



# **Dakota County Data Subject Requests**

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*Policy required by Minn. Stat. §13.025, Subd. 3.*

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## Introduction: Data about You

The Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, (“MGDPA”) says that data subjects have certain rights related to a government entity accessing, collecting, creating, transmitting, and keeping government data about them. You are the subject of data when you can be identified from the data. Government data is a term that means all recorded information a government entity has, regardless of its physical form, storage media, or conditions of use. This includes data recorded on paper, electronically (e.g., emails), DVDs, photographs, etc.

### Classification of Data about You

The MGDPA presumes that all government data are public unless a state or federal law says that the data are not public. Data about you may be classified as public, private, or confidential. See below for some examples.

1. Public data: We must give public data to anyone who asks; it does not matter who is asking for the data or why.

The following is an example of public data:

*The names of most individuals that work or volunteer for Dakota County.*

2. Private data: We can give access to private data to you, someone who has your permission (with proper written consent), with our Dakota County staff who need the data to do their work, and as permitted by law. We cannot provide private data to the general public.

The following is an example of private data about you:

*Your Social Security number.*

3. Confidential data: Confidential data have the most restrictive access. We cannot provide access to confidential data to the public or to you, even when the confidential data are about you. We can share confidential data about you with our Dakota County staff who need the data to do their work and to others as permitted by law or court order.

The following is an example of confidential data about you:

*Investigative details in an active criminal investigation.*

## **Your Rights under the Minnesota Government Data Practices Act (“MGDPA”)**

Dakota County must keep all government data in a way that makes it easily accessible for convenient use. We collect and keep data about you that we need for administering and managing programs and providing services that are authorized by the legislature, local governing body, or mandated by the federal government. We are required to keep some information according to a record retention schedule. 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. We may need to review the data to ensure you do not get access to private data about someone else or confidential information<sup>1</sup>.

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.

#### **Parents’ rights to access data**

In general, if you are a parent or legally appointed guardian, you have the right to look at and get copies of public and private data about your minor children (under the age of 18 at the time of the request) although there are certain exceptions under the law.

#### **Minors’ rights**

If you are a minor (under the age of 18), you have the right to ask Dakota County not to give data about you to your parent or guardian. We will make reasonable efforts to tell you that you have this right when appropriate. Dakota County may ask you to put your request in writing and to include the reasons why we should deny your parents/guardian access to the data. Dakota County will make the final decision about your request based on your best interests.

<sup>1</sup> If we do not provide all the data you requested within 10 business days because we need more time to review, we will provide you a batch of data every 10 business days until your request is fulfilled or other arrangements are made.

## Your rights when Dakota County Collects Data from You

When Dakota County asks you to provide private or confidential data about yourself, we must give you a notice. The notice is sometimes called a “Tennessean warning.” The notice explains why we collect the data, what we do with the data, whether you may refuse or are legally required to supply the requested data, and who we share the data with. Usually, we can access, use and disclose the data only in the ways described in the notice. In some situations, the notice that describes how we may use the data will come from state agency sources or state agency documents.

We will ask for your written permission if we need to access, use or disclose private data about you in a different way, or if you ask us to release the data to another person. This permission is called an informed consent, authorization or a release of information. Some state or federal laws may require your written authorization/consent at the time data are collected.

In certain situations, we may be allowed or required to share your data in a way not described in the notice or without your informed consent, such as when an emergency exists and sharing information is necessary to protect the health or safety of the individual.

## Protecting your Data

We are required to establish appropriate security for all records containing data on individuals.

In the unfortunate event that we determine a breach of the security of the data, as defined in Minnesota Statutes section 13.055, has occurred, we will notify you as required by law.

## When your Data are Inaccurate and/or Incomplete

You have the right to challenge the accuracy and/or completeness of data about you. You also have the right to appeal any decision of Dakota County. If you are a minor, your parent or guardian has the right to challenge data about you on your behalf.

You must make your data challenge to the applicable Responsible Authority listed on page 8 and send a copy to the Dakota County Data Practices Compliance Official (“DPCO”), also listed on page 8. Please contact the DPCO directly for questions on submitting a data challenge. More information about filing a data challenge is available at: <https://mn.gov/admin/data-practices/data/appeals/about-you/>.

## How to Make a Request for Your Data

**You need to make a request in writing** to look at data, or request copies of data that Dakota County keeps about you, your minor children, an individual for whom you have been appointed legal guardian, or a third party with that individual’s signed consent or a court order.

**Data Maintained by the Sheriff’s Office:** you may make your request for data by sending an email to [dcjailadmin@co.dakota.mn.us](mailto:dcjailadmin@co.dakota.mn.us) for requests related to the jail and detention services, and [DCSORrecords@co.dakota.mn.us](mailto:DCSORrecords@co.dakota.mn.us) for all other requests, or by mail to the Sheriff’s Responsible Authority

listed under Dakota County Contacts.

**Data Maintained by the County Attorney's Office:** you may make your request for data by sending an email to [attorney@co.dakota.mn.us](mailto:attorney@co.dakota.mn.us) or by mail to the County Attorney's Responsible Authority listed on page 8.

**All other Data:** You may make your request for data by sending an email to [data.practices@co.dakota.mn.us](mailto:data.practices@co.dakota.mn.us) or by mail to the County Data Practices Compliance Official (DPCO), Jerod Rauk, as listed under Dakota County Contacts.

You may also make your request by using the data request form. If you choose not to use the data request form, your request should include:

- that you are making a request, under the Minnesota Government Data Practices Act, as a data subject, for data about you;
- whether you would like to inspect the data, have copies of the data, or both;
- a clear and detailed description of the data you would like to inspect or have copied (dates, subject matter, etc.), be as specific as possible with what data you would like to see; and
- identifying information to verify you are the data subject, or data subject's parent/guardian.

Dakota County may require proof of your identity before we can respond to your request for private data. Please see the Standards for Verifying Identity.

Dakota County will not access any data request by opening documents embedded as a link in a received email. The County may refuse to open attachments and require data requests be submitted as text in an email or other approved format.

## How Dakota County Responds to a Data Request

Once you make your request, we will work to process your request. If it is not clear what data you are requesting, we will ask you for clarification.

- If we do not have the data, we will notify you within ten (10) business days.
- If we have the data, but the data are confidential data or are private data that are not about you, we will notify you within ten (10) business days and, at your request, state in writing which specific law says you cannot access the data.
- If we have the data, and the data are public or private data about you, we will respond to your request within ten (10) business days (unless other arrangements are made), by doing one of the following:
  - arrange a date, time, and place, during normal business hours, to inspect the data, if your request is to look at the data; or
  - provide you with copies of data within ten (10) business days. You may choose to pick up your copies, or we will mail them to you. We will provide electronic copies upon request if we keep the data in electronic format. The County will choose an appropriate medium for sending electronic data, such as by email, filesharing service or CD, depending upon the nature and size of the request.

Dakota County may require you to pre-pay for copies of data. [Information about copy charges.](#)

After Dakota County has provided you with access to private data about you, we do not have to show you the data again for 6 months unless there is a dispute, or we collect or create new data about you.

If you do not understand some of the data, please let us know. We will give you an explanation if you ask.

The MGDPA does not require Dakota County 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.

The County will choose the method appropriate for sending data responsive to your request and will not honor data requests asking the County to upload data to any external or linked site.

Dakota County may respond to your request for data by asking questions or requesting additional information from you to better process your request. If you do not respond to a question or a request for clarification or other communication about your request, we may consider your request abandoned and therefore close your request after ten business days pass without a response.

Dakota County is not required under the MGDPA to respond to questions that are not specific requests for data.

# Dakota County Minnesota Government Data Practices Contacts

## Dakota County (except as otherwise listed):

### Responsible Authority

Heidi Welsch, County Manager  
County Administration  
1590 Highway 55  
Hastings, MN 55033-2372

### Data Practices Compliance Official Designee

Jerod Rauk  
1590 Highway 55  
Hastings, MN 55033  
651-554-6244  
[data.practices@co.dakota.mn.us](mailto:data.practices@co.dakota.mn.us)

## Elected Offices:

### Dakota County Attorney's Office

#### Responsible Authority & Data Practices Compliance Official

Responsible Authority: Kathryn M. Keena, County Attorney  
Data Practices Compliance Official: Rachel Koenigs, Community Relations Director  
County Attorney's Office  
1560 Highway 55  
Hastings, MN 55033-2343  
[attorney@co.dakota.mn.us](mailto:attorney@co.dakota.mn.us)

### Dakota County Sheriff's Office

#### Responsible Authority & Data Practices Compliance Official

Joseph Leko, Sheriff  
Law Enforcement Center 1580 Highway 55  
Hastings, MN 55033-2343  
[DCSOrecords@co.dakota.mn.us](mailto:DCSOrecords@co.dakota.mn.us)

### County Commissioners

Each County Commissioner is the Responsible Authority for their respective office.  
1590 Highway 55  
Hastings, MN 55033  
[data.practices@co.dakota.mn.us](mailto:data.practices@co.dakota.mn.us)

## **Copy Costs – Data Subjects**

Dakota County charges data subjects for copies of government data. These charges are authorized under Minn. Stat. § 13.04, Subd. 3.

Dakota County may require you to pre-pay before receiving copies of data.

### **Actual Cost of Making the Copies**

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.

## Standards for Verifying Identity

Dakota County accepts the following types of proof of identity to verify that you are the subject of the data or the authorized representative of the data subject<sup>2</sup>:

- An **adult individual** must provide a valid photo ID, such as:
  - a state driver's license;
  - a U.S. military ID;
  - a valid passport;
  - a Minnesota state ID;
  - a Minnesota tribal ID.
- A **minor individual** must provide a valid photo ID, such as:
  - a state driver's license;
  - a U.S. military ID;
  - a valid passport;
  - a Minnesota state ID;
  - a Minnesota Tribal ID;
  - a college or school ID.
- The **parent or legal 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:
    - a court order relating to divorce, separation, custody, foster care;
    - a foster care contract;
    - an affidavit of parentage.
- The **legal guardian for an individual** must provide a valid photo ID and a certified copy of appropriate documentation of appointment as guardian, such as:
  - court order(s);
  - valid power of attorney.

Note: Dakota County may require that individuals provide proof of identity in person.

In certain circumstances, individuals who do not exercise their data practices rights in person may provide either notarized or certified copies of the documents that are required or an affidavit of ID.

<sup>2</sup> Minn. R. 1205.0400, subd. 3.