Minnesota Department of Public Safety

Policy:	**Data Practices**
Number:	**1006**
Applicability:	**Department - wide**
Maintained by:	**Office of the Commissioner**
Originated:	**7/23/01**
Effective:	10/20/10

Definitions

Public Data on Individuals-
Data accessible to the public in accordance with the Data Practices Act.

Public Data Not on Individuals-
All government data which is not data on individuals.

Private Data on Individuals-
Data so classified by state or federal statute, is not public and is accessible only to the individual subject of the data and the collecting agency.

Confidential Data-
Data which is not public as specified by state or federal statute and is not accessible to the individual subject of the data.

Nonpublic Data-
Data not on individuals which is classified by the state or federal law applicable to the data and is only accessible to the entity subject of the data.

Protected Nonpublic-
Data not on individuals, which is classified by the state or federal law applicable to the data and is not accessible to the data subject.

Purpose

The purpose of this policy is to comply with the requirements and responsibilities of the Minnesota Data Practices Act.

Policy Statements

- The Department of Public Safety has established procedures and guidelines for meeting the requirements contained in the Minnesota Government Data Practices Act regarding gathering, creating, maintaining, and disseminating data by the Department of Public Safety

- The Department will provide access to its data consistent with the rights of any individual and the efficient, effective operation of the Department
- The Department will classify information according to appropriate federal or state statutes
- Information not classified by statute may be temporarily classified by the Commissioner of Administration
- For purposes of Minnesota Statutes Chapter 13, Government Data Practices Act, the Commissioner of Public Safety is designated as the "responsible authority"

Responsible Authority Appointees

The Commissioner of Public Safety hereby appoints each Division/Staff Office Director as delegated authority for information concerning the Government Data Practices Act. The names of these appointees shall be posted in a prominent, public area of the Department and made available upon request. The department address is 444 Cedar Street, St. Paul, MN 55101. The Commissioner of Public Safety must also appoint a data practice compliance official and records manager.

Central Repositories

- The Data Practices Compliance Official shall maintain a central repository of all division and staff office access procedures
- The Records Manager for the Department shall maintain a central repository for all inventory records of the Department listing types, classifications and authorized uses of data

Data Practices Compliance Committee

This Committee is responsible for reviewing and updating Department procedures in compliance with the Data Practices Act. The Committee shall be chaired by the appointed Data Practices Compliance Official and include a designated data practices representative of the Commissioner's Office, all division and staff office designated data practices coordinators, and other affected Department personnel appointed to serve on the committee by the respective designated responsible authority.

The Data Practices Compliance Committee shall maintain and update as necessary, a Department manual containing information on the Data Practices Act. The Manual shall include the following:

- The responsibilities of the Department concerning data maintained by the Department
- A list of Department personnel responsible for data requests including the names of all responsible authority designees, the Data Practices Compliance Official, representative of the Commissioner's Office and Data Practices Coordinators
- Access procedures for each division and staff office

- Inventories of types, classifications and authorized uses of data maintained by the Department
- Information on procedures for submitting complaints, questions, inquiries, requests, and comments
- Information on disputing data maintained by the Department

All Divisions, Staff Offices, Reception areas and the Commissioner's Office shall have readily accessible a Department Manual for use by Department personnel and review by the public.

Information Access Procedures

The public has access to large banks of information stored by computer. These information banks are accessed by both department employees and department authorized members of the public. Public information is available and obtainable to all members of the public for a fee (refer to DPS Policy, 3552).

A. Public data requested by members of the public, including the media, for review purposes shall be provided free of charge. Members of the public requiring copies of public information may be charged $.25 per copy up to 100 pages; thereafter, requestor must pay for the actual costs of making, certifying, and compiling the copies. (This is also true for classified information requested by individuals.)
B. When the cost of the copies is charged the money shall be collected following procedures established by the Office of Fiscal and Administrative Services.
C. Each Division Staff/Office shall have at least one individual available to provide access to stored departmental data for members of the public. This individual will inform any members of the public, upon request, whether or not they are the subject of any stored data and whether it is classified public, private or confidential.
D. Upon further request, the member of the public shall be shown the data without charge, and have the meaning of that data explained.
E. Requests for access to public information shall be provided at a reasonable place and time.
F. If an individual has been shown and had private data explained, the private data need not be disclosed to him for six months thereafter. The exceptions to this are:
    - If the data is disputed
    - If an action is pending pursuant to M.S. 13.04
    - If new information has been collected or created
G. A place shall be made available to any member of the public for the purpose of reviewing stored data.
H. Access to public or private information on individuals should be available immediately upon request by an individual who is the subject of stored public or private data on individuals. If this is not possible, the information should be available within ten days of the request. If information cannot be provided within the ten day period, the requesting individual shall be so notified and an additional five working day period shall be allowed in order to comply with the request.

I. An individual may contest the accuracy or completeness of any public or private data concerning himself.
   1. To exercise the right to contest the accuracy or completeness of any data, the individual must notify in writing: The Commissioner of Public Safety, 445 Minnesota Street, Suite 1000, St. Paul, Minnesota, 55101.
   2. The Commissioner shall within thirty (30) days either have the data corrected if it is found to be inaccurate or incomplete and attempt to notify past recipients of the inaccurate or incomplete data including those recipients named by the individual; or notify the individual that the data is believed to be correct.
   3. Whenever data is in dispute it shall be disclosed only if the individual's statement of disagreement is included. The individual may appeal the Commissioner's determination in writing to the Commissioner of Administration, Room 200 Administration Building, St. Paul, Minnesota, 55155.

J. When a request for information is received by any division or staff office and it is from the media, the Office of Communications shall be notified.

K. When a request for data relates to personnel records, the request shall be referred to the Office of Human Resources. Divisions and staff offices shall not to provide personnel records to anyone. When a request for data is related to a personnel investigation in process, the request shall be referred to the Labor Relations Manager.

L. When a request for data relates to budget, expenditure, or payroll records, the request may be referred to the Office of Fiscal and Administrative Services. Divisions and staff offices shall not provide payroll records to anyone. To ensure accuracy and to the extent possible, budget and expenditure information should be generated from the Minnesota Accounting and Procurement System (MAPS).

M. When a request for data involves information located department-wide, the request shall be referred to the Department's appointed Data Practices Compliance Official. If the Data Practices Compliance Official is unavailable, because of the time-sensitive nature of data requests, the request shall be referred to a designated person in the Commissioner's Office.

N. Questions, complaints, or problems concerning data practices shall be directed to the Department's appointed Data Practices Compliance Official. If there is a conflict of interest or the DPCO is unavailable during the limited timeframe allowed for response, the question, complaint or problem shall be referred to a designated person within the Commissioner's Office.

O. Unless specifically authorized by statute, the Department may ask, but not require, persons requesting public data to identify themselves, state a reason for or justify a request for public data. The Department must make it clear to the person requesting the data that he/she is not required by law to supply this information and will still receive the requested data if he/she elects not to supply this information. If a person elects not to supply this information, the Department may request the person to provide certain identifying or clarifying information for the sole purpose of facilitating access to the public data. The Department may require sufficient identifying documents and/or information if the requestor is seeking private data.

Minnesota Department of Public Safety

RESPONSIBILITIES AND PROCEDURES

Department of Public Safety

- Establish and maintain a Data Practices Committee
- Provide regular data practices training for members of the Data Practices Committee and affected employees of the Department

Division/Staff Office Data Practices Coordinator

- Prepare information access procedure and submit to director for review
- Review and update annually the information access procedure and the inventory of records maintained by the divisions or staff offices which must be open to public view and which lists and classifies all private, confidential and non-public data maintained by the Division/Staff Office along with all authorized uses of that data
- Coordinate with the division's staff responsible for complying with requirements found in the Records Management Act to ensure that data practices and records retention policies are followed
- Comply with Administrative Policy No. 3552 regarding collecting fees to recover the costs of providing copies of data to requestors
- Prepare cost estimates for special information requests before request is honored.
- Prepare temporary applications for data classification
- Submit temporary application to Commissioner of Administration
- Maintain a copy of each form on which classified information is collected, as part of the public record

Division Staff/Office Director

- Appoint division/staff office data practices coordinator
- Have all forms reviewed annually for data privacy consideration
- Submit copy of access procedure to the Office of the Commissioner and the Data Practices Compliance Official annually by January 1
- Submit a copy of inventory records and authorized uses of the data to the Office of the Commissioner and the department's designated Records Manager annually by January 1

Other applicable policies, authority, or resources

- Minnesota Statutes §13.
- Minnesota Statutes §13.04 Subd. 3
- DPS Policy 3552, Fees for Information Requests

Date this policy was last revised:	
Approved for implementation and distribution:	Michael Campion Commissioner's Signature 10/20/2010 Date