

Lincoln County

**Data Subject Requests
Approved May 17, 2022**

Table of Contents

Introduction: Data about You	3
Classification of Data about You	3
Your Rights under the Minnesota Government Data Practices Act ('MGDPA').....	4
Access to Your Data	4
Parent rights to access data	4
Minors rights	4
Your rights when Lincoln County Collects Data from You.....	4
Protecting your Data	5
When your Data are Inaccurate and/or Incomplete.....	5
How to Make a Request for Your Data	5
How Lincoln County Responds to a Data Request.....	5
Lincoln County Minnesota Government Data Practices Contacts.....	6
Copy Costs - Data Subjects	7
Data Request Form - Data Subjects	8
Standards for Verifying Identity	9

Introduction: Data about You

The Minnesota Government Data Practices Act ('MGDPA', Minnesota Statutes, Chapter 13) says that data subjects have certain rights related to a government entity accessing, collecting, creating, transmitting, 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, DVDs, photographs, etc.

Classification of Data about You

The MGDPA 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:

The names of most individuals that work or volunteer for Lincoln County.

2. **Private data:** We cannot give private data to the general public, but you may have access when the data are about you. We can share your private data with you, with someone who has your permission (with proper written consent), with our Lincoln County staff who need the data to do their work, and as permitted by law.

The following is an example of private data about you:

Your social security number.

3. **Confidential data:** Confidential data have the most restrictive access. 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 Lincoln County staff who need the data to do their work and to others as permitted by law or court order.

The following is an example of confidential data about you:

Investigative details in an active criminal investigation.

Your Rights under Minnesota Government Data Practices Act ('MGDPA')

Lincoln County must keep all government data in a way that makes it accessible. We can generally only collect and keep data about you that we need for administering and managing programs and providing services that are permitted by law. We are required to keep certain information according to a record retention schedule. 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. We may need to review the data to ensure you do not get access to private data about someone else or confidential information¹.

The MGDPA 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.

Parent rights to access data

If you are a parent, you generally have the right to look at and get copies of public and private data about your minor children (under the age of 18) although there are certain exceptions under the law. 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 the appointed guardian, although the same access to minor's data applies to guardians as it does to parent unless a court order directs otherwise.

Minors rights

Minors generally have the right to ask Lincoln County not to give data about them to their parent or guardian. If you are a minor, we will make reasonable efforts to tell you that you have this right when appropriate [we are required to - prior to treatment, etc]. Lincoln County may ask you to put your request in writing and to include the reasons why we should deny your parent(s) access to the data. Lincoln County will make the final decision about your request based on your best interests.

Your rights when Lincoln County Collects Data from You

When Lincoln County asks you to provide data about yourself that are not public, we must give you a notice. The notice is sometimes called a 'Tennessee warning'. The notice explains why we collect the data, what we do with the data, whether you may refuse or are legally required to supply the requested data, and who we share the data with. Usually, we can access, use and disclose the data only in the ways described in the notice. In some situations, the notice that describes how we may use the data will come from state agency sources or state agency documents.

¹ If we do not provide all the data you requested within 10 business days because we need more time to review, we will provide you a batch of data every 10 business days until your request is fulfilled or other arrangements are made.

We will ask for your written permission if we need to access, use or disclose private data about you in a different way, or if you ask us to release the data to another person. This permission is

How to Make a Request for Your Data

To look at data, or request copies of data that Lincoln County keeps about you, your minor children, or an individual for whom you have been appointed legal guardian or have consent or a court order for, you need to make a request in writing. You may make your request for data by sending an email to DVierhuf@co.lincoln.mn.us or by mail to the County Data Practices Compliance Official (DPCO) listed on page 8. You may also make your request by using the data request form on page 7. If you choose not to use the data request form, your request should include:

- that you are making a request, under the MGDPA, as a data subject, for data about you;
- whether you would like to inspect the data, have copies of the data, or both;
- a clear and detailed description of the data you would like to inspect or have copied (dates, subject matter, etc.), be as specific as possible with what data you would like to see; and
- identifying information to verify you are the data subject, or data subject's parent/guardian.

Lincoln County requires proof of your identity before we can respond to your request for private 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 9.

How Lincoln County Responds to a Data Request

Once you make your request, we will work to process your request. If it is not clear what data you are requesting, we will ask you for clarification.

- If we do not have the data, we will notify you within ten (10) business days.
- If we have the data, but the data are confidential data or private data that are not about you, we will notify you within ten (10) business days and, at your request, state in writing 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 ten (10) business days (unless other arrangements are made), by doing one of the following:
 - arrange a date, time, and place, during normal business hours, to inspect the data, if your request is to look at the data; or
 - provide you with copies of data within ten (10) business days. You may choose to pick up your copies, or we will mail them to you. We will provide electronic copies (such as email, thumb drive, or CD) upon request if we keep the data in electronic format.

Lincoln County may require you to pre-pay for copies of data. Information about copy charges is on page 8.

After Lincoln County has 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, please let us know. We will give you an explanation if you ask.

The MGDPA does not require Lincoln County 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. 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.

Lincoln County may respond to your request for data by asking questions or requesting additional information from you in order to better process your request. If you do not respond to a question or a request for clarification or other communication about your request, we may consider your request abandoned and therefore close your request after two weeks pass without a response.

Lincoln County is not required under the MGDPA to respond to questions that are not specific requests for data.

Lincoln County Minnesota Government Data Practices Contacts

Responsible Authority- County Auditor-Treasurer

Deb Vierhuf
County Courthouse
319 North Rebecca Street
PO Box 29
Ivanhoe, MN 56142

Responsible Authority - County Attorney

Glen A. Petersen
225 North Tyler
Street, PO Box 671
Tyler, MN 56178

Responsible Authority- County Sheriff

Chad Meester
Lincoln County Sheriff's Department
322 North Wallace Street
PO Box 166
Ivanhoe, MN 56142

Data Practices Compliance Official

Email; Deb Vierhuf or designee
County Courthouse
319 North Rebecca Street
PO Box 29
Ivanhoe, MN 56142
Phone number: 507-694-1664
Email: DVierhuf@co.lincoln.mn.us

Copy Costs - Data Subjects

Lincoln County charges data subjects for copies of government data. These charges are authorized under Minn. Stat. § 13.04, Subd. 3.

Lincoln County may require you to pre-pay before receiving copies of data.

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.

Data Request Form - Data Subjects

Date of request: _____

To request data as a data subject, you must show a valid photo ID, such as a driver's license, military ID, or passport as proof of identity. See our Standards for Verifying Identity document on page 9.

I am requesting access to data in the following way:

Inspection*

Copies**

Both inspection and copies

* Inspection is free and may be done at reasonable time during normal business hours.

**There may be a cost for copies of data. Lincoln County may require you to pre-pay for copies.

These are the data I am requesting:

Describe the data you are requesting. Be as specific as possible (subject matter, dates, etc.).

Contact Information

Data subject name _____

Parent/Guardian name (if applicable) _____

Address _____

Phone number _____

Email address _____

Staff Verification

Type of Identification provided: _____

Standards for Verifying Identity

The following constitute proof of identity.

An **adult individual** must provide a valid photo ID, such as:

- a state driver's license;
- a U.S. military ID;
- a valid passport;
- a Minnesota state ID;
- a Minnesota tribal ID.

A **minor individual** must provide a valid photo ID, such as: o a state driver's license;

- a U.S. military ID;
- valid passport;
- a Minnesota state ID;
- a Minnesota Tribal ID;
- a college or school ID.

The **parent or legal 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 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 appointment as guardian, such as:

- court order(s);
- valid power of attorney.

Note: Lincoln County may require that individuals provide proof of identity in person.

In certain circumstances, individuals who do not exercise their data practices rights in person may provide *either* notarized or certified copies of the documents that are required *or* an affidavit of ID.