

City of Moorhead Data Practices Act Policy

Data Subjects

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: The City of Moorhead (City) 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: job title and bargaining unit membership.

Private data: The City cannot give private data to the general public, but you have access when the data are about you. A Social Security number, for example, is private data. The City can share your private data with you, with someone who has your permission, with City 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 regarding violations of state laws or local ordinances concerning the use of real property. The City can share confidential data about you with City staff who need the data to do their work and to others as permitted by law or court order. The City cannot give you access to confidential data.

Your Rights under the Data Practices Act

The City of Moorhead must keep all government data in a way that makes it easy for you to access data about you. Also, the City can collect and keep only those data about you that it needs 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 the City 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 City will tell you whether 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 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 City not to give data about them to their parent or guardian. If you are a minor, the City will tell you that you have this right. The City may ask you to put your request in writing and to include the reasons that the City should deny your parents access to the data. The City 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 the City asks you to provide data about yourself that are not public, it must give you a notice. The notice is sometimes called a Tennessean warning. The notice controls what the City does with the data that it collects from you. Usually, the City can use and release the data only in the ways described in the notice.

The City will ask for your written permission if it needs to use or release private data about you in a different way, or if you ask the City to release the data to another person. This permission is called informed consent. If you want the City to release data to another person, you must use the consent form the City provides.

Protecting your Data: The Data Practices Act requires the City to protect your data. The City has 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 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 the City of Moorhead keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, make a written request for data. Make your request for data to the appropriate individual listed in the Data Practices Contacts document on page 4. You may make your written request by U.S. mail, facsimile, or electronic mail, using the data request form on page 6.

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.

The City of Moorhead 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 7.

How the City Responds to a Data Request

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

- If the City does not have the data, it will notify you in writing within 10 business days.
- If the City has the data, but the data are confidential or private data that are not about you, it will notify you in writing within 10 business days and state which specific law says you cannot access the data.
- If the City has the data, and the data are public or private data about you, the City 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. The City will provide electronic copies (such as email or CD-ROM) upon request if the City keeps the data in electronic format. Information about copy charges is on page The City will also arrange for you to prepay for the copies.

After the City has provided you with access to data about you, the City does not have to show you the data again for 6 months unless there is a dispute or the City collects or creates new data about you.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. The City 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 it does not already have the data, or to provide data in a specific form or arrangement if it does not keep the data in that form or arrangement (for example, if the data you request are on paper only, the City is not required to create electronic documents to respond to your request). If the City 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.

In addition, the City is 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.

Data Practices Contacts

City of Moorhead, Minnesota

Responsible Authority:

City of Moorhead City Manager

Physical Address: 500 Center Ave, Moorhead, MN 56560

Mailing Address: PO Box 779, Moorhead, MN 56561-0779

Fax: (218) 299-5306

Telephone: (218) 299-5166

Email: citymanager@cityofmoorhead.com

Copy Costs - Data Subjects

The City of Moorhead charges data subjects for copies of government data. These charges are authorized under section 13.04, subdivision 3. The cost of copies is 25 cents per copy (50 cents for a two-sided copy).

Actual Cost of Making the Copies

In determining the actual cost of making copies, the City factors 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 the City cannot reproduce ourselves, such as photographs, the City will charge you the actual cost we must pay an outside vendor for the copies. The cost of employee time to search for data, retrieve data, and make copies is dependent upon the hourly cost of the employee. If, because of the subject matter of your request, the City finds it necessary for a higher-paid employee to search for and retrieve the data, the City will calculate the search and retrieval portion of the copy charge at the higher salary/wage.

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 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 military ID
- 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 *either* notarized or certified copies of the documents that are required *or* an affidavit of ID.