- Items expressly confidential under law will not be disclosed (refer to the Minnesota Data Practices Act, Minnesota Statutes Chapter 13 for more information).
- Nobles County will provide the requested information as expediently as possible. Depending upon the type of information requested it may take an extended time to process. If the requested information is time sensitive, please indicate that above and the Nobles County will make every effort to comply.

Signature of Data Subject: _____ Date: _____

Request received by: _____ Date: _____

Employee Signature: _____ Identity verified with: _____

FEE SCHEDULE FOR DATA REQUESTS

Fees for Data Requests

Nobles County generally does not charge current employees for copies of government data about themselves. Nobles County will charge data subjects not currently employed by Nobles County costs for data as set out here and authorized under Minnesota Statutes, section 13.04, subdivision 3.

100 or fewer pages of black and white, letter or legal size paper copies cost 25 cents per page, more than 100 pages it will be the actual cost, including staff time.

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 making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, flash drive, 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.

The cost of employee time to search for data, retrieve data, and make copies is subject to change based on the employees wage from the department the information is requested from.

If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.

Revision History

Original Adoption, October 4 2016

Revision 1, November 22, 2016

- 1) Formalizes Elected officials as the Responsible Authority for their respective departments.
- 2) Consistent fonts throughout
- 3) Inclusion of request forms as a part of the document
- 4) Miscellaneous improvements and clarifications