

Minnesota Office of Higher Education

Data Request Policy when the Data is About You (Data Subject Policy)

Minnesota Statutes §13.025 and §13.03 require this document.

Data About You

The Minnesota Government Data Practices Act (Minn. Stat. §13) gives every individual and entity important rights when government collects, creates, and keeps government data about them. Government data is a term that means all recorded information the Office of Higher Education (OHE) has created, collected, stored, or maintained in order to do their work. This document explains your rights and how you can use them.

Classification of Data About You (as an individual or an entity)

An individual is a living human being. Any not public data on an individual will be classified as either private or confidential. An entity may be a company, corporation, business unit, or type of interested party, not an individual. Any not public data on an entity will be classified as either nonpublic or protected nonpublic.

- **Public data:** The law assumes that all data are public unless state or federal law says the data are not public. OHE must give public data to anyone who asks; it does not matter who is asking for the data and why.
- **Not Public data:** An over-arching term generally meaning private, nonpublic, confidential, or protected nonpublic data, as defined below.
- **Private/Nonpublic data:** Private data is about individuals; nonpublic data is about entities. OHE cannot give private/nonpublic data to the general public, but you have access when the data are about you. Private/nonpublic data about you can also be accessed by someone who has your permission, by government employees or contractors whose work reasonably requires access to the data, and by others as permitted by law or court order.
- **Confidential/Protected Nonpublic data:** Confidential data is about individuals; protected nonpublic data is about entities. Confidential/Protected Nonpublic data have the most protection for individuals and entities, respectively. Neither the public nor you can get access even when the confidential/protected nonpublic data are about you. OHE can share confidential data about you with government employees or contractors whose work reasonably requires access to the data, and by others as permitted by law or court order.

OHE can collect and keep data about you (an individual or an entity) when it has a legal purpose to have it, and OHE must keep it in a way that makes it easy to access. Data about you may be classified as public, private, or confidential, and the classification determines who can legally see the data.

Your Rights Under the Minnesota Government Data Practices Act

If OHE has data about you, and you can be identified from the data, then you are the “data subject.” OHE can collect and keep only the data about data subjects that OHE needs to administer and manage its programs. As the data subject, you have the following rights:

Access to data about you: You have the right to look at any public and private data that OHE keeps about you at no charge. You also have the right to get copies of public and private data about you, but the Data Practices Act allows us to charge for copies. You can look at any of the data prior to requesting copies. If you ask, OHE will tell you if it 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 children under the age of 18. As a legally appointed guardian, you have the right to look at and obtain copies of public and private data about the individual for whom you are appointed guardian.
- Children under the age of 18 have the right to ask OHE not to give private data about them to their parent or guardian. In making such a request, a child under the age of 18 must place the request in writing and include the reasons that OHE should deny the child's parents or guardians access to the data. The child must send this request to the Data Practices Compliance Official by mail, fax, or email to the same contact information listed in the contacts section on page 5. OHE will make the final decision about the child's request based on the child's best interests.
- Adults with a legally appointed guardian have the right to ask OHE not to give private data about them to their guardian. In making such a request, the data subject must place the request in writing and include the reasons that OHE should deny the legally appointed guardian access to the data. The data subject must send this request to the Data Practices Compliance Official by mail, fax, or email to the same contact information listed in the contacts section on page 5. OHE will make the final decision about the data subject's request based on the data subject's best interests.

When OHE collects data from you: When OHE asks you to provide private or confidential data about yourself, OHE must provide you with a notice of our privacy practices. The notice describes what OHE does with the data that it collects from you. Usually, OHE can use and release the data only in the ways described in the notice. OHE will ask for your written permission if needed to use or release private data about you in a different way, or if you ask OHE to release the data to another person. This permission is called informed consent.

Protecting data about you: The Minnesota Government Data Practices Act requires OHE to protect private and confidential data about you as the data subject. OHE has established appropriate safeguards to ensure data about you are safe. In the unfortunate event that OHE determines a security breach has occurred and an unauthorized person has gained access to private or confidential data about you, OHE will notify you as required by law.

When data about you 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 by following the procedure outlined in Minn. Stat. §13.04 subd. 4. If you are a child under the age of 18, your parent or guardian has the right to challenge data about you.

How to Make a Request for Data About You

To look at data or request copies of data that OHE keeps about you, your children under the age of 18, or an individual for whom you have been appointed legal guardian, make your request for data to the Data Practices Compliance Official. **You must make your request for data in writing.** An email qualifies as a request in writing. When you make your request, you can expect a response acknowledging your request within two business days. If you do not receive a response within two business days, contact the Data Practices Compliance Official at 651-642-0567, press 9 then 0.

You may use the data request form on page 6, but you are not required to use the form. If you choose not to use the data request form, your request should include:

- That you are making a request under the Data Practices Act (Minn. Stat. §13), as a data subject, for data about you.
- A clear description of the data you would like.
- Whether you would like to inspect the data, have copies of the data, or both.
- Identifying information that proves you are the data subject, or the data subject's parent/legally appointed guardian if you are requesting private/nonpublic data.

OHE requires proof of your identity before it can respond to your request for private data. One of the following will provide proof of identity: a state driver's license, military identification card, passport from your country, passport card from your country, state/tribal nations identification card, or (for children under the age of 18 only) a school identification card. For parents or legally appointed guardians of a child under the age of 18, a valid photo identification card (same type as those listed above) and either a certified copy of the child's birth certificate, or a certified copy of documents that establish the parent or guardian's relationship to the child (for example court order, foster care contract, or affidavit of parentage). For the legal guardian of an adult, a valid photo identification card (same type as those listed above) and a certified copy of documentation of appointment as guardian (for example court order or power of attorney).

How OHE Responds to a Data Request

When you make a request, the Data Practices Compliance Official will respond within two business days acknowledging that your request has been received and is under review. The response will be in the same form of communication that you sent your request in, unless other means of communication are provided for in your request. If you do not receive a response within two business days, contact the Data Practices Compliance Official at 651-642-0567, press 9 then 0.

- If it is not clear what data you are requesting, OHE will ask you for clarification.
- If OHE does not have the data, OHE will notify you within 10 business days.
- If OHE has the data, but the data are either confidential data about you or confidential/private data about someone else, OHE will notify you within 10 business days. In its response, OHE will state which specific laws say you cannot access the data.
- If OHE has the data, and the data are public or private data about you, OHE will respond to

your request within 10 business days.

- If the volume of responsive data is high, OHE may disclose data on a periodic basis until the response is complete.
- OHE will respond to your request by doing one of the following:
 - Arrange a date, time, and place to look at the data, without charge, or
 - Provide you with copies of the data within 10 business days. You may choose to pick up your copies or OHE will mail them to you. OHE will provide electronic copies upon request if OHE keeps the data in electronic format.

After OHE has provided access to data about you, OHE does not have to show you the data again for 6 months unless there is a dispute or OHE collects or creates new data about you.¹ The Data Practices Act does not require OHE to create or collect new data in response to a data request if OHE does not already have the data, or to provide data in a specific form or arrangement if OHE does not keep the data in that form or arrangement. If OHE agrees to create data in response to your request, it will work with you on the details of your request, including cost and response time.

You may make standing requests for data about you. Standing requests are requests for data that may require responses over an extended period of time. Standing requests expire after three months, and any required fees must be paid in full at the end of the three-month period and prior to renewal of the standing request.

Copy Costs for Data Subjects

OHE may charge the actual cost of making copies for data about you. In determining the actual cost, OHE includes the employee-time to create and send the copies, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs such as postage (if any). The cost of employee time is calculated using the hourly salary of the lowest paid employee able to complete the task, plus 20% fringe benefits. Any charges must be paid prior to OHE copying the documents or giving them to you.

- OHE does not charge for copies if the cost is estimated to be less than \$10.00.
- OHE does not charge to inspect data or to separate public from not public data.
- When data is about a data subject OHE does not charge for search and retrieval time.

¹ Subject to FERPA requirements, if applicable

Data Practices Contact Information

Send any data request by:

Mail:

Data Practices Compliance Official
1450 Energy Park Drive, Suite 350
St. Paul, MN 55108-5227

Fax: 651-642-0675, attention to the Data Practices Compliance Official, below, with “Data Request – data subject” on the cover page

Email addressed the Data Practices Compliance Official, below, with “Data Request – data subject” in the subject line at datarequest.ohe@state.mn.us

Responsible Authority

Dennis Olson Jr., Commissioner

Data Practices Compliance Official

Andrew Wold, General Counsel

Minnesota Office of Higher Education
Data Subject Request Form

Name:	Date:	
Address:		
City:	State:	Zip:
Phone Number:	Email:	

Note: You do not have to provide any of the above information. However, OHE may not be able to verify your identity to provide you with any private information without contact information or a required form of identification.

Please describe the data you are requesting in the box below that you would like OHE to provide:

_____ Inspection _____ Copies _____ Both Inspection and copies

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MS § 13.04, subd. 3, authorizes OHE to charge fees to recover costs to provide copies of data. Prepayment is required prior to receiving copies of data.