

Data Access Policy for Members of the Public
(Minnesota Statutes, section 13.03, subdivision 2)

March 23, 2011

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 Goodhue 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 Goodhue County keeps, make a written request. Make your written request for data to the appropriate individual listed in the Data Practices Contacts document on page four. You may make your written request for data by mail, fax, or email, using the data request form on page six.

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.

Goodhue 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 we have the data, but the data are not public, we will notify you in writing as soon as reasonably possible and state which specific law says the data are not public.
- If we have the data, and the data are public, we will respond to your request appropriately and promptly, within a reasonable amount of time 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 as soon as reasonably possible. You may choose to pick up your copies, or we will mail or fax them to you. If you want us to send you the copies, you will need to provide us with an address or fax number. 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 five. If your

request takes longer than four hours to prepare, we will arrange for you to prepay for the copies.

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. Goodhue 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 on page six – 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.

What Goodhue County does in the event of a data breach

Goodhue 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 Goodhue 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 Goodhue 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 Goodhue 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 Goodhue 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

Goodhue County

Responsible Authority

Scott Arneson, County Administrator
509 W. 5th Street, Red Wing, MN 55066
651-385-3001 (phone)
651-385-3004 (fax)

Data Practices Designee(s)

Mary Priebe, Human Resource Manager
509 W. 5th Street, Red Wing, MN 55066
651-385-3029 (phone)
651-385-3004 (fax)
Mary.Priebe@co.goodhue.mn.us

Data Practices Compliance Official

Mary Priebe, Human Resource Manager
509 W. 5th Street, Red Wing, MN 55066
651-385-3029 (phone)
651-385-3004 (fax)
Mary.Priebe@co.goodhue.mn.us

Copy Costs – Members of the Public

Goodhue County

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

Fees are due upon delivery of requested data.

For 100 or Fewer Paper Copies – 25 Cents Per Page

100 or fewer pages of black and white, letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy.

Most Other Types of Copies – Actual Cost

The charge for most other types of copies, 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.

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) Goodhue 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.

Data Request Form – Members of the Public

Goodhue County

Date of request: _____

I am requesting access to data in the following way:

Note: inspection is free but we charge for copies in accordance to Minnesota Statute 13.03 subd. 3(c). See the bottom of page five for breakdown of costs.

Inspection

Copies

Both inspection and copies

These are the data I am requesting:

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.

Goodhue County will respond to your request as soon as reasonably possible.