

Guide for requesting information about yourself

(This document is required by Minn. Stat. § 13.03, subd. 2.)

Governmental data

The Minnesota Government Data Practices Act (MGDPA), Chapter 13 of Minnesota statutes, regulates access to and the collection, creation, dissemination, maintenance and storage of governmental data regardless of their physical form, how they are stored or how they are used (Minn. Stat. § 13.01, subd. 3 and Minn. Stat. § 13.02, subd. 7). Therefore, as a governmental entity, all the data collected, created, disseminated, maintained and stored by the Minnesota Pollution Control Agency (MPCA) are regulated by the MGDPA.

The MGDPA defines governmental data as “all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use” (Minn. Stat. § 13.02, subd. 7).

Data classification

The MGDPA regulates access to governmental data by establishing a system of data classification that defines, in general terms, who is legally authorized to access data. (Detailed descriptions of these access rights can be found in Minn. R. 1205.0300 - 0700 and Minn. Stat. §§ 13.02 and 13.10.) This data classification system consists of three categories of data: data on individuals, data not on individuals and data on decedents.

Data on individuals are data which identify a person (i.e., a living human being) or from which a person can be identified as the subject of the data. If a person is the subject of the data, the data are classified as data on individuals. (A data subject is the individual about whom the data are collected or created.)

Data not on individuals are data that are not about people. These data do not identify individuals. They include information about legally created entities such as businesses, organizations or partnerships as well as administrative, financial and policy information maintained by governmental entities.

Data on decedents are data about a deceased individual which were created or collected before the person's death.

Within each of these three categories, the MGDPA establishes three data classifications which define who is legally authorized to access the data within that classification. For data on individuals, these classifications are: public data on individuals, private data on individuals and confidential data on individuals. For data not on individuals, these classifications are: public data not on individuals, nonpublic data not on individuals and protected nonpublic data not on individuals. For data on decedents, these classifications are: public data on decedents, private data on decedents and confidential data on decedents. (These categories and classifications are defined in Minn. R. 1205.0200 and Minn. Stat. §§ 13.02 and 13.10.)

This document deals with the category and classifications of data on individuals.

Data on individuals

The classifications for data on individuals (listed in more detail than above) include:

- **Public data on individuals**

This is the classification of data on individuals which describes data that are accessible to the public regardless of who is requesting the data or why.

- **Private data on individuals**

This is the classification of data on individuals which describes data that, by federal law or state statute, are not public but are accessible to:

- The individual subject of the data (as limited by any applicable federal law or state statute),
- The subject's authorized representative,
- Those given access by the expressed written direction of the data subject,
- Individuals within a governmental entity whose work assignments reasonably require access and
- Those entities and agencies as determined by the Responsible Authority who are authorized by law to gain access to the data. (The Responsible Authority is the person in a governmental entity who is accountable for the collection, dissemination and use of its data. The name and contact information of the MPCA's Responsible Authority is found on the "Minnesota Pollution Control Agency data practices and records management contacts" list located at the end of this document.)

If the data subject is a minor, these data are accessible to the subject's parent or guardian - unless the Responsible Authority has been provided with evidence that there is a court order or state law governing such matters which provides to the contrary.

- **Confidential data on individuals**

This is the classification of data on individuals which describes data that, by federal law or state statute, are not public and are not accessible to the individual subject of the data. These data are accessible only to

- Those within a governmental entity whose work assignments reasonably require access and
- Those entities and agencies who are authorized by law to gain access.

Access rights

The MGDPA classifies all governmental data as public unless a specific federal law, state statute and/or temporary classification classifies the data as not public (Minn. Stat. § 13.01, subd. 3 and Minn. Stat. § 13.03, subd. 1). (A temporary classification is an application made by a governmental entity, pursuant to Minn. Stat. § 13.06, to have governmental data that are currently not classified by federal law or state statute as not public classified as such for the use of that entity and other similar governmental entities on a temporary basis until a proposed statute to permanently classify the data as not public can be acted upon by the Minnesota Legislature.)

As described above, the definitions for the classifications of data on individuals describe who has access to these types of data. To reiterate, public data on individuals can be shown to anyone who asks to see them, regardless of who the individual is or why the individual wants to see them. Private data on individuals can be shown to: the person who is the subject of the data (or the parent or guardian of the data subject if the subject is a minor), the data subject's authorized representative, a person to whom the data subject has given written permission, governmental entity staff members whose work assignments reasonably require access and those authorized by law. Confidential data on individuals can be shown only to those governmental staff members whose work assignments reasonably require access and to those authorized by law.

Parents/guardians

Parents have the right to inspect and obtain copies of any public data on individuals and/or private data on individuals regarding their minor children (those under the age of 18) that the MPCA maintains. Legally appointed guardians also have the right to inspect and obtain copies of any public data on individuals and/or private data on individuals that the MPCA maintains regarding the individuals for whom they are appointed guardians. (The access rights for parents and guardians are defined in Minn. R. 1205.0500 and Minn. Stat. § 13.02, subd. 8.)

Minors

Minors have the right to ask governmental entities such as the MPCA not to allow their parents/guardians to have access to the private data on individuals that it maintains regarding themselves (Minn. R. 1205.0500 and Minn. Stat. § 13.02, subd. 8). As a governmental entity, the MPCA will provide minors with notification that they have the right to request that parental access to their private data on individuals be denied. However, the MPCA reserves the right to require that these requests be made in writing, that they state the reason(s) why access is being denied and that they are signed by the minors.

Upon receiving such a request, the MPCA will determine if honoring it would be in the best interest of the minor. In making this determination, the MPCA will consider whether:

- The minor is of sufficient age and maturity to be able to explain the reasons for and to understand the consequences of the request to deny access,
- The personal situation of the minor is such that denying access may protect the minor from physical or emotional harm,
- There is ground for believing that the minor's reason(s) for denying access are reasonably accurate,
- The data in question are of such a nature that disclosure could lead to physical or emotional harm to the minor and
- The data concern medical, dental or other health services provided pursuant to Minn. Stat. §§ 144.341 - 144.347. (If this were the case, the data may be released only if failure to inform the parent would seriously jeopardize the health of the minor.)

The MPCA may deny parental access to private data on individuals regarding a minor without a request from the minor pursuant to Minn. Stat. §§ 144.291 - 144.298 or any other federal law or state statute that allows or requires the Responsible Authority to do so (if such federal law or statute provides standards which limit the exercise of the discretion of the Responsible Authority).

The MPCA's Responsible Authority does not have the right to deny parental access to data that are considered an "education record" as defined in the United States Code of Federal Regulations (34 CFR 99.3) unless the minor to whom the data pertain is enrolled as a full-time student in a postsecondary educational institution or the student has attained the age of eighteen.

Rights of data subjects

The MGDPA grants individuals certain rights relative to the data collected, created, disseminated, maintained and stored by the MPCA. These include requiring that the MPCA:

- Keep its data in such a way that makes them easily accessible for convenient use (Minn. Stat. § 13.03, subd. 1),
- Grant individuals the opportunity to inspect and copy the public data that it maintains at reasonable times and places and, upon request, be informed of their meaning (Minn. Stat. § 13.03, subd. 3a) and
- Collect and keep only those private or confidential data on individuals that are needed for the administration and management of its programs that are specifically authorized by the Minnesota Legislature or local governing body or mandated by the federal government (Minn. Stat. § 13.05, subd. 3).

The MGDPA also grants people specific rights as data subjects. These rights are summarized below and are described more fully in Minn. R. 1205.1600 and Minn. Stat. § 13.04.

Collection of data/Tennessee warning

At times, MPCA staff members may ask individuals to provide data about themselves that are classified as private data on individuals or confidential data on individuals. In these situations, these individuals will first be notified of:

- The reason why the MPCA is collecting the requested data and how it plans to use these data,
- Whether these individuals are required by law to provide the requested data or if they may refuse to provide them,
- Any known consequences to the individuals if they provide the requested data or if they refuse to provide them and
- The identity of those who are authorized by federal or state law to have access to the data that are provided.

This notification is called a Tennessee warning (named after the senator who authored this legislation). The MPCA cannot collect, disseminate, store or use the data collected from individuals for any purposes other than those stated in the Tennessee warning that was given to them at the time the data were collected (Minn. Stat. § 13.05, subd.4).

The Tennessee warning does not apply if individuals are asked to provide investigative data to a law enforcement officer (Minn. Stat. § 13.04, subd. 2).

Informed consent

The MPCA may not collect or store any data on individuals or use or disseminate any private data on Individuals or confidential data on individuals unless these data are necessary to carry out its duties under a program that is authorized by law. These data cannot be collected, stored, used or disseminated for any purposes other than those stated in the Tennessee warning that was given to the individual at the time the data were collected (Minn. Stat. § 13.05, subds. 3 and 4).

Below are some exceptions to this (as described in Minn. R. 1205.1400, subp. 1 and Minn. Stat. § 13.05, subd. 4).

- Data that were collected before August 1, 1975, and treated as not public may be used, stored and disseminated for the purposes for which they were originally collected or for purposes which are specifically approved by the Commissioner of the Minnesota Department of Administration as necessary to public health, safety or welfare.
- The MPCA may use private data on individuals and/or confidential data on individuals and disseminate these data to individuals/entities specifically authorized access to these data by state, local or federal law enacted or promulgated after the collection of the data.
- The MPCA may use private data on individuals and/or confidential data on individuals and disseminate these data to individuals/entities subsequent to the collection of the data when it has requested approval from the Commissioner of the Minnesota Department of Administration for a new or different use or dissemination of the data and that request has been approved as necessary to carry out a function assigned by law.
- The MPCA may use private data on individuals to disseminate these data to individuals/entities if the individual subjects of the data have given their informed consent. Whether a data subject has given informed consent shall be determined by rules of the Commissioner of the Minnesota Department of Administration. The Responsible Authority may require a person requesting copies under this condition to pay the actual costs of making and certifying the copies.
- Private data on individuals of confidential data on individuals may be discussed at a meeting open to the public to the extent provided in Minn. Stat. § 13D.05.

If the MPCA wishes to use private data on individuals in a manner that is different from what was communicated to the individuals in the Tennessean warning that was given to them at the time the data were collected or wishes to release these data to another entity/person other than what was communicated in the Tennessean warning that was given to the individuals at the time the data were collected, it is required to obtain these individuals' permission to do so. This permission is called "informed consent."

Minn. R. 1205.1400, subp. 3 further defines "informed consent" as meaning that data subjects possess and exercise sufficient mental capacity to understand the consequences of their decisions to allow a governmental entity to initiate a new purpose or use for the data in question. Minn. R. 1205.1400, subp. 4 requires that the MPCA not coerce data subjects to give their consent and that it must explain the necessity for and the consequences of the new or different purpose or use. The informed consent must be in writing.

If the MPCA makes reasonable efforts to obtain the informed consent of data subjects and these efforts are not acknowledged in any way, it may interpret the silence of the data subjects as the giving of an implied consent to the new or different purpose or use of the data (Minn. R. 1205.1400, subp. 4C). "Reasonable efforts" include depositing at least two communications requesting informed consent in the United States mail (with prepaid postage) to the last known address of the data subjects and waiting for a period of not fewer than sixty days for a response to the second request (Minn. R. 1205.1400, subp. 4C).

Data subjects have the right to release all, part or none of the private data on individuals the MPCA maintains on them. If data subjects give informed consent to fewer than all of the data elements maintained by the MPCA, this is referred to as giving "partial" consent. In these instances, only the data elements that the data subjects have consented to can become part of the new or different purpose or use.

Informed consent is also required when data subjects request that the MPCA release their private data on individuals to other entities/persons.

Minn. Stat. § 13.05, subd. 4a requires that the informed consent statements given by individuals for insurance purposes be: in plain language, dated, specific in designating the governmental entity to whom the data subjects are authorizing to disclose information about themselves, specific as to the nature of the information the data subjects are authorizing to be disclosed, specific as to the persons to whom the data subjects are authorizing the information be disclosed, specific as to the purpose(s) for which the information may be used by any of the parties named in the consent (both at the time of the disclosure and in the future) and specific as to its expiration date which should be within a reasonable time period - not to exceed one year. (This timeframe may differ in the case of authorizations given regarding applications for life insurance or non-cancelable or guaranteed renewable health insurance. In these instances, the expiration date must not exceed two years after the date of the policy.)

If the individuals giving the informed consent are minors or have a legally appointed guardian, the MPCA may also need the signature of the data minors' parents or guardians.

The MPCA may require individuals requesting copies of the data under this statute to pay the actual costs of making, certifying and compiling the copies.

The MPCA has several versions of informed consent forms. The version used depends on the situation for which consent is being obtained.

Accessing/requesting data

Pursuant to Minn. Stat. § 13.04, subd. 3, upon request, individuals have the right to be told whether the MPCA stores any data about themselves and how these data are classified by statute (i.e., as public data on individuals, private data on individuals or confidential data on individuals).

Upon further request, individuals have the right to be shown any public data on individuals and/or private data on individuals that the MPCA maintains on them (at no charge) and, if so desired, be informed of the content and meaning of these data. However, after individuals have been shown the data and have been told what they mean, the MPCA does not have to show them to these individuals for another six months - unless a dispute or

action related to their rights as data subjects are pending or additional data on these individuals have been collected or created.

Individuals have the right to inspect any public data on individuals and/or private data on individuals the MPCA maintains on them before deciding to request any copies of these data. If copies of data are requested, individuals have the right to have the MPCA provide these copies. However, these individuals may be charged what it costs the MPCA to make and certify the requested copies (if the total cost of providing the requested data warrants the issuing of an invoice as per the “Requesting copies/copying costs” section of this guide). The MPCA will comply immediately, if possible, with any request made related to the rights of individuals as data subjects or within ten days of the date of a request, excluding Saturdays, Sundays and legal holidays (Minn. Stat. § 13.04, subd. 3).

The MPCA is not required to provide data in a specific arrangement/form according to the desires of particular individuals if it does not maintain the requested data in that specific arrangement/form (Minn. Stat. § 13.03, subd. 3e). Individuals may receive the data in the form in which they are maintained at the MPCA and convert them to their desired form. If, after some effort, the MPCA could provide the data in the desired form, it would notify the individuals of this fact and inform them how long it would take to do this conversion and how much it would cost (if the total cost of providing the requested data warrants the issuing of an invoice as per the “Requesting copies/copying costs” section of this guide). The individuals could then decide if they wanted the data in the converted form.

The MPCA is not required to create data that do not already exist at the MPCA. The MGDPA does not require the MPCA to answer questions that are not requests for data.

Individuals wishing to make a data request for or schedule a file review to see public data on individuals and/or private data on individuals that the MPCA maintains about themselves, their minor children or individuals for whom they are the legally appointed guardians are asked to contact the MPCA’s Human Resources Director to obtain the requested data. (The name/contact information for the agency’s Human Resources Director is found on the “Minnesota Pollution Control Agency data practices and records management contacts” page located at the end of this document.)

Instructions on how to submit a request or schedule a file review for information that is classified as data not on individuals can be found in the “Guide for members of the public requesting information” document posted on the “Information requests” webpage of the agency’s external website at the following location:

<https://www.pca.state.mn.us/about-mpca/information-requests>.

Since data cannot be removed from the MPCA (Minn. R. 7000.1200), they must be reviewed on-site at one of the MPCA’s offices. The MPCA has an office in Brainerd, Detroit Lakes, Duluth, Mankato, Marshall, Rochester and St. Paul. The locations and contact information for these offices can be found on the “Minnesota Pollution Control Agency Offices” list located at the end of this document.

In general, when individuals request to inspect data, arrangements will be made for the inspection of the requested data at the MPCA office where the data are normally kept. However, if necessary, the requested data could be sent to another MPCA office for inspection if this is more convenient for the individuals who request to see the data. Data cannot be inspected at locations outside the MPCA.

Appointments to inspect data can be scheduled Monday through Friday between 8:00 a.m. and 4:00 p.m. For requests to inspect data on individuals, the MPCA will respond to such requests immediately, if possible, or within ten days of the date of a request, excluding Saturdays, Sundays and legal holidays.

Before requested data can be accessed by individuals, they may need to be reviewed by MPCA staff to ensure they do not contain any data that are classified by federal law, Minnesota statute and/or temporary classification as not public. Depending on the amount of data being requested and the amount requiring review, this may delay access to the requested data.

During the course of a file review, the individuals who requested access to the data are responsible for searching through them to find the desired information. This is not the responsibility of the Human Resources Director, the file managers or any other MPCA staff members. However, general assistance will be provided to respond to routine questions about the data and to help explain their meaning. This includes defining abbreviations,

phrases, technical terminology and words etc. but it does not include providing details or additional information beyond what is stated in the data. When providing explanations for non-English speakers or for persons with hearing or vision impairments, the MPCA will arrange to provide an appropriate interpreter.

If individuals prefer not to come to an agency office to inspect requested data, they can request that the desired data be copied and sent to them. However, this requires that the individuals know exactly what data they would like to have copied and they must be willing to pay the costs associated with providing the requested data (if the total cost of providing the requested data warrants the issuing of an invoice as per the “Requesting copies/copying costs” section of this guide).

Regardless of how individuals choose to access MPCA data (e.g., by scheduling an appointment to inspect the data or having the requested data copied and sent to them), when making a request, they should: notify the MPCA that a request for data is being made under the MGDPA, state whether they would like to inspect the requested data, get copies of the requested data or both and give a clear description of the data being requested.

Unless specifically authorized by statute, when individuals make a file review or data request, the MPCA cannot require them to identify themselves or to explain the reasons why they are making a data/file review request (Minn. Stat. § 13.05, subd. 12). If individuals choose not to give any identifying information, the MPCA will provide them with contact information so that they will be able to check on the status of their request. However, if the MPCA staff member handling the request has questions about it but is unable to contact the individuals for clarification, this may result in a delay in processing the request.

Due to the not public classification of private data on individuals, when individuals wish to inspect and/or obtain copies of these data, the MPCA will require them to provide proof of identity. This proof will enable the MPCA to verify their identities. The ways in which this proof can be provided are included on the “Standards for verifying identity” list located at the end of this document.

When parents wish to inspect and/or obtain copies of private data on individuals regarding their minor children, they must provide proof that they are the parents of these minors. Guardians must also provide legal documentation of guardianship in order to inspect and/or obtain copies of private data on individuals. The ways in which proof can be provided are included on the “Standards for verifying identity” list located at the end of this document.

For situations in which requesters have asked to schedule a file review and/or that copies of information be sent to them in lieu of conducting a file review but these requesters do not respond to the agency after it has made repeated attempts to contact them regarding the file review and/or obtaining the copies, the agency will consider such requests to be closed after a period of one month has passed since the date of the original request.

For requests to inspect and/or obtain copies of data on individuals, if the MPCA does not have the requested data, the individuals who requested the data will be notified of this immediately, if possible, or within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays.

For requests to inspect and/or obtain copies of data on individuals, if the MPCA does have the requested data but cannot provide these data due to the fact that they are classified as not public, the individuals who requested the data will be informed of this fact immediately, if possible, or within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays. The MPCA will cite the federal law, state statute and/or temporary classification upon which this determination is based (Minn. Stat. § 13.03, subd. 3f). Upon the request of individuals denied access to data, the MPCA will certify in writing that the request has been denied and cite the federal law, state statute and/or temporary classification upon which this determination is based (Minn. Stat. § 13.03, subd. 3f).

Requesting copies/copying costs

Pursuant to Minn. Stat. § 13.03, subd.3, individuals have the right to obtain copies of public data on individual as well as private data on individuals - if they are the subject of the data. The MGDPA permits the MPCA to charge for the actual costs of searching for and retrieving data, including the cost of employee time to make, certify and

electronically transmit copies of data, but it may not charge for separating public from not public data. (Retrieval costs do not include the charge assessed to the agency for recalling documents from/returning documents to archival storage.) However, if 100 or fewer pages of black and white, letter, legal or ledger-size paper copies are requested, actual costs may not be used and, instead, the MPCA may charge no more than \$.25 for each page copied. If the MPCA is not able to provide copies at the time a request is made, copies shall be supplied as soon as reasonably possible.

As stated above, if paper or electronic copies are requested, the MPCA may charge searching, retrieving costs, including the cost of employee time to make, certify and electronically transmit copies of the data (if the total cost of providing the requested copies warrants the issuing of an invoice as per this section of the document). Documents posted on a file transfer protocol site (or a similar technology) can be considered copies.

During a file review, individuals may indicate what they would like to have copied by tabbing the pages desired with supplies provided by the MPCA. The tabbed pages will be copied by MPCA staff (subject to the restrictions of federal laws and Minnesota statutes).

The per page amount charged for black and white or color letter, legal or ledger-size photocopies depends on the total number of copies requested. For requests that total 100 pages or fewer and/or take more than three hours to complete, a fee of \$.25 per page is charged for each page of black and white or color letter, legal or ledger-size copy. (A double-sided sheet is charged as two pages.) No charge is assessed for the labor associated with making the copies.

For requests that total more than 100 pages and/or take more than three hours to complete, a fee of \$.01 per page is charged for each black and white or color letter, legal or ledger-size copy. (A double-sided sheet is charged as two pages.) A labor fee of \$25.70 per hour is charged for the staff time to search for and retrieve data. This fee is based on the actual costs (salary plus fringe) of the lowest paid staff members (administrative and technical) involved in doing the work of responding to information requests. Labor is billed in fifteen-minute increments. If, because of the nature of the request, the MPCA finds it necessary for a higher-paid employee to search for and retrieve the requested data, it will calculate the search and retrieval portion of the copy charge at a higher salary/wage. (Please note, requesters cannot divide up their requests for the same subject matter across multiple "Information request forms" in order to avoid reaching the threshold that would trigger the agency issuing an invoice as per this section of this guide.)

Other reproduction charges include: \$.18 per compact disc, \$.26 per digital versatile disc, \$6.38 per 4 gigabyte or 8 gigabyte flash drive, \$.47 per map/plan sheet and mailing-related costs. Labor fees may be assessed for the certification of copies.

If an individual makes a request for copies of data that the MPCA maintains but cannot reproduce itself (e.g., photographs or slides), the appropriate staff member can make arrangements with a local vendor to provide this service and the MPCA will charge the actual cost of what it must pay an outside vendor for the requested copies. (Prices may vary depending on the services desired. Quotes can be obtained from agency staff.)

The inspection of data is free. Fees will not be charged for documents that are published and made available by the MPCA as part of its public information efforts.

Individuals coming to the agency to conduct a file review will be asked to fill out or provide information for a "Request cost worksheet" form if they ask for copies to be made as a result of the review. The form will serve as an acknowledgement that the individual will be invoiced for the requested copies. The data obtained on this form (such as contact information and billing address) will be used by the agency when preparing an invoice for the requested copies and for e-mailing this invoice and the requested copies. Persons who request that copies be made and sent to them in lieu of scheduling a file review will also be asked to provide this information and acknowledgement (whether via e-mail, facsimile etc.).

If individuals choose not to identify themselves in the course of a file review or data request, but would like to obtain copies, arrangements can be made to have the requested copies picked up by the individuals at the MPCA so that they do not have to be mailed to the individuals. In these instances, however, the individuals will, upon receipt of the copies, be required to pay, in full, the exact amount owed to the agency via a cashier's check or money order made out to the "Minnesota Pollution Control Agency."

For individuals who have requested copies as a result of a file review and for those who have not scheduled a file review but have requested that copies be made and sent to them, these copy requests will be completed by the MPCA's copying staff in the order in which they are received.

Copied materials will be mailed to individuals after the file review or data request has taken place. If preferred, individuals who have requested copies may choose to pick them up at the MPCA once they are completed or have them sent via a delivery service (at the expense of the individuals).

If preferred, individuals may bring a portable copier, scanning device or other means of duplication to the MPCA for use in making copies. A copying/scanning service of the individuals' choice may also come to the MPCA to make copies (at the expense of the individuals). Since MPCA documents may not be removed from MPCA offices and any inspection and copying of records must be made in the presence of an agent, employee or officer of the MPCA, space accommodations will be made at an MPCA office for external copying services.

An invoice will be sent for every request whose charges (the above-mentioned searching, retrieving, certifying and copying costs) total \$10.00 or more and/or take more than three hours to complete. This invoice will be sent under separate cover from the copies. The MPCA will not bill individuals for requests that total fewer than \$10.00. The MPCA may require a down payment on copying requests that are over a certain dollar amount and it reserves the right to require prepayment at any time.

If individuals requesting the file review/data have been hired by the MPCA or are from another governmental office (no matter which level - city, county, state, or federal) copying charges may or may not be assessed.

The agency does not waive copying fees for or offer reduced copying fees to specific groups such as non-profit organizations, senior citizens, students etc.

Challenging the accuracy or completeness of data

Pursuant to Minn. Stat. § 13.04, subd. 4, individuals have the right to challenge the accuracy and completeness of any public data on individuals and/or private data on individuals the MPCA maintains on them. In order to exercise this right, individuals must notify the MPCA's Responsible Authority in writing, describing the disagreement. (To reiterate, the Responsible Authority is the person who is accountable for the collection, dissemination and use of the agency's data. The name and contact information of the MPCA's Responsible Authority is found on the "Minnesota Pollution Control Agency data practices and records management contacts" list located at the end of this document.)

Within thirty days, the MPCA's Responsible Authority will either correct the data found to be inaccurate and/or incomplete and attempt to notify past recipients of the inaccurate and/or incomplete data (including recipients named by the individuals) or notify the individuals that the Responsible Authority believes the data to be correct.

The MPCA will disclose the data that are in dispute only if the individuals' statements of disagreement are also included with the disclosed data. Individuals may also appeal the MPCA's Responsible Authority's determination with the Commissioner of the Minnesota Department of Administration pursuant to the provisions of the Administrative Procedures Act related to contested cases.

Upon receipt of an appeal, the Commissioner of the Minnesota Department of Administration will, before issuing an order and notice for a contested case hearing, try to resolve the dispute through conciliation, conference, education or persuasion. The Commissioner of the Minnesota Department of Administration may also refer the matter to mediation (if both parties consent). Following these efforts, the Commissioner of the Minnesota Department of Administration will dismiss the appeal or issue an order and notice of hearing.

The data that individuals have successfully challenged will be completed, corrected or destroyed by the MPCA. The MPCA may keep a copy of the Commissioner of the Minnesota Department of Administration's order or, if no order were issued, a summary of the dispute that does not contain any details of the successfully challenged data.

The Commissioner of the Minnesota Department of Administration may dismiss an appeal without first attempting to resolve the dispute or before issuing an order and notice of a contested case hearing if it is not timely, if it concerns data previously presented as evidence in a court proceeding to which the data subject was a party or the individual making the appeal is not the subject of the data being challenged.

For individuals who are minors, the parents/guardians of these minors have the right to challenge the accuracy and completeness of any public data on individuals and/or private data on individuals the MPCA maintains on them.

Data protection

The MGDPA requires the MPCA to protect the data that it maintains. The MPCA has established appropriate safeguards to ensure that its data are safe. However, pursuant to Minn. Stat. § 13.055, in the unfortunate event that the MPCA discovers or is notified that a data security breach has occurred (i.e., an unauthorized party has gained access to MPCA data that are classified as private data on individuals and/or confidential data on individuals), it will disclose this breach by notifying the individual(s) whose private data on individuals and/or confidential data on individuals were released. This disclosure will be made in the most expedient time possible and without unreasonable delay.

This guidance takes effect on the date listed at the bottom of the document.

Minnesota Pollution Control Agency data practices and records management contacts

For questions and concerns regarding the submittal of an information request or for assistance in completing the electronic “Information request form,” contact:

Electronic Services

651-757-2728 or 1-844-828-0942

Records Management Supervisors

Celeste Courneya

Document Services Unit

651-757-2197

celeste.courneya@state.mn.us

Tracy Ferrero

Information and Records Management Unit

651-757-2260

Tracy.Ferrero@state.mn.us

For data practices concerns and for problems obtaining access to agency data, contact:

Data Practices Compliance Coordinator

Christine Malec

651-757-2548

chris.malec@state.mn.us

Data Practices Compliance Official/Data Practices Responsible Authority

Leslie Fredrickson

651-757-2414

leslie.fredrickson@state.mn.us

To obtain data about agency personnel, contact:

Human Resources Director

Kellie McNamara

651-757-2587

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Minnesota Pollution Control Agency Offices

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Standards for verifying identity

In order to obtain access to and/or copies of any data maintained by the MPCA that are classified as private data on individuals, an individual must provide proof of identity. This proof will enable the MPCA to verify the individual's identity. This proof can be provided by the below-listed means.

An **adult individual** must provide a valid photographic identification such as:

- a driver's license,
- a military identification card,
- a passport,
- a state-issued identification card,
- a tribal identification card or
- the foreign equivalent of any of the above.

A **minor individual** must provide a valid photographic identification such as:

- a driver's license,
- a military identification card,
- a passport,
- a state-issued identification card (including a school/student identification card),
- a tribal identification card or
- the foreign equivalent of any of the above.

The **parent or guardian of a minor** must provide a valid photographic identification and either:

- a certified copy of documents that establish the parent or guardian's relationship to the child such as:
 - a court order relating to custody, divorce, foster care or separation,
 - a foster care contract,
 - an affidavit of parentage or
- a certified copy of the minor's birth certificate.

The **legal guardian for an individual** must provide a valid photographic identification and a certified copy of appropriate documentation of formal or informal appointment as guardian such as:

- a court order or
- a valid power of attorney.

Individuals who do not exercise their data practices rights in person (such as inspecting the data on-site or picking up copies of the data on-site) must provide either notarized or certified copies of the documents that are required for an affidavit of identification.