City of Maplewood Data Practices Policy:
Requests for Data About You and Your Rights as a Data Subject

Minnesota Statutes, sections 13.025 and 13.03 require this policy.

Contents

What is a “Data Subject”?

When government has information recorded in any form (paper, hard drive, voicemail, video, email, etc.), that information is called “government data” under the Government Data Practices Act (Minnesota Statutes, Chapter 13). When we can identify you in government data, you are the ”data subject” of that data. The Data Practices Act gives you, as a data subject, certain rights. This policy explains your rights as a data subject, and tells you how to request data about you, your minor child, or someone for whom you are the legal guardian.

When the City Has Data About You

The City of Maplewood has data on many people, such as employees, job applicants, vendors, etc. We can collect and keep data about you only when we have a legal purpose to have the data. We must also keep all government data in a way that makes it easy for you to access data about you.

Government data about an individual have one of three “classifications.” These classifications determine who is legally allowed to see the data. Data about you are classified by state law as public, private, or confidential. Here are some examples:

Public data

The Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. We must give public data to anyone who asks. It does not matter who is asking for the data or why the person wants the data. The following are examples of public data about you that we might have: salary range; an employee’s gross salary; an applicant’s job history; most permit/license application data; the name, age, sex and last known address of any adult person cited, arrested or incarcerated, etc.

Private data

We cannot give private data to the general public. We can share your private data with you, with someone who has your permission, with our government entity staff whose job requires or permits them to see the data, and with others as permitted by law or court order. The following are examples of private data about you that we might have: your social security number; an employee home address; an employee medical data; absentee voter names before the close of voting; an identity of a juvenile suspect or arrestee; etc.

Confidential data

Confidential data have the most protection. Neither the public nor you can access confidential data even when the confidential data are about you. We can share confidential data about you with our government entity staff who have a work assignment to see the data, and to others as permitted by law or court order. The following is an example of confidential data about you: real

property estimated or appraised values until negotiating parties enter into an agreement for the purchase/sale of the property; an identity of an individual who registers a complaint concerning the use of real property; civil/criminal investigative data while the investigation is ongoing; etc.

Your Rights Under the Government Data Practices Act

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 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.

Access to data on minor children

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 us 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 will 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 interest.

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 called a Tennessen 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 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 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

You can ask to look at (inspect) data at our offices, or ask for copies of data that we have about you, your minor child, or an individual for whom you have been appointed legal guardian.

Make a written request by using our online form or by submitting the data request form (page 7) by email or mail. You can also submit your request by emailing the Responsible Authority andrea.sindt@maplewoodmn.gov

If you do not choose to use the data request form, your request should:

- Say that you are making a request as a data subject, for data about you (or your child, or person for whom you are the legal guardian), under the Government Data Practices Act (Minnesota Statutes, Chapter 13).
- Include whether you would like to inspect the data, have copies of the data, or both.
- Provide a clear description of the data you would like to inspect or have copied.
- Provide proof that you are the data subject, or data subject's parent/legal guardian.

You may make a standing data request to inspect or receive copies of data on an ongoing basis. Your standing data request must be in writing and may require prepayment of the fees. Any standing data request will automatically expire after sixty (60) days, at which time, if you still wish to receive data, you must renew your request in writing.

We require 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 legal guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity on page 8. If you do not provide proof that you are the data subject, we cannot respond to your request.

How We Respond to a Data Request

Upon receiving your request, we will review it.

- We may ask you to clarify what data you are requesting.
- We will ask you to confirm your identity as the data subject.

- If we do not have the data, we will notify you within 10 business days.
- If we have the data, but the data are confidential or not public data about someone else, we will notify you within 10 business days and identify the law that prevents us from providing 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 in our office, ensuring you have a meaningful opportunity to inspect data within 10 business days of your request at no charge; or
    - Tell you how much the copies cost, and then provide you with copies of the data within 10 business days and upon payment of charges for the copies. You may choose to pick up your copies, or have us mail or email them to you. We will provide electronic copies (such as email, flash drive or CD-ROM) upon request, if we keep the data in electronic format and we can reasonably make a copy. Information about copy charges is on page 6.
- Following our response, if you do not arrange to inspect the data or pay for copies within 5 business days after we tell you the data are ready, we will suspend any further response until you inspect the data or collect and pay for the data that have been produced.
- After we have provided you with your requested data, we do not have to show you the same data again for 6 months unless there is a dispute about the data or we collect or crate new data about you.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please tell the person who provided the data to you. We will give you an explanation if you ask.

The Data Practices Act does not require us to create or collect new data in response to a data request, 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 to respond to questions that are not about your data request, or that are not requests for government data.

Data Request Contacts

Responsible Authority and Data Practices Compliance Official

Andrea Sindt, City Clerk
City of Maplewood
1830 County Road B E, Maplewood MN 55109
651-249-2002 Phone
andrea.sindt@maplewoodmn.gov

Personnel Data Practices Designee

Nancy Steele, Human Resources Manager
City of Maplewood
1830 County Road B E, Maplewood MN 55109
651-249-2054 Phone
nancy.steele@maplewoodmn.gov

Law Enforcement Data Practices Designee

Brian Beirdeman, Public Safety Director
City of Maplewood
1830 County Road B E, Maplewood MN 55109
651-249-2602 Phone
brian.bierdeman@maplewoodmn.gov

Copy Costs – Data Subjects

Minnesota Statutes, section 13.04, subdivision 3 allows us to charge for copies.

Actual cost of making the copies

We may charge the actual cost of making copies for data about you. In determining the actual cost, we include the employee time to create and send the copies, the cost of the materials onto which we are copying the data (paper, CD, DVD, flash drive, etc.), and mailing costs such as postage (if any).

Employee time

The City will not charge for an employee time if it takes less than 15 minutes of staff time to make copies or transmit electronic files. If your request is for copies of data that we cannot copy ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

Cost of the material/media and mailing costs

- Single sided, black/white page: $0.15
- Single sided, color copy: $0.75
- CD/DVD: $0.50
- Flash drive (8GB): $2.50
- Mailing cost: standard USPS mailing fee

If possible, and upon request, we will provide you with an estimate of the total cost of supplying copies.

Submit your request

City of Maplewood
Office of the City Clerk
1830 County Road B East, Maplewood, MN 55109
651-249-2000
andrea.sindt@maplewoodmn.gov

Data Request Form – Data Subject

Request date

Data subject name Parent/guardian (if minor):

Address (if you request your data be mailed)

Phone number/email address

If you are requesting private data about yourself, you must provide a valid ID such as a driver's license, military ID or passport as proof of identity. You may upload an image of your ID or mail/email it. If your private data are being requested by a 3rd party, we must receive a signed release consent from you.

Upload your photo ID into the box

Describe the data you are requesting below (or use a separate attachment for larger requests)

I want to receive requested data by (select one option):

Inspection ☐

Paper copies ☐

Email/Electronic media ☐

We 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

- a driver's license
- a state-issued ID
- a tribal ID
- a military ID
- a passport
- the foreign equivalent of any of the above

A **minor individual** must provide a valid photo ID, such as

- a driver's license
- a state-issued ID
- a tribal ID
- a military ID
- a passport
- the foreign equivalent of any of the above

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 phot ID and a certified copy of appropriate documentation of formal or informal appointment as guardian, such as

- a court order(s)
- valid power of attorney

Note: Individuals who do not inspect data or pick up copies of data in person may be required to provide either notarized or certified copies of the documents that are required or an affidavit of ID.