

## Requests for Data About You and Your Rights as a Data Subject

**Minnesota Statutes, sections 13.025 and 13.03 require this policy.**

When a Minnesota government entity 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 Agency Has Data About You

The Board of School Administrators collects data on administrative license holders including superintendents, principals, directors of special education and directors of community education. The board also collects data from individuals who file ethics complaints against administrative license holders. The board can collect and keep data about you only when we have a legal purpose to have the data. The board 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:

#### 1. 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.

#### 2. 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.

### 3. Confidential Data

---

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.

With respect to the Board of School Administrators, not-public data is collected when there is an ethics complaint about licensed administrator. Ethics complaint information provided to the Board may be shared with the Attorney General's Office, is classified as confidential data, pursuant to Minnesota Statutes Sections 13.39, subd. 2(a). Such information is for the use of the Board's staff and the Attorney General's Office in evaluating the complaint. The status of any on-going investigation is private and cannot be disclosed to the complainant or any other individual. At the same time, however, other laws may require that information provided to the Board and/or Attorney General's Office be disclosed to other persons or entities. This includes, but is not limited to, the administrator against whom the complaint is filed, the Office of Administrative Hearings and the Appellate Courts. Thus, information may thereby become public data.

#### **Your Rights Under the Government Data Practices Act**

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 the board to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

Also, if you ask, the board 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 the board 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. The board will ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. The responsible authority will make the final decision on the request based on whether withholding the data would be in the best interest of the minor.

## When We Collect Data From You

When the board asked you to provide data about yourself that are not public, it must give you a notice 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.

## 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, the board 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 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.

*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 9. If you do not provide proof that you are the data subject, we cannot respond to your request.

## 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 (including a school/student 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 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

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.

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

Upon receiving your request, we will:

- ask you to clarify what data you are requesting
- ask you to confirm your identity as the data subject
- notify you within 10 business days if we have the data but it is not public data 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 to arrange a date, time, and place for you to gather the data from our offices. We will also provide notice to you about our requirement to prepay for copies.

Following our response, if you do not make arrangements within 10 business days to inspect the data or pay for the copies, the board will conclude that you no longer want the data and will consider your request closed.

After the board has provided you with your requested data, it does not have to show you the same data again for 6 months unless there is a dispute about the data or we collect or create new data about you.

## **Data Request Costs**

The Data Practices Act allows the board to charge for gathering copies. The board will determine the cost of the data based on the nature of the request. For 100 or fewer black and white pages, the board will charge 25 cents per page. If your request covers more than 100 black and white pages, the board may charge actual costs. You have the right to look at data at the board offices, free of charge, before deciding to request copies.

In determining the actual cost of making copies, we include employee time for preparing and transmitting the electronic transfer of data. For paper copies, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any) will be charged. 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. If, based on your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate search and retrieval charges at the higher salary/wage.

### **Responsible Authority:**

Executive Director of the Minnesota Board of School Administrators

Karen Schaub

651-582-8236

Karen.Schaub@state.mn.us

### **Data Practices Compliance Official**

Executive Director of the Minnesota Board of School Administrators

Karen Schaub

651-582-8236

Karen.Schaub@state.mn.us