

Faribault County

Data Practices Policies

(Policies for Members of the Public and Data Subjects)

Identification of Staff with Data Practices Responsibilities

Responsible Authority

Cameron Davis, Faribault County Attorney
412 North Nicollet Avenue, PO Box 5, Blue Earth, MN 56013
Telephone: 507.526.4564; Fax: 507.526.2850

Data Practices Compliance Official(s) and Designee(s)

Mike Gormley, Faribault County Sheriff
320 Dr. H. Russ Street, Blue Earth, MN 56013
Telephone: 507.526.5148 ext. 2101; Fax: 507.526.3051

Erin Beske, Faribault County Sheriff's Department
320 Dr. H. Russ Street, Blue Earth, MN 56013
Telephone: 507.526.5148 ext. 2005; Fax: 507.526.3051

Cameron Davis, Faribault County Attorney
412 North Nicollet Avenue, PO Box 5, Blue Earth, MN 56013
Telephone: 507.526.4564; Fax: 507.526.2850

Sherry Asmus, Faribault County Recorder
415 North Main Street, PO Box 130, Blue Earth, MN 56013
Telephone: 507.526.6254; Fax: 507.526.5272

Brian Hov, Faribault County Coordinator
415 North Main Street, PO Box 130, Blue Earth, MN 56013
Telephone: 507.526.6225 Fax: 507.526.6227

Brady Rauenhorst, Assessor's Office
415 North Main Street, PO Box 130, Blue Earth, MN 56013
Telephone: 507.526.6203; Fax: 507.526.6290

Sara Hauskins, Planning and Zoning Office
415 South Grove Street, Suite 8, Blue Earth, MN 56013
Telephone: 507.526.2388; Fax: 507.526.2508

Merissa Lore, Drainage Department
415 South Grove Street, Suite 8, Blue Earth, MN 56013
Telephone: 507.526.2388; Fax: 507.526.2508

Jenna Schmidtke, Veterans Services
435 South Grove Street, Suite 1A, Blue Earth, MN 56013
Telephone: 507.526.6268; Fax: 507.526.4593

Amanda Shoff, Central Services / Human Resources
415 North Main Street, PO Box 130, Blue Earth, MN 56013
Telephone: 507.526.6225; Fax: 507.526.6227

All data requests must be made to the Responsible Authority (RA) or designee. Regardless of which staff person actually manages a data request, the RA ultimately is responsible.

Setting Parameters for Data Requests

As stated in the Data Practices Policy for Members of Public and Data Practices Policy for Data Subject, individuals must make data requests in writing.

When an individual requests data about him/her, you must verify that the requestor is the data subject or the data subject's parent or guardian; document how you made the verification.

Responding to Data Requests

Time frames

Faribault County must respond to data subjects seeking access to data about them within ten business days (section 13.04).

Faribault County must either provide the data to the data subject or inform the data subject there are no data available within ten business days. This does not mean that an entity can not arrange for a longer period of the time to respond, as long as the data subject agrees.

Faribault County must respond to all data requests in writing.

Charging for copies of data

Faribault 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. Pre-payment is required unless other arrangements are approved by the Data Practices Compliance Official/Designee(s) for the responding department.

*****Minnesota Statute language and department specific fees may apply. MN Statute--357.18 County Recorder 197.63 Veterans Services Office.***

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/shipping 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 search for data, retrieve data, and make copies is based on the hourly rate of the employee.

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.

If you charge members of the public for copies, document the calculation.

Data subjects

When a data subject asks for copies, Faribault County may charge the actual cost for an employee to make paper copies or to print copies of electronically stored data. When calculating employee time for making the copies, you should use the hourly wage of the lowest-paid employee who is able to make the copies.

Note: Government entities may not charge for search and retrieval time if a data subject requests copies.

Creating New Data

For requests for creation of new data not already collected or maintained by Faribault County is not required to create data to respond to a data request. If the County chooses to create data, they may work with the requestor on a case-by-case basis.

Summary Data

The Responsible Authority (RA) is required to prepare summary data if the request is made in writing and the cost of preparing the summary data is paid for by the requestor. The RA is allowed to delegate the preparation of summary data.

Methods of preparing summary data include but are not limited to the following:

- removing from a set of data, a file, or a record keeping system all unique personal identifiers so that the data that remains fulfills the definition of summary data as defined by Minnesota Statutes, section [13.02](#), subdivision 19; and
- removing from the entity's report of any incident, or from any collection of data similar to an incident report, all unique personal identifiers so that the resulting report fulfills the definition of summary data in Minnesota Statutes, section [13.02](#), subdivision 19.

For the purpose of this part, "removing all unique personal identifiers" includes but is not limited to blacking out personal identifiers on paper records, tearing off or cutting out the portions of paper records that contain the personal identifiers, and programming computers in such a way that printed, terminal, or other forms of output do not contain personal identifiers.

Faribault County will respond to summary data requests within ten days.

Nondisclosure agreement.

A nondisclosure agreement, as required by Minnesota Statutes, section [13.05](#), subdivision 7 shall contain at least the following:

- a general description of the private or confidential data which is being used to prepare summary data;
- the purpose for which the summary data is being prepared; and
- a statement that the preparer understands he/she may be subject to the civil or criminal penalty provisions of the act in the event that the private or confidential data is disclosed.

Parent Access to Private Data about Minor Children *(Policy for Data Subjects)*

Parents and guardians generally are entitled to the same Chapter 13 rights as their minor children. However, a minor has the right to ask that his/her private data not be released to his/her parent or guardian. The rules provide guidance to government entities about responding to a minor's request to limit access to data about him/her.

Note: Government entities may not deny parents/guardians access to educational data that are maintained by an educational agency or institution.

Document your actions for notifying minor(s) that they have a right to request that you not release their private data to their parent or guardian. Also, for each situation where you receive a request from a minor, document how/why you made the determination to withhold or release.

Tennessen Warning Notices *(Policy for Data Subjects)*

Faribault County must provide to an individual when collecting private and/or confidential data about that individual from that individual a Tennessen warning.

With limited exceptions, you may not collect, store, use or disseminate private or confidential data for any purpose other than those you specified in the Tennessen warning notice. Because the consequences of not giving a proper notice are so severe, you must tailor your notices to your entity's specific programs. Seek legal advice when developing your notices. More information about Tennessen warning notices located on IPAD's website at www.ipad.state.mn.us/docs/tw.html.

Informed Consent
Faribault County
Data Practices

Request (to Release) from Individual

If an individual asks Faribault County to release his/her private data to an outside entity or person. Because the entity does not have statutory authority to release the data, it must get the individual's written informed consent.

Explanation of Your Rights

If you have a question about anything on this form, or would like more explanation, please talk to the Responsible Authority or Compliance Official before you sign it.

I, _____, give my permission for Faribault County to release data about me to _____ as described on this form.

1. The specific data I want Faribault County to release

2. I understand that I have asked Faribault County to release the data.

3. I understand that although the data are classified as private at Faribault County, the classification/treatment of the data at _____ depends on laws or policies that apply to _____.

This authorization to release expires _____.

Individual data subject's signature _____ Date _____

Parent/guardian's signature [if needed] _____ Date _____

Keeping Data Secure *(Policy for Data Subjects)*

Faribault County will take the appropriate security safeguards for all records containing data on individuals. Private data are accessible to individuals within Faribault County whose work assignments reasonably require access. Confidential data are accessible to individuals within Faribault County whose work assignments reasonably require access. Only appropriate individuals will get access to private and confidential data.

Faribault County will notify data subjects when a security breach has occurred, and an unauthorized person has gained access to data.

Creating, Updating, and Posting Policies

Review and updates of the policies will be done annually. Members of the public and data subjects' documents are available on Faribault County's website www.co.faribault.mn.us

Faribault County Data Practices Policies for Accuracy and Completeness

IF FARIBAULT 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

1. 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.
2. The requirements for filing an appeal are in Minnesota Rules Section 1205.1600.
3. Procedure when data is not accurate or complete.
 - a. 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.
 3. 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.
 - a. Data on individuals successfully challenged by an individual must be completed, corrected, or destroyed without regard to the requirements of Minn. Stat. § 138.17.
 - b. 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.