



## **Data Subject Rights and Access Policy: Requesting Data About You and Your Rights as a Data Subject**

This policy is required by Minnesota Statutes, sections 13.025 and 13.03 and applies ONLY to data requests for data about yourself, your minor child, or someone for whom you are a legal guardian.

### **What is a “Data Subject”?**

When government has information recorded in any form (e.g., paper, hard drive, voicemail, video, email, etc.), that information is called “government data” under the Minnesota 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 Minnesota Government Data Practices Act (MGDPA) 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 a legal guardian.

### **When Minneapolis Public Schools Has Data About You**

Minneapolis Public Schools has data on many people, such as students, parents/guardians, employees, and job applicants. We can collect and keep data about you only when we have a legal purpose to have the data. The District 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:

#### **Public Data**

The MGDPA 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.

#### **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.

#### **Confidential Data**

Confidential data have the most protection. 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.

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

As a data subject, you have the following rights.

### **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 MGDPA 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 us 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 will 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. We cannot deny parents or guardians access to data that is considered an education record of their minor student.

### **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 called a Tennessen warning (Minnesota Statutes, section 13.04, subdivision 2). 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 MGDPA 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, we 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**

**Option 1:** To make a data request to the Minneapolis Public Schools, you should use the [data request center](#) and include “This data is about me” in the request description field. You must specifically state what data you wish to request about yourself. You may ask to look at (inspect) data at our offices, or ask for copies of data that we maintain about you, your minor child, or an individual for whom you have been appointed legal guardian. **The District encourages the use of its data request center if you want to receive an acknowledgment receipt email and an assigned request ID.**

**Option 2:** Alternatively, if you choose to not use the District’s data request center, your request must be submitted in writing by U.S. Mail to the District’s Data Practices Compliance Official. Your written request should:

- State that you are making a request for data, for data about you (or your minor child, or person for whom you are a legal guardian) under the Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13).
- Provide a clear description of the data you wish to request.
- Indicate whether you wish to inspect the data, have copies of the data, or both.
- Provide proof that you are the data subject or data subject’s parent/legal guardian.

**A request will not be considered a data request for MGDPA purposes unless submitted as described in Option 1 or 2 above, and the District reserves the right to not respond to such requests.**

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* section below. If you do not provide proof that you are the data subject or the data subject’s parent/legal guardian, we cannot respond to your request.

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

Upon receiving your request, we will review it.

We may ask you to specifically state or clarify what data that you are requesting since the District is not able to process and fulfill a vague request. If we ask you to clarify your request and you do not respond to us with 5 business days, we will consider your request abandoned and closed.



We will ask you to prove your identity as the data subject or the data subject's parent/legal guardian. If you fail to provide proof of identity, we will be unable to respond to your request and it will be closed.

If we have the data, but the data are confidential or not public data about someone else, we will notify you within 10 business days 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 by doing one of the following:

- Arranging a date, time, and place to inspect data in our offices, for free, during normal business hours. In most instances, inspection will be at our District offices, the Davis Center, located at 1250 West Broadway Ave., Minneapolis, MN 55411.
- Providing you with the data within 10 business days. You may choose to pick up your copies, or we will send them to you. We will provide electronic copies upon request if we keep the data in electronic format.

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

After we have provided you with your requested data, we do 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.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), you may contact the Data Practices Compliance Official or the Responsible Authority listed below. We will give you an explanation if you ask.

The MGDPA does not require us to create or collect new data in response to a data request, 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 to respond to questions that are unrelated to government data requests.

### **Copy Costs – Data Subjects**

Minnesota Statutes, section 13.04, subdivision 3 allows us to charge for copies. All copy costs must be paid in full before the District will provide the requested copies.

**Actual Cost of Making the Copies**

We will charge the actual cost of making copies for data about you. In determining the actual cost, we include the employee-time to create and send the copies, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs such as postage (if any).

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.

**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 1) a court order relating to divorce, separation, custody, foster care; 2) a foster care contract; or 3) 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 a court order(s) with the corresponding Letters of Guardianship or a validly executed written power of attorney.

Note: 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 Identity.

### Data Practices Contacts

MPS Responsible Authority	MPS Data Practices Compliance Official
<b>Dr. Lisa Sayles-Adams</b> Superintendent <a href="mailto:mpssup@mpls.k12.mn.us">mpssup@mpls.k12.mn.us</a>	<b>Karina Magistad</b> Assistant General Counsel <a href="mailto:publicdatarequests@mpls.k12.mn.us">publicdatarequests@mpls.k12.mn.us</a>  <b>Mailing Address for Written Data Requests:</b> Minneapolis Public Schools Attn: General Counsel / Data Practices Compliance Official 1250 West Broadway Ave. Minneapolis, MN 55411

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