

INDEPENDENT SCHOOL DISTRICT 196
Rosemount-Apple Valley-Eagan Public Schools
Educating our students to reach their full potential

Series Number **801.11AR** Adopted **July 2012** Revised **December 2013**

Title **Access To Data for Data Subjects**

1. **Data About an Individual Data Subject** - The Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13) states that data subjects have certain rights related to a government entity collecting, creating and maintaining government data about them. Government data is a term that means all recorded information a government entity has, including paper, email, DVDs, photographs, etc. District 196 is a government entity.
2. **Classification of Data About Data Subjects** - The Minnesota Government Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. Data about an individual are classified by state law as public, private, or confidential.
 - 2.1 Public data - District 196 must give public data to anyone who asks; it does not matter who is asking for the data or why. An example of public data about an employee includes, but is not limited to, information about the salary and benefits the employee receives from District 196.
 - 2.2 Private data - District 196 cannot give private data to the general public, but District 196 can share private data with the individual who is the subject of the data, with someone who has the individual's permission, with District 196 staff who need the data to do their work, and to others as permitted by law or court order. An example of private data about a student includes, but is not limited to, the student's school test scores and disciplinary information.
 - 2.3 Confidential data - Confidential data have the most protection. Neither the public nor the individual data subject can get access even when the confidential data are about the individual. District 196 can share confidential data about the individual with the District 196 staff who need the data to do their work and to others as permitted by law or court order. District 196 cannot give the individual data subject access to confidential data. For example, on an individual who is the subject of a child maltreatment report made by District 196, confidential data includes, but is not limited to, the report itself.
3. **A Data Subject's Right Under the Government Data Practices Act** - District 196 must maintain all government data in a way that makes it easy for data subjects to access data about themselves. Also, the district can collect and maintain only those data needed for administering and managing programs that are permitted by law. A data subject has the following rights:
 - 3.1 Access to Data
 - 3.1.1 An individual data subject has the right to look at (inspect), free of charge, public and private data kept on the data subject. A data subject also has the right to obtain copies of public and private data about the individual data subject and to inspect copies of data, free of charge, before deciding to request copies. The Minnesota Government Data Practices Act allows District 196 to charge for copies.

- 3.1.2 Upon receiving a written request, District 196 will notify an individual data subject whether it maintains data about the data subject and whether the data are public, private or confidential.
- 3.1.3 Detailed information about accessing student data is contained in District Regulation 505.2AR, Protection and Privacy of Student Records.
 - 3.1.3.1 A parent has the right to look at and obtain copies of public and private data about the parent's minor children (under the age of 18).
 - 3.1.3.2 A parent has the right to look at and obtain copies of public and private data about the parent's adult children under certain circumstances authorized by law.
 - 3.1.3.3 A legally appointed guardian has the right to look at and obtain copies of public and private data about an individual for whom they are the appointed guardian.

3.2 When District 196 Collects Data

- 3.2.1 Tennessee Warning - When District 196 asks a data subject to provide data about the data subject that are not public, it must give a notice. The notice is sometimes called a Tennessee warning. A Tennessee warning controls what District 196 does with the data that it collects. Usually, the district can use and release the data only in the ways described in the notice and as authorized by law.
- 3.2.2 Informed Consent - District 196 will ask a data subject for written permission (informed consent) if it needs to use or release private data about the data subject in a different way not otherwise permitted by law, or if the data subject asks District 196 to release the data to another person. (See Procedure 505.2.3P, Prior Consent to Release Private Data To or From an Outside Agency/Person.)

3.3 Protecting Data - The Minnesota Government Data Practices Act requires District 196 to protect the data it maintains. District 196 has established appropriate safeguards to ensure that data are safe.

3.4 When Data are Inaccurate and/or Incomplete - An individual data subject has the right to challenge the accuracy and/or completeness of public and private data about the data subject. This includes the right to appeal the district's decision.

- 3.4.1 The parent or guardian of a minor has the right to challenge data about their minor child. (See Administrative Regulation 505.2AR, Protection and Privacy of Student Records, and Procedures 505.2.11P, Request to Amend Educational Records, and 505.2.11.1P, Responsible Authority's Notice of Modification or Denial of Amendment of Educational Records.)
- 3.4.2 Other challenges to the accuracy and/or completeness of data about the data subject must be made in writing to the superintendent.

4. **How to Make a Data Request** - A written request is required to look at data or request copies of data that District 196 maintains about an individual, the requestor's children, or an individual for whom the requestor has been appointed legal guardian.
 - 4.1 If the request is for student data, Procedure 505.2.10P, Parent or Eligible Student Request to Inspect Records and/or Obtain Copies of Educational Records, must be completed.
 - 4.1.1 District 196 requires proof of the requestor's identity before it responds to a request for data of this nature. If the requestor is requesting data about their child, the requestor must show proof that s/he is the parent. If the requestor is a guardian, the requestor must show legal documentation of the guardianship.
 - 4.2 All other written requests for access to data from data subjects should be made to the appropriate individual listed in section 6 and should include:
 - 4.2.1 That the request is for data under the Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13), for data about the individual who is requesting the data;
 - 4.2.2 Whether the requestor would like to inspect the data, have copies of the data, or both;
 - 4.2.3 A clear description of the data the requestor would like to inspect or have copied, and
 - 4.2.4 Identifying information that proves the requestor is the data subject.
5. **How the School District Responds to a Data Request**
 - 5.1 Upon receiving a written request for data, District 196 will work to process the request. If it is not clear what data is requested, the district will ask for clarification.
 - 5.2 If District 196 does not have the data, it will notify the requestor of the data within 10 business days.
 - 5.3 If District 196 has the data, but the data are confidential or private data that are not about the requestor of the data, the district will notify the requestor within 10 business days and state which specific law says the requestor cannot access the data.
 - 5.4 If District 196 has the data, and the data are public or private data about the requestor of the data, the district will respond to the request within 10 business days, by doing one of the following:

- 5.4.1 Arrange a date, time and place to inspect data, for free, if the request is to inspect at the data, or
- 5.4.2 Provide copies of the data within 10 business days. District 196 will provide electronic copies (such as email or CD-ROM) upon request if it maintains the data in electronic format.
- 5.5 After District 196 provides the data subject with access to data about themselves, the district does not have to show the data subject the data again for six months unless there is a dispute or new data is collected or created.
- 5.6 If the requestor of data does not understand some of the data (technical terminology, abbreviations or acronyms), District 196 will give an explanation upon request.
- 5.7 The Minnesota Government Data Practices Act does not require District 196 to create or collect new data in response to a data request if it does not already have the data, or to provide data in a specific form or arrangement if the data is not kept in that form or arrangement. If District 196 agrees to create data in response to a request, it will work with the requestor on the details of the request, including cost and response time.
- 5.8 The Minnesota Government Data Practices Act does not require District 196 to respond to questions that are not specific requests for data.
- 5.9 The process for handling requests for student data is described in further detail in Administrative Regulation 505.2AR, Protection and Privacy of Student Records.

6. **Data Practices Contacts**

6.1 **Student Records Requests - Data Practices Designees**

- 6.1.1 The principal of each school is the designee for educational data maintained in schools, including cumulative records and child study records.
- 6.1.2 The director of special education is the designee for educational data maintained at the District Office, including cumulative records and child study records.

6.2 **Requests for Other Records - Responsible Authority**

Requests for other types of public data should be made to the responsible authority.

Jane Berenz, Superintendent
3455 153rd Street West
Rosemount, MN 55068
Phone – 651-423-7749
Fax – 651-423-7633
Email – supt@district196.org

6.3 Data Practices Compliance Official

The data practices compliance official is available to respond to questions and concerns about access to data or other data practices problems.

Jill Coyle, School District Attorney
3455 153rd Street West
Rosemount, MN 55068
Phone number – 651-423-7844
Fax number – 651-423-7727
Email – jill.coyle@district196.org

7. Copy Costs – Data Subjects

7.1 Minnesota Statutes, section 13.04, subdivision 3, authorizes District 196 to charge data subjects for copies of government data.

7.2 A requestor of data may be required to pre-pay for copies before District 196 will give them to the requestor.

7.2.1 The charge, when not set by statute or rule, is the actual cost of making and certifying the copies. The subject will not be charged for the cost of searching for and retrieving the data.

7.2.2 In determining the actual cost of making copies, District 196 factors in employee time, the cost of the materials onto which the data is copied (paper, CD, DVD, etc.) and mailing costs (if any). If a request is for copies of data that District 196 cannot reproduce, the district will charge the actual cost District 196 must pay an outside vendor for the copies.

References:

- Minnesota Statutes, 13.03-13.99, Minnesota Government Data Practices Act
- Minnesota Rules 1205.0300, Access to Public Data
- Minnesota Rules 1205.0400, Access to Private Data
- Administrative Regulation 505.2AR, Protection and Privacy of Student Records