

**Policy #P-110**  
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**Guide for Members of the Public  
And Data Subjects for  
Requesting Information**

**Kanabec County**

**(Updated 5/3/22)**



## A BRIEF OVERVIEW OF THE MINNESOTA GOVERNMENT DATA PRACTICES ACT

**A.** The Minnesota Government Data Practices Act (MGDPA) is in Chapter 13 of Minnesota Statutes. It controls how government data is collected, created, stored, maintained, used and disseminated.

**B.**

The MGDPA regulates the management of all government data that are created, collected, received, or released by a government entity no matter what form the data is in or how or where it is stored or used.

### The Act regulates:

- what data can be collected;
- who may see or get copies of the data;
- the classification of specific types of data;
- the duties of personnel in administering the Act;
- procedures for access to the data;
- procedures for classifying data as not public;
- civil and criminal penalties for violation of the Act; and
- the charging of fees for copies of data.

Government data is either *data on individuals* or *data not on individuals*. Data on individuals is classified as either public, private, or confidential. Data not on individuals is classified as public, nonpublic, or protected nonpublic. This classification system determines how data is handled.

### CLASSIFICATION OF DATA

Data on Individuals	Meaning of Classification	Data <i>Not</i> on Individuals
Public	Available to anyone for any reason	Public
Private	Available only to the data subject and to anyone authorized in writing by the data subject or by court order or law to see it	Nonpublic
Confidential	Not available to the public or the data subject	Protected Nonpublic

## REQUESTS FOR GOVERNMENT DATA

### I. DATA REQUESTS BY MEMBERS OF THE PUBLIC

#### **Right to Access Public Data**

The Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public unless a state or federal law says the data are not public. Government data is a term that means all recorded information a government entity has, including paper, email, CD-ROMs, photographs, etc.

The Data Practices Act also provides that Kanabec County must keep all government data in a way that makes it easy for you, as a member of the public, to access public data. You have the right to look at (inspect), free of charge, all public data that we keep. You also have the right to get copies of public data. 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.

#### **How to Make a Data Request**

To look at data or request copies of data that Kanabec County keeps, make a written request. Make your written request for data to the appropriate individual listed on the Data Practices Contacts page provided in this guide. You may make your written request for data by mail, fax, or email, using the data request form found in this guide.

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

- that you, as a member of the public, are making a request for data under the Data Practices Act, Minnesota Statutes, Chapter 13;
- whether you would like to look at the data, get copies of the data, or both; and
- a clear description of the data you would like to inspect or have copied.

Kanabec County cannot require you, as a member of the public, to identify yourself or explain the reason for your data request. However, depending on how you want us to process your request (if, for example, you want us to mail you copies of data), we may need some information about you. If you choose not to give us any identifying information, we will provide you with contact information so you may check on the status of your request. In addition, please keep in mind that if we do not understand your request and have no way to contact you, we will not be able to begin processing your request.

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

Upon receiving your written request, we will work to process it. If we do not have the data, we will notify you in writing as soon as reasonably possible.

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, the Data Practices Act does not require us to answer questions that are not requests for data.

### **Requests for Summary Data**

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. The preparation of summary data is not a means to gain access to private or confidential data. Kanabec County will prepare summary data if you make your request in writing and pay for the cost of creating the data. Upon receiving your written request – you may use the data request form included in this guide and we will respond within ten business days with the data or details of when the data will be ready and how much we will charge.

## **II. DATA REQUESTS BY 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, CDROMs, 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.

Private data: We cannot give private data to the general public, but you have access when the data are about you. We can share your private data with you, with someone who has your permission, with Kanabec 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. We can share confidential data about you with Kanabec 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**

Kanabec 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 Kanabec 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 Tennesen 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 Kanabec 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 section of this guide. You may make your written request by mail, fax, e-mail, or by hand-delivering the request, using the data request form included in this guide.

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 Kanabec 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 included in this guide.

### **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 included in this guide.

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.

### **III. DATA REQUESTS BY OTHER GOVERNMENT AGENCIES**

A responsible authority shall allow another government entity access to data classified as private, confidential, nonpublic, or protected nonpublic only when the access is authorized or required by state or federal statute.

An agency that supplies government data under this section may require the requesting agency to pay the actual cost of supplying the data when the requested data is not provided in the normal

course of business and not required by state or federal statute. In most circumstances Kanabec County will not charge a fee to another government entity. Consideration should be given to transmission of the data by electronic means to save Kanabec County copying costs.

In many cases data will have the same classification in the hands of the agency receiving it as it had in the agency providing it unless the classification is required to change to meet judicial, administrative, or statutory requirements such as change in classification by statutory definition. When reasonably practical the agency providing the requested data information shall indicate the classification of the data when the data is classified as other than public.

When reasonably practical and reasonably necessary if it is not clear the requesting agency is authorized to access the data it shall be directed to obtain the informed consent from the data subject(s) for data classified as private or confidential. If the agency is unable to obtain such written consent the Kanabec County Responsible Authority should be consulted for a determination of access prior to release of the data.

#### **IV. CONTRACTUAL LICENSING AND FUNDING RELATIONSHIP WITH GOVERNMENT ENTITIES**

Pursuant to Minn. Stat. § 13.05, subd. 6, if a person receives not public data on individuals from a government entity because that person has a contract with that entity the person must administer the data in a manner consistent with the MGDPA.

Pursuant to Minn. Stat. § 13.05, subd. 11, if a private person collects, receives, stores, uses, maintains or disseminates data because the person has a contract with a government entity to perform any of the entity's functions the data are subject to the requirements of the MGDPA and the contractor must comply with the MGDPA requirements. The contract should clearly inform the contractor of these responsibilities.

Pursuant to Minn. Stat. § 13.02, subd. 11, if the data is collected by a nonprofit social services entity that performs services under contract to a government entity and the data is collected and used because of that contract access to the data is regulated by the MGDPA.

If a third party is licensed by a government entity and the licensure is conditioned upon compliance with the MGDPA or if the party has another type of contract with a government entity the party is subject to the MGDPA to the extent specified in the contract or the licensing agreement.

#### **V. INFORMATION DISCLOSURE REQUEST FORM**

The Information Disclosure Request provides a record of the requestor identification information and the government data requested as well as the action taken by the responsible authority or the designee and any financial transaction that occurs.

The Information Disclosure Report should be completed for all requests by the public for government data classified as private, confidential, nonpublic, and protected nonpublic and for all requests by other government agencies for which the not public data is not routinely shared or provided in the normal course of business.

## **VI. OTHER PROCEDURES FOR COMPLYING WITH DATA REQUESTS**

The responsible authority shall ensure each department establishes procedures to comply with requests for government data in an appropriate and prompt manner.

1. Upon request to the responsible authority an individual shall be informed whether they are the subject of stored data on individuals and whether it is classified as public, private, or confidential.
  - a. The responsible authority shall provide access to the private or public data upon request by the individual subject of the data.
  - b. An individual may contest the accuracy or completeness of public or private data. If the individual notifies the responsible authority in writing as to the nature of the disagreement with the data, the responsible authority shall within 30 days either correct the data and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual, or notify the individual the responsible authority believes the data to be correct. Subsequently data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.
2. The responsible authority shall prepare a public document setting forth in writing the rights of the data subject and specific procedures in effect in the county for access by the data subject to public or private data on individuals.
  - a. When a request is denied the responsible authority must inform the requestor orally at the time of the request and if requested in writing as soon thereafter as reasonably possible and shall cite the statute, temporary classification or federal law on which the determination is based.
  - b. The responsible authority shall require the requestor to pay the actual costs of making and certifying copies of the data requested except those exempted in Section V., subd. A. The requestor may not be charged for separating private or confidential data from public data.
  - c. The responsible authority shall reasonably inform the requestor of the data's meaning if asked to do so.



## **VII. RIGHT TO APPEAL**

If Kanabec County determines that challenged data are accurate and/or complete and the data subject disagrees with that determination the subject has the right to appeal the determination to the commissioner of administration

The subject has the right to take this step after both the subject and the county have properly completed all the steps in the data challenge process. The subject may appeal only the county's determination about the accuracy and/or completeness of data. The requirements for filing an appeal are in Minnesota Rules Section 1205.1600.

An individual subject of the data may contest the accuracy or completeness of public or private data. To exercise this right an individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within 30 days, either: (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or (2) notify the individual the authority believes the data to be correct. Data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.

The determination of the responsible authority may be appealed pursuant to the Administrative Procedure Act, Minn. Stat. §14.57 to 14.62 and Minn. R. 1205.1600, relating to contested cases. Upon receipt of an appeal by an individual the Commissioner of Administration shall before issuing the order and notice of a contested case hearing required by Chapter 14 try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties consent the Commissioner may refer the matter to mediation. Following these efforts the Commissioner shall dismiss the appeal if resolved or issue the order and notice of hearing.

Data on individuals successfully challenged by an individual must be completed, corrected, or destroyed without regard to the requirements of Minn. Stat. § 138.17. After completing, correcting, or destroying successfully challenged data the county will retain a copy of the Commissioner of Administration's order issued under Chapter 14 or if no order was issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

## **VIII. ROLE OF THE COMMISSIONER OF ADMINISTRATION**

Pursuant to Minn. Stat. §13.06, subd. 4, the Commissioner of Administration is given the authority to approve new uses and disseminations of private and confidential data on individuals.

Minn. Stat. §13.06 gives the Commissioner certain powers with regard to approving temporary classifications of data.

Minn. Stat. §13.072 gives the Commissioner authority to issue advisory opinions concerning the rights-of-data-subjects and the classification of government data. Commissioner's opinions are found at <https://mn.gov/admin/data-practices/opinions/>

## IX. CONSEQUENCES FOR NOT COMPLYING WITH THE MGDPA

Pursuant to Minn. Stat. §13.08, a government entity and employees may be sued for violating the Act. Minn. Stat. §13.085 provides an administrative process to compel compliance with the Act. Minn. Stat. §13.09 provides criminal penalties and disciplinary action as extreme as dismissal from public employment for anyone who willfully (knowingly) violates the Act.

### WHERE MORE INFORMATION CAN BE FOUND

Responsible Authority Barbara McFadden, Kanabec County Attorney, (320) 679-6425.

Minnesota Statutes Chapter 13 is found on the website of the Revisor of Statutes at: <https://www.revisor.mn.gov/statutes/cite/13> .

Minnesota Rules, Chapter 1205, is found on the website of the Revisor of Statutes at: <https://www.revisor.mn.gov/rules/1205/> .

### **Kanabec County Data Practices Contacts**

#### **Responsible Authority (RA)**

**Minnesota Rules 1205.0200, Subp. 14. Responsible authority in political subdivisions.** In political subdivisions, the responsible authority shall be as follows, unless otherwise provided by state law:

For counties, each elected official of the county shall be the responsible authority for the official's office. An individual who is an employee of the county shall be appointed by the county board to be the responsible authority for any data administered outside the offices of elected officials.

#### **RA for County Attorney:**

Barbara McFadden, County Attorney

18 North Vine Street, Suite 202

Mora, MN 55051

Phone: (320) 679-6425

Fax: (320) 679-6426

Email: [barbara.mcfadden@co.kanabec.mn.us](mailto:barbara.mcfadden@co.kanabec.mn.us)

#### **RA for elected County Sheriff:**

County Sheriff Brian Smith

18 North Vine Street, Suite 143

Mora, MN 55051

Phone: (320) 679-8400

Fax: (320) 679-8422

Email: [brian.smith@co.kanabec.mn.us](mailto:brian.smith@co.kanabec.mn.us)

**RA for elected Commissioner District I:**

Commissioner Dennis McNally  
18 North Vine Street, Suite 181  
Mora, MN 55051  
Phone: (320) 679-6440  
Fax: (320) 679-6441  
Email: [None](#)

**RA for elected Commissioner District II:**

Vacant  
18 North Vine Street, Suite 181  
Mora, MN 55051  
Phone: (320) 679-6440  
Fax: (320) 679-6441  
Email:

**RA for elected Commissioner District III:**

Commissioner Les Nielsen  
18 North Vine Street, Suite 181  
Mora, MN 55051  
Phone: (320) 679-6440  
Fax: (320) 679-6441  
Email: [les.nielsen@co.kanabec.mn.us](mailto:les.nielsen@co.kanabec.mn.us)

**RA for elected Commissioner District IV:**

Commissioner Rick Mattson  
18 North Vine Street, Suite 181  
Mora, MN 55051  
Phone: (320) 679-6440  
Fax: (320) 679-6441  
Email: [rick.mattson@co.kanabec.mn.us](mailto:rick.mattson@co.kanabec.mn.us)

**RA for elected Commissioner District V:**

Commissioner Craig Smith  
18 North Vine Street, Suite 181  
Mora, MN 55051  
Phone: (320) 679-6440  
Fax: (320) 679-6441  
Email: [craig.smith@co.kanabec.mn.us](mailto:craig.smith@co.kanabec.mn.us)

**RA for elected County Recorder:**

Lisa Holcomb, County Recorder  
18 North Vine Street, Suite 261B  
Mora, MN 55051  
Phone: (320) 679-6466  
Fax: (320) 679-6431  
Email: [lisa.holcomb@co.kanabec.mn.us](mailto:lisa.holcomb@co.kanabec.mn.us)

**RA for elected County Auditor/Treasurer:**

Denise Snyder, County Auditor/Treasurer  
18 North Vine Street, Suite 261A  
Mora, MN 55051  
Phone: (320) 679-6430  
Fax: (320) 679-6431  
Email: [denise.snyder@co.kanabec.mn.us](mailto:denise.snyder@co.kanabec.mn.us)

**RA for Public Health and Welfare Data:**

**RA for Community Health Services:**

Kathryn Burski, Community Health Services Administrator  
905 Forest Ave E, Suite 127  
Mora, MN 55051  
Phone: (320) 679-6438  
Fax: (320) 679-6333  
Email: [kathryn.burski@co.kanabec.mn.us](mailto:kathryn.burski@co.kanabec.mn.us)

**Minnesota Statute 13.46, Welfare Data: Subd. 10. Responsible authority.**

Notwithstanding any other provision of this chapter to the contrary, the responsible authority for each component of the welfare system listed in subdivision 1, clause (c), shall be as follows: the responsible authority of a county welfare agency is the director of the county welfare agency.

**RA for County Welfare Agency:**

Chuck Hurd, Family Services Director  
905 Forest Ave E, Suite 150  
Mora, MN 55051  
Phone: (320) 679-6357  
Fax: (320) 679-6333  
Email: [chuck.hurd@co.kanabec.mn.us](mailto:chuck.hurd@co.kanabec.mn.us)

**Data Practices Designees**

The responsible authority may assign in writing one or more designees. The designee is the person in charge of individual files or systems containing government data and who receives and complies with the requests for government data. The designee shall implement the provisions of the Act, the rules, and these guidelines and procedures as directed by the responsible authority. All duties outlined as duties of the responsible authority may be delegated to the designee.

**Designee for elected County Commissioner Offices:**

Kristine McNally, County Coordinator  
18 North Vine Street, Suite 181  
Mora, MN 55051  
Phone: (320) 679-6440  
Fax: (320) 679-6441  
Email: [kris.mcnally@co.kanabec.mn.us](mailto:kris.mcnally@co.kanabec.mn.us)

**Designee for County Assessor's Department:**

Tina VonEschen, County Assessor  
18 North Vine Street, Suite 271  
Mora, MN 55051  
Phone: (320) 679-6420  
Fax: (320) 679-6441  
Email: [tina.voneschen@co.kanabec.mn.us](mailto:tina.voneschen@co.kanabec.mn.us)

**Designee for County Public Works Department:**

Chad Gramentz, Public Works Director/County Engineer  
903 Forest Ave E  
Mora, MN 55051  
Phone: (320) 679-6300  
Fax: (320) 679-6304  
Email: [chad.gramentz@co.kanabec.mn.us](mailto:chad.gramentz@co.kanabec.mn.us)

**Designee for Information Systems Department:**

Lisa Blowers, County IS Director  
18 North Vine Street, Suite 181  
Mora, MN 55051  
Phone: (320) 679-6498  
Fax: (320) 679-6441  
Email: [lisa.blowers@co.kanabec.mn.us](mailto:lisa.blowers@co.kanabec.mn.us)

**Designee for Maintenance Department:**

Dave Mulvaney, Head Maintenance Engineer/Custodian  
18 North Vine Street, Suite 181  
Mora, MN 55051  
Phone: (320) 679-6446  
Fax: (320) 679-6441  
Email: [dave.mulvaney@co.kanabec.mn.us](mailto:dave.mulvaney@co.kanabec.mn.us)

**Designee for Probation/Court Services Department:**

Lucas Athey, County Court Services Director  
18 North Vine Street, Suite 233  
Mora, MN 56379  
Phone: (320) 679-6450  
Fax: (320) 679-6455  
Email: [lucas.athey@co.kanabec.mn.us](mailto:lucas.athey@co.kanabec.mn.us)

**Designee for Public Works Department - Environmental Services:**

Teresa Wickham, Environmental Services Supervisor  
903 Forest Ave E  
Mora, MN 55051  
Phone: (320) 679-6211  
Fax: (320) 679-6304

Email: [teresa.wickeham@co.kanabec.mn.us](mailto:teresa.wickeham@co.kanabec.mn.us)

**Designee for County Veterans Service:**

Erica Bliss, County VSO  
18 North Vine Street, Suite 261B  
Mora, MN 55051  
Phone: (320) 679-6380  
Fax: (320) 679-6480  
Email: [erica.bliss@co.kanabec.mn.us](mailto:erica.bliss@co.kanabec.mn.us)

**Designee for County Emergency Management:**

Kelly Schmitt, Emergency Management Director  
100 South Vine Street  
Mora, MN 55051  
Phone: (320) 679-8421  
Fax: (320) 679-8422  
Email: [kelly.schmitt@co.kanabec.mn.us](mailto:kelly.schmitt@co.kanabec.mn.us)

**Data Practices Compliance Official**

Barbara McFadden, County Attorney  
18 N. Vine Street, Suite 202  
Mora, MN 55051  
Phone: (320) 679-6425  
Fax: (320) 679-6426

**DUTIES OF THE RESPONSIBLE AUTHORITY OR DESIGNEE**

**Data Practices Annual Report**

The responsible authority shall prepare a public document on data categories. The public document will contain the responsible authority's name, title, address, and description of each category of record, file, or process relating to private or confidential data on individuals maintained by the county.

The public document shall be updated annually.

The responsible authority shall supply the document to the Minnesota Commissioner of Administration, if requested by the Commissioner.

The county will maintain the report on its web site.

**Procedures For Dissemination Of Data**

The responsible authority shall ensure each department establishes procedures to manage the dissemination of data. Collection, storage, use, and dissemination of private and confidential data shall be limited to what is necessary for the administration and management of programs

authorized or mandated by law.

Public data cannot be collected, stored, used, or disseminated for any purpose other than the purpose stated to the individual when the data was originally collected unless:

- The data was collected prior to 1975 in which case the data can be used for the original purpose for which it was collected or for an additional purpose approved by the Commissioner of Administration.
- There is specific authorization for the use in state, local, or federal law.
- The additional use has been approved by the Commissioner of Administration as necessary to carry out a function designated by law.
- The individual data subject has given an informed consent for the additional use of the data.

## **Data Protection**

The responsible authority shall establish procedures to assure all data on individuals is accurate, complete, and current for the purpose for which it was collected and establish appropriate security safeguards for all data. An annual security assessment is included in this duty.

Kanabec County as required by Minn. Stat. §13.055 has implemented a protocol in the event of a breach of security of not public data. That protocol is incorporated in this manual as Appendix E.

## **COPY COSTS**

### **Members of the Public**

Kanabec County charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c).

You must pay for the copies before we will give them to you.

The following provides information about the allowable charge when the data requester *is not the subject of the data*. The copy charges discussed are based on the requirements of Minnesota Statutes, section 13.03, subdivision 3(c). The chart below includes links to Minnesota Rules, Chapter 1205 and Commissioner of Administration Advisory Opinions that help interpret the requirements in the statute. **Note:** In situations where specific charges are set by statute or rule, Kanabec County will follow the applicable statutory language, rather than the requirements described in this document.

### **100 or Fewer Paper Copies – 25¢ Per Page**

The charge for copies is 25¢ for each page copied, or 50¢ for a two-sided copy, if the request is for 100 or fewer pages of black and white, letter or legal sized paper copies. This charge is a flat rate.

### **Most Other Copies – Actual Cost**

For copies of other data (more than 100 paper copies, photographs, data on a CD or DVD, data stored electronically, etc.), when a charge is not set by statute or rule, is the actual cost of searching

for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email). 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. Minnesota Rules 1205.0300, subpart 4.

### **Data Subjects**

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

You must pay for the copies before we will give them to you.

### **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. The cost of employee time to make copies is based upon the employee’s actual hourly wage.

<b>May be included in actual cost</b>	<b>Rules &amp; Opinion(s)</b>	<b>May not be included in actual cost</b>	<b>Rules &amp; Opinion(s)</b>
Employee time* to search for and retrieve data for copying	<a href="#">05-016</a>	Employee time* to separate public from not public data	<a href="#">04-072</a>
Employee time* to make copies	<a href="#">04-056</a>	Operating expenses of copier (electricity, wear and tear, purchase, rental, etc.)	<a href="#">04-040, 04-072, 01-066</a>
Cost of media (paper, CD ROMs, DVDs, etc.)	<a href="#">1205.0300, 04-040</a>	Costs not related to copying (prepare fax cover sheet, invoice, etc.)	<a href="#">04-055</a>
Mailing costs	<a href="#">1205.0300, 97-013</a>	Obtaining and returning data to off-site storage	<a href="#">95-044</a>
Employee time* to prepare copies (sort, label data, remove staples, paper clips, take data to copier)	<a href="#">1205.0300, 04-003</a>	Sort or review data if not necessary for copying	<a href="#">04-072</a>
Costs of reproduction that cannot be done by the entity (e.g., photographs)	<a href="#">95-044, 97-012</a>	Sales tax	<a href="#">94-059, 99-024</a>
		Verify accuracy of data	<a href="#">04-072</a>
		Perform accounting functions	<a href="#">04-003</a>
		Costs related to inspection	<a href="#">04-038</a>

\*The cost for employee time must be calculated based on the wages/salary (may include benefits) of the lowest-paid entity employee who could complete the task ([04-056](#)).

Chapter 13 does not allow an entity to charge a minimum fee for copies ([05-016](#)).



**Data Request Form – Members of the Public  
Kanabec County**

**Date of request:** \_\_\_\_\_

**I am requesting access to data in the following way:**

Note: inspection is free but Kanabec County will charge for copies as outlined in this guide.

Inspection       Copies       Both inspection and copies

**These are the data I am requesting:**

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Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

**Contact Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email address: \_\_\_\_\_

You do not have to provide any of the above contact information. However, if you want us to mail you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information we will not be able to begin processing your request until you contact us.

**Kanabec County will respond to your request as soon as reasonably possible.**

**Data Request Form – Data Subjects  
Kanabec County**

**Date of request:** \_\_\_\_\_

To request data as a data subject, you must show a valid state ID, such as a driver’s license, military ID or passport, as proof of identity.

**I am requesting access to data in the following way:**

Note: inspection is free but Kanabec County will charge for copies as outlined in this guide.

Inspection       Copies       Both inspection and copies

**These are the data I am requesting:**

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Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

**Contact Information**

Data subject name \_\_\_\_\_

Parent/Guardian name (if applicable) \_\_\_\_\_

Address \_\_\_\_\_

Phone number \_\_\_\_\_ Email address \_\_\_\_\_

Signature of Data Subject or Parent/Guardian \_\_\_\_\_

**Staff Verification**

Identification provided \_\_\_\_\_

**Kanabec County will respond to your request within 10 business days  
and will advise you when data will be ready if it is not reasonably possible  
to have it ready in 10 business days.**

## Standards for Verifying Identity Kanabec 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 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.

## **DATA SECURITY BREACH PROTOCOL**

### **Part 1. Purpose.**

This protocol is intended to assist Kanabec County in implementing the requirements of Minn. Stat. §13.055 that is intended to provide timely and appropriate notice to individuals who are affected by a breach of the security of their private or confidential data. All employees must immediately report known or potential breaches of security to the responsible authority and their supervisor. The County Attorney's Office in consultation with the affected department or office or Information Technology personnel as appropriate shall determine whether notice of the potential breach is required and if so how the notice will be provided. This protocol shall be integrated with Department of Information Technology Policy 3005, a copy of which is included and incorporated in the event a potential data breach or data breach involves electronic related data, resources or components.

### **Part 2. Definitions.** Minn. Stat. §13.055, subd. 1 (in part)

**Subpart A. Potential Data Security Breach.** A situation or incident that provides a reasonable basis to believe not public data may have been compromised or accessed for a purpose not authorized by law or by a person or entity not authorized by law to have access to such data.

**Subpart B. Breach of the security of the data.** Breach of the security of the data means the unauthorized acquisition of data maintained by the county in any medium that compromises the security and classification of the data, but not including the good faith acquisition by an employee, contractor or agent of the county if not provided to an unauthorized person.

**Subpart C. Contact Information.** Contact information means either name and mailing address or name and e-mail address for each individual who is the subject of data maintained by the county.

**Subpart D. Unauthorized acquisition.** Unauthorized acquisition means a person has obtained government data without the informed consent of the individuals who are the subjects of the data or lacks statutory or other legal authority and with the intent to use the data for non-governmental purposes.

**Subpart E. Unauthorized person.** Unauthorized person means any person who accesses government data without permission or without a work assignment that reasonably requires the person to have access to the data.

### **Part 3. Guidelines**

**Subpart A. Reporting a Potential Breach.** Any employee who knows of or reasonably believes breach of the security of private or confidential data may have occurred must immediately report to his or her supervisor and the county's responsible authority (RA).

The report should include the date and time of the report, when the breach occurred (if known); the type of data involved; the approximate number of affected individuals, if known, and other pertinent data. The attached form should be used for that purpose whenever reasonably possible.

Employees who in good faith report a potential or actual breach under these guidelines will not be subject to retaliation for making such a report.

**Subpart B. Breach Affected Division Response Process.** After a potential breach of security has been reported the responsible authority will work with the affected department or office to take necessary steps to contain and control the integrity of the data handling systems impacted by the potential or reported breach and conduct a preliminary internal assessment of the scope of the potential breach. Applicable Information Systems (IS) staff and security procedures or other guidelines may be consulted as set forth in this policy.

If the potential breach is on a county computing system that contains or has network access to private or confidential data, the RA shall consult with IS personnel and consider control measures that may include but are not necessarily limited to removing the computing system from the network.

- (a) **Determining Breach.** The RA shall consult with the affected staff supervisor to determine whether a breach of security of data has occurred.
- (b) **Incidents.** Examples of the types of incidents that may result in a notice-triggering breach include, but are not limited to:
  - i. Evidence of unauthorized access into a computer system containing private/confidential data;
  - ii. Missing documents or papers or stolen or missing laptop, desktop, storage device or other types of information technology resource containing files with private/confidential data;
  - iii. Documents containing private/confidential data sent in any form to a wrong recipient;
  - iv. IS Systems containing private/confidential data that has been compromised; or
  - v. Employee misuse of authorized access to or disclose of private or confidential data.
- (c) **Acquisitions.** Minn. Stat. §13.055, subd. 2 requires government entities to notify individuals if their private or confidential data has been or is reasonably believed to have been acquired by an unauthorized person. In making that determination the following factors among others may be considered:
  - i. Indications the data is in the physical possession and control of an unauthorized person such as a lost or stolen computer or other device or documents containing unprotected private or confidential data.
  - ii. Indications the data has been downloaded or otherwise acquired.
  - iii. Indications the data was used by an unauthorized person such as a fraudulent account opened or an instance of identity theft reported;
  - iv. The encryption protection of the data, if any;
  - v. Duration of exposure;

- vi. The extent to which the compromise of electronic data indicates a directed attack such as a pattern showing the device itself was specifically targeted; or
- vii. Indications the attack was intended to seek and collect private or confidential data.

1. **Timing of Notification.** If a breach has been determined in most instances the affected department or office has primary responsibility to notify affected individuals and may be assisted by the RA. Notice is to occur without unreasonable delay. Notice maybe delayed due to a) the legitimate needs of a law enforcement agency; or b) any measures necessary to determine the scope of the breach and restore the reasonable security of the data.

Immediate notification may be appropriate in the event of a breach that could have immediate deleterious impact on individuals whose data may have been acquired by an unauthorized person.

2. **Contacting Law Enforcement.** The RA or designee(s) shall contact law enforcement agencies if the breach of security is believed to involve illegal activities. Data may be shared with law enforcement consistent with applicable data practice laws. If law enforcement is contacted it should be informed of the County's practice to provide notice to affected individuals. If law enforcement advises such notice would impede an active criminal investigation notice may be delayed. Delayed notice should be sent out as soon as law enforcement advises it would no longer impede the criminal investigation.
3. **Whom to Notify.** The RA in consultation with other appropriate county personnel, including but not limited to the affected department or office, shall determine the scope of the notice. Notice of a breach must be provided to any individual whose private or confidential data has been or is reasonably believed to have been acquired by an unauthorized person. If specific individuals cannot be identified notice should be sent to groups of individuals likely to have been affected such as all whose data is stored in the database of files involved in the breach. Measures should be taken to prevent notice lists from being over-inclusive. If questions arise regarding the scope of the notice required the County Attorneys' Office may be contacted for guidance.

### **Subpart C. Notice.**

1. **Content.** The RA or designee shall consult with the affected department or office on the wording of a notice. IS personnel may also be consulted where appropriate. Notices shall generally be sent separate from other documents. The notice should use clear and plain language.

The following should generally be included in the notice:

- (a) A general description of what happened and when to the extent known.
- (b) The nature of the individual's private or confidential data that was involved, but not listing the specific private/confidential data.
- (c) Information about what the county has done to protect the individual's

- private/confidential data from further disclosure.
- (d) Institution assistance such as website information or telephone number for further information about the incident.
  - (e) Information such as Web sites about what individuals can do to protect themselves against identity theft including contact information for nationwide credit reporting agencies.

2. **Method of Notification.** The RA in consultation with the affected division shall determine the appropriate method of notice as follows.

- (a) **Written notice** by first class mail to each affected individual; or
- (b) **Electronic notice** to each affected individual if communication normally occurs in that medium and the procedure is otherwise consistent with the provisions regarding electronic records and signatures contained in 15 U.S.C. 7001.
- (c) **Substitute notice** may be provided if the cost of providing the written notice required to each affected individual would exceed \$250,000 or the affected class of individuals to be notified exceeds 500,000 or the county does not have sufficient contact information to notify affected individuals. Substitute notice consists of all 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 website for a minimum of 45 days and
  - (iii) **Notification to major media** outlets that reach the general public.

**Subpart D. Coordination with Credit Reporting Agencies.** Credit reporting agencies assist individuals in responding to a notice of a security breach. Such agencies should be notified in advance of sending notice of security breach incidents that may significantly increase calls to agencies for assistance.

If notice is required to be given to 1,000 or more individuals at one time the county shall notify without unreasonable delay all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis as defined in 15 U.S.C. 1681a, of the timing, distribution and content of the notice to be sent. Such contacts shall include but not be limited to the following:

- Equifax:  
U.S. Consumer Services  
Equifax Information Services, LLC.  
Phone: 1-800-525-6285
- Experian:  
Experian Security Assistance  
P.O. Box 72  
Allen, TX 75013  
1-888-397-3742
- TransUnion:  
Phone: 1-800-680-7289

**Subpart E. Documentation.** The RA or designee must complete a Breach of Security Incident Response Summary for each reported breach regardless of whether notice is given. The form should be completed beginning at the time of the initial report or as soon thereafter as reasonably practical.

Where appropriate all documentation related to the breach and investigation shall be labeled and maintained as not public pursuant to the applicable data privacy classification including but not limited to, “security information” as defined by Minn. Stat. 13.37, Subd. 1(a). The form shall be retained by the responsible authority in accordance with the applicable records retention policy.



**Potential Not Public Data Breach Report**

Name of Reporting Person(s): \_\_\_\_\_

Department or Office: \_\_\_\_\_

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

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

Date of Report: \_\_\_\_\_ Time of Report: \_\_\_\_\_

Date and Time of Discovery of Potential Breach: \_\_\_\_\_

To Extent Known Date and Time of Potential Breach: \_\_\_\_\_

Type of Data Involved: \_\_\_\_\_

Method of Breach to Extent Known or Suspected: \_\_\_\_\_

Number of Affected Persons: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

\_\_\_\_\_  
Signature of Reporting Person

This report must be promptly completed and forwarded to Kanabec County Attorney Barbara McFadden.

For any assistance or questions, contact Kanabec County Attorney Barbara McFadden.

**INFORMED CONSENT FOR THE RELEASE OF DATA**

I, \_\_\_\_\_

*(Name of individual authorizing release)*

authorize \_\_\_\_\_

*(Name of individual, entity, or person holding record)*

to disclose  
to \_\_\_\_\_

*(Name of individual, entity, or person to receive the data)*

the following information:

\_\_\_\_\_ for the purpose of:

I understand this data may be protected under state and/or federal privacy laws and may not be disclosed without my written consent unless otherwise provided for by state or federal law. I understand once this data is released it may be subject to further disclosure without my written consent. I also understand I may revoke this consent at any time except to the extent that action has been taken in reliance on it and in any event this consent expires or as described below, whichever is earlier.

On specification of the date or condition upon which this consent expires:

\_\_\_\_\_ Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_ *(Signature of individual authorizing release)*

\_\_\_\_\_ *(Printed name)*

\_\_\_\_\_ *(Signature of parent, guardian, or authorized representative, when required)*

\_\_\_\_\_ *(Printed name)*

