

DATA PRACTICES POLICY: REQUESTS FOR DATA ABOUT YOU AND YOUR RIGHTS AS A DATA SUBJECT

Minnesota Statutes, sections 13.025 and 13.03 (2018) requires this policy.

What is a “Data Subject”?

The MN Government Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all data collected, created, received, and maintained by PreferredOne in performing its duties under an agreement with a Minnesota government entity which requires PreferredOne to comply with the MN Government Data Practices Act are government data and are public unless a state or federal law says the data are not public. Government data means all recorded information PreferredOne has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

When PreferredOne can identify you in government data, you are the “data subject” of that data. The MN Government Data Practices Act 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 the legal guardian.

When PreferredOne Has 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 MN Government Data Practices Act 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 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 staff who have a work assignment to see the data, and to others as permitted by law or court order.

Your Rights Under the Government MN 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 MN Government Data Practices Act 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.

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 Tennessean warning. 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. If you want us to release data to another person, you may use the consent form we provide.

Protecting Your Data

The MN Government Data Practices Act 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 Request Your Data

You can ask to look at (inspect) data at our offices, or ask for copies of data that we have about you, your minor child, or an individual for whom you have been appointed legal guardian. Please submit

your request in writing on the data request form provided on pages 5-6 to the Responsible Authority identified on page 4.

If you do not use the data request form, your written request should:

- Say that you are making a request as a data subject, for data about you (or your child, or person for whom you are the legal guardian), under the MN Government Data Practices Act (Minnesota Statutes, Chapter 13).
- Include whether you would like to inspect the data, have copies of the data, or both.
- Provide a clear description of the data you would like to inspect or have copied.
- Provide proof that you are the data subject or data subject's parent/legal guardian.

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 on pages 5-6. If you do not provide proof that you are the data subject, we cannot respond to your request.

How We Will Respond to a Data Request

Upon receiving your request, we will review it.

- We may ask you to clarify what data you are requesting.
- We will ask you to confirm your identity as the data subject.
- If we do not have the data you are requesting, we will notify you in writing within 10 business days.
- 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:
 - Arrange a date, time, and place for you to inspect the data at our offices; or
 - Arrange a date, time, and place for you to pick up your copies, or we will fax, mail or email them to you so that, in either case, we are able to make available or provide to you the data within 10 business days. We will provide electronic copies (such as email or CD-ROM) upon request, if we keep the data in that format and we can reasonably make a copy.
- 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), please tell the person who provided the data to you. We will give you an explanation if you ask.

The MN Government Data Practices Act 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.

Data Practices Contacts

Responsible Authority

Name: Bob Gadola
Address: 6105 Golden Hills Drive
Golden Valley, MN 55416
Phone number: (763) 847-3580
Fax number: (763) 847-4010
Email address: bob.gadola@preferredone.com

Data Practices Compliance Official

Name: Brett L. Bordelon
Address: 6105 Golden Hills Drive
Golden Valley, MN 55416
Phone number: (763) 847-3024
Fax number: (763) 847-4010
Email address: brett.bordelon@preferredone.com

Data Practices Designee(s)

N/A

Copy Costs – When You Request Public Data

Minnesota Statutes, section 13.04, subdivision 3 allows us to charge for 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 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 copy ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

Data Request Form – Data Subject

Request date:

Contact information:

Data subject name:

Parent/guardian name (if applicable):

Phone number/email address:

The data I am requesting:

(Describe the data you are requesting as specifically as possible.)

I am requesting access to data in the following way:

- Inspection
- Copies
- Both inspection and copies

We will respond to your request within 10 business days.

To request data as a data subject, you must show proof of identity.

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; or
 - 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; or
 - 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's or guardian's relationship to the child, such as:
 - a court order relating to divorce, separation, custody, foster care;
 - a foster care contract; or
 - 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:
 - court order(s); or
 - valid power of attorney.

To Be Completed By Staff Member Responding to Data Request:

Date:

Staff Name:

Identity Confirmed: