

**Data Access Policy for Data Subjects**  
(Minnesota Statutes, section 13.05, subdivision 8)

## **Data about You**

The Data Practices Act (Minnesota Statutes, Chapter 13) says 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, CD-ROMs, photographs, etc.

## **Classification of Data about You**

The 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.

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 job title and bargaining unit.

Private data: We cannot give private data to the general public, but you have access when the data are about you.

The following is an example of private data about you: your social security number.

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

Confidential data: Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you.

The following is an example of confidential data about you: if you register a complaint with a government entity concerning violations of state laws or local ordinances concerning the use of real property, your identity is confidential.

We can share confidential data about you with Dodge County 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.

## **Your Rights under the Data Practices Act**

Dodge County 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.

Your 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.

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 Dodge County 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 Tennessee 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 Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe.

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 Dodge County 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 individual listed in the Data Practices Contacts document on page five. You may make your written request by mail, fax, or email, using the data request form on page seven.

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

- that you are making a request, under the Data Practices Act (Minnesota Statutes, Chapter 13), 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 description of the data you would like to inspect or have copied; and
- identifying information that proves you are the data subject, or data subject's parent/guardian.

Dodge 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 document located on page eight.

### **How We Respond to a Data Request**

Once you make your written 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 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 in writing 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:
  - arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
  - provide you with copies of the data within 10 business days. You may choose to pick up your copies, or we will mail or fax 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 about copy charges is on page six. If the request takes longer than four hours to prepare, we will arrange for you to prepay for the copies.

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. 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 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.

In addition, we are not required under the Data Practices Act to respond to questions that are not requests for data.

*Minnesota Statutes, section 13.05, subdivision 8, requires us to have this document.*

### **What Dodge County does in the event of a data breach**

Dodge County has certain obligations under state law concerning the data which it collects and the steps it must take in the event data is released to persons or entities not legally authorized to receive it. It must:

- (1) establish procedures to assure that all data on individuals is accurate, complete, and current for the purposes for which it was collected;
- (2) establish appropriate security safeguards for all records containing data on individuals, including procedures for ensuring that data that are not public are only accessible to persons

whose work assignment reasonably requires access to the data, and is only being accessed by those persons for purposes described in the procedure;

(3) develop a policy incorporating these procedures.

(4) When not public data is being disposed of, the County must insure data will be destroyed in a way that prevents its contents from being determined.

### **Subd. 1**

#### **Definitions.**

For purposes of this section, the following terms have the meanings given to them.

(a) "Breach of the security of the data" means unauthorized acquisition of data maintained by Dodge County that compromises the security and classification of the data. Good faith acquisition of or access to government data by an employee, contractor, or agent of Dodge County for the purposes of the County is not a breach of the security of the data, if the data is not provided to or viewable by an unauthorized person, or accessed for a purpose not described in the procedures required by Minnesota Statutes Section 13.05, subdivision 5. For purposes of this paragraph, data maintained by the County includes data maintained by a person under a contract with the County that provides for the acquisition of or access to the data by an employee, contractor, or agent of the County.

(b) "Contact information" means either the name and mailing address or name and e-mail address for each individual who is the subject of data maintained by the County.

(c) "Unauthorized acquisition" means that a person has obtained, accessed, or viewed County data without the informed consent of the individuals who are the subjects of the data or statutory authority and with the intent to use the data for nongovernmental purposes.

(d) "Unauthorized person" means any person who accesses County data without a work assignment that reasonably requires access, or regardless of the person's work assignment, for a purpose not described in the procedures required by Minnesota Statutes Section 13.05, subdivision 5.

### **Subd. 2.**

#### **Notice to individuals; investigation report.**

(a) The County, as a government entity that collects, creates, receives, maintains, or disseminates private or confidential data on individuals, must disclose any breach of the security of the data following discovery or notification of the breach. In the event that a contractor or authorized agent of the County caused the data breach, that contractor or agent will be obligated to assist the County in meeting its obligations following a data breach and will be expected to bear the financial costs which the County incurs for the required response to that breach. Written notification must be made to any individual who is the subject of the data and whose private or confidential data was, or is reasonably believed to have been, acquired by an unauthorized person. The notification must inform the individual that a report will be prepared under paragraph (b), how the individual may obtain access to the report, and that the individual may request delivery of the report by mail or e-mail. The disclosure must be made in the most expedient time possible and without unreasonable delay, consistent with (1) the legitimate needs of the Dodge County Sheriff's Department as provided in subdivision 3 if applicable; or (2) any

measures necessary to determine the scope of the breach and restore the reasonable security of the data.

(b) Notwithstanding Minnesota Statutes Sections 13.15 or 13.37, upon completion of an investigation into any breach in the security of data and final disposition of any disciplinary action for purposes of Section 13.43, including exhaustion of all rights of appeal under any applicable collective bargaining agreement, the County will prepare a report on the facts and results of the investigation. If the breach involves unauthorized access to or acquisition of data by an employee, contractor, or agent of the County, the report will at a minimum include:

- (1) a description of the type of data that were accessed or acquired;
- (2) the number of individuals whose data was improperly accessed or acquired;
- (3) if there has been final disposition of disciplinary action for purposes of Minnesota Statutes Section 13.43, the name of each County employee determined to be responsible for the unauthorized access or acquisition, unless the employee was performing duties under Chapter 5B of the Minnesota Statutes; and
- (4) the final disposition of any disciplinary action taken against each County employee in response.

**Subd. 3.**

**Delayed notice.**

The notification required by this section may be delayed if the Dodge County Sheriff's Department determines that the notification will impede an active criminal investigation. The notification required by this section must be made after the Sheriff's Department determines that it will not compromise the investigation.

**Subd. 4.**

**Method of notice.**

Notice under this section may be provided by one of the following methods:

- (a) written notice by first class mail to each affected individual; or
- (b) electronic notice to each affected individual, which is consistent with the provisions regarding electronic records and signatures as set forth in United States Code, Title 15, Section 7001; or
- (c) substitute notice, if the County determines that the cost of providing the written notice required by paragraph (a) would exceed \$250,000, or that the affected class of individuals to be notified exceeds 500,000, or the County does not have sufficient contact information. Substitute notice consists of all of the following:
  - (i) e-mail notice if the County has an e-mail address for the affected individuals;
  - (ii) conspicuous posting of the notice on the County's website; and
  - (iii) notification to major media outlets that reach the general public within the County.

**Subd. 5.**

**Coordination with consumer reporting agencies.**

If the County discovers circumstances requiring notification under this section of more than 1,000 individuals at one time, the County will also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined in United States Code, Title 15, Section 1681a, of the timing, distribution, and content of the notices.

**Subd. 6.**

**Security assessments.**

At least annually, the County will conduct a comprehensive security assessment of any personal information maintained by the County. For the purposes of this subdivision, “personal information” is defined under Minnesota Statutes Section 325E.61, subdivision 1, paragraphs (e) and (f).

**Subd. 7.**

**Effective Date.**

This section is effective August 1, 2014, and applies to security breaches occurring on or after that date.

## **Data Practices Contacts**

Dodge County

### **Responsible Authority**

Jim Elmquist, County Administrator  
22 6<sup>th</sup> Street East  
Mantorville, MN 55955  
507.635.6239 (phone)  
507.635-6265 (fax)  
[jim.elmquist@co.dodge.mn.us](mailto:jim.elmquist@co.dodge.mn.us)

### **Data Practices Compliance Official**

Jim Elmquist, County Administrator  
22 6<sup>th</sup> Street East  
Mantorville, MN 55955  
507.635.6239 (phone)  
507.635-6265 (fax)  
[jim.elmquist@co.dodge.mn.us](mailto:jim.elmquist@co.dodge.mn.us)

## **Copy Costs - Data Subjects**

### Dodge County

Dodge County charges data subjects for copies of government data. These charges are authorized under section 13.04, subdivision 3.

Fees are due upon delivery of requested 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.

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

#### **Copy Charges Set by Statute or Rule**

As defined in Minnesota Statute 13.03 sub 3(c) Dodge County may charge up to .25 cents per page of letter or legal size black and white copies up to 100 pages otherwise we may include all overhead costs associated with the data request.



# DODGE COUNTY SHERIFF OFFICE

22 East 6th Street, Dept. 201  
Mantorville, MN 55955-2255  
Phone: 507-635-6200 FAX: 507-635-6225  
Emergency 911

## REQUEST FOR GOVERNMENT DATA

Description of Government Data requested--(check one):

Records/Arrest Data described in MN Statute 13.82 subd.2 (Dodge County Sheriff's Office Only)

**Records/Arrest Data.** The following data created or collected by Law Enforcement agencies which document any actions taken by them, including to cite, arrest, incarcerate or otherwise substantially deprive an adult individual of liberty shall be public at all times in the originating agency.

Booking Data described in MN Statute 13.85

**Correction and Detention Data.** As used in this section, "corrections and detention data" means data on individuals created, collected, used or maintained because of their lawful confinement or detention in state reformatories, prisons and correctional facilities, municipal or county jails, lockups, workhouses, work farms and/or all other correctional and detention facilities.

**Date of Request:** \_\_\_\_\_

Please list the name of the individual you are inquiring, and a date range if possible:

**Name:** \_\_\_\_\_  
(required) Last First Middle

Other names (including aliases, birth name, nicknames, maiden name, etc.): \_\_\_\_\_

**Date of birth:** \_\_\_\_\_  
(required) Month Day Year (MM/DD/YYYY)

**Date Range of Requested Data:** \_\_\_\_\_

I would like to (check one):  
 Inspect (look at) the requested data (no charge)  
 Receive copies of the requested data (a fee may apply)

Please mail this form to: **Data Practices Compliance Officer/Records, Dodge County Sheriff's Office, 22 East 6<sup>th</sup> St Dept. #201, Mantorville, MN 55955.** You may also bring this form directly to the Dodge County Sheriff's Office. If you seek to inspect the data without charge, arrangements will be made to permit its inspection during normal business hours.

The Dodge County Sheriff's Office has a "reasonable amount of time" to provide the information you are requesting.

## OPTIONAL CONTACT INFORMATION

The Dodge County Sheriff's Office cannot require you to provide identifying information when making your request. However, if a means to reach you is not provided, we cannot ask any follow-up questions about your request or let you know when the data is ready. Please provide any optional contact information below:

Name: \_\_\_\_\_  
Last First Middle

Address: \_\_\_\_\_  
Street Apt. /Suite #  
\_\_\_\_\_  
City State Zip Code

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_



# Standards for Verifying Identity

## Dodge County

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

Note: Individuals who do not exercise their data practices rights in person must provide notarized or certified copies of the documents that are required.