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541 DATA REQUEST POLICY FOR SUBJECTS OF DATA

I. PURPOSE

The purpose of this policy is to set forth the procedure for an employee or other individual to inspect or obtain data about that individual or that individual's minor child maintained by the school district and to comply with the Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes Chapter 13.

II. DEFINITIONS AND CONSTRUCTION

This policy must be construed as consistent with the MGDPA and Minnesota Rules Chapter 1205. All terms used herein that are defined by the MGDPA must be given the same definition as listed in the MGDPA and Minnesota Rules Chapter 1205. This policy does not confer upon an individual the right to access data not otherwise provided in any applicable law or other school district policy. Nothing in this policy shall be interpreted to contradict any other school district policy.

III. RIGHT TO ACCESS DATA

Upon request to a responsible authority or designee, an individual shall be informed whether that individual, the individual's minor child or person for whom the individual has been appointed guardian is the subject of stored data and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data shall be shown that public or private data about themselves without any charge and, if desired, shall be informed of the content and meaning of that data. Except as required by law, after an individual has been shown this and informed of its meaning, the school district need not disclose the data to that individual for six months unless additional data on the individual has been collected or created.

IV. MAKING A DATA REQUEST

To inspect data or request copies of data on the individual that are in the school district's possession, the individual should make a written request using the form found in Attachment B and submit this request to the appropriate data practices official described in Attachment C. The school district reserves the right to accept verbal requests for data, or reduce verbal requests to writing, at its sole discretion.

V. PROCESSING A REQUEST

The school district will respond to a written request submitted pursuant to this policy

immediately, if possible, and within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible.

- A. If it is unclear what data the individual is requesting, the school district will seek clarification.
- B. If the school district does not have the requested data, it will notify the individual in writing as soon as reasonably possible.
- C. If the school district has the requested data, and the data may lawfully be disclosed to the individual, the school district will respond to the request by doing one of the following:
 - 1. Arrange a date, time, and place for the individual to inspect the data without cost to the individual, or
 - 2. Provide the individual with copies of the data. The individual may choose to pick up the copies, or the school district will mail or fax copies of the data to the individual. The school district will provide electronic copies (such as e-mail), only if the school district keeps the data in electronic format. Prepayment of copies is required unless other arrangements are approved by the responsible authority. Further information about copying charges is included on Attachment B.
- D. If the school district determines that the requested data is classified so as to deny the requesting person access, the school district shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible.
 - 1. Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of law upon which the denial was based.

Nothing in this policy or the MGDPA requires the school district to create data; collect new data; or to provide data in a specific form or arrangement if the school district does not keep the data in that form or arrangement, in response to a data request.

Nothing in this policy or the MGDPA requires the school district to respond to questions that are not requests for data.

VI. IDENTIFICATION

The school district reserves the right to require that an individual requesting private data on the individual or the individual's minor child provide valid photo identification at the time that the data is requested or provided.

The school district will not disclose private data on anyone other than the individual requesting data or that individual's minor child without receiving a valid release signed by the subject of the data.

VII. RIGHTS OF DATA SUBJECTS

A. Challenging Inaccurate or Incomplete Data

Consistent with the MGDPA, any person who believes that information contained in the school district's records regarding that individual, the individual's minor child, or person over whom the individual has been appointed legal guardian is inaccurate or incomplete may request that the school district amend those records. To exercise this right, the individual must notify the responsible authority described in Attachment C in writing of the nature of the disagreement. Upon receiving such notification, the school district will take action as required by the MGDPA. Please note that the submission of a challenge to data does not guarantee that the school district will amend its records.

B. Information Provided When Data is Requested by the School District

Consistent with the MGDPA and other applicable law, certain circumstances may require the school district to notify an individual who is asked to provide the school district with private or confidential data concerning that individual of the ways in which the school district can use the data collected.

C. Other Rights of Data Subjects

Nothing in this policy shall be construed as limiting the rights provided by the MGDPA. Individuals who are the subject of data in the school district's possession have all of the rights afforded by Minnesota Statutes, Section 13.04

Note: This is a complimentary model policy provided by Ratwik, Roszak & Maloney, P.A.

Attachment A

Copy Costs – Data on Individuals

The school district charges individuals for copies as authorized under Minnesota Statutes, section 13.03, subdivision 3(c). The individual must pay for the copies before the school district will provide the copies.

For 100 or Fewer Paper Black and White Copies – \$.25 per Page

The charge for 100 or fewer pages of black and white, letter or legal size paper copies, is \$.25 for a one-sided copy and \$.50 for a two-sided copy.

More than 100 Paper Black and White Copies or Other Types of Copies – Actual Cost

The charge for more than 100 pages of black and white paper copies, or any other types of copies, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data. In determining the actual cost, the school district includes the cost of the employee time, the cost of the materials (paper, DVD, etc.), and mailing costs (if any). If the request is for copies of data that the school district cannot reproduce itself, such as photographs, it will charge the actual cost it must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data and make copies is based upon the lowest hourly rate of the appropriate staff member. There is no charge for time spent separating public from not public data.

Attachment B

Data Request Form – Requests for Data on Individuals

Date of request: _____

Method of Access to Data:

(note: inspection is free but there is a charge for copies)

Inspection Copies Both (inspection and copies)

Description of Requested Information:

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

Contact Information:

Name: _____

Address: _____

Phone number: _____

Email address: _____

Verification of Identity: Driver’s License
 Other Photo Identification
 Personal Knowledge
 Photo Identification and
 Proof of Relationship (required for requests for data on
 minors)

Responsible Authority or Designee Signature: _____