



# Data Practices Policy For Data Subjects

**Supersedes:**

May 30, 2019

**Date Approved:**

August 24, 2023

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## What is a “Data Subject”?

When government has information recorded in any form (paper, hard drive, voicemail, video, email, etc.), that information is called “government data” under the Government Data Practices Act (Minnesota Statutes, Chapter 13). When we can identify you in government data, you are the “data subject” of that data. The 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 City of Duluth Administration Has Data About You

The City of Duluth has data on many people, such as employees, licensees, job applicants, volunteers, elected officials. We can collect and keep data about you only when we have a legal purpose to have the data. Admin must also keep all government data in a way that makes it easy for you to access 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 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. For example, your name on an application for a license from the city is public 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 government entity staff whose job requires or permits them to see the data, and with others as permitted by law or court order. For example, an employee’s Social Security Number is private data.



### 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 government entity staff who have a work assignment to see the data, and to others as permitted by law or court order. For example, your identity as mandated reporter of child abuse or neglect is confidential data.

## Your Rights Under the Government Data Practices Act

### 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 Data Practices Act sets the amount

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we may charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

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.

**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 Tennessee 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, we need your signed written consent.

**Protecting Your Data**

The 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 Make a Request For 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.

You can ask to look at (inspect) data at our offices, or ask for copies of public data that we keep. You must make this request in writing via online form available on the City website; via email to the City Clerk's Office; or by mail, or hand delivery to the City Clerk's Office, Room 318, City Hall, 411 West First Street, Duluth, MN 55802.

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We recommend using the data request form included with this policy. If you do not choose to use our data request form, your 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 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 included in this policy. If you do not provide proof that you are the data subject, we cannot respond to your request.

### How We 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 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 to inspect data in our offices, for free, or
  - Provide you with the data within 10 business days. You may choose to pick up your copies, or we will mail or fax them to you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format
  - We will provide notice to you about our requirement to prepay for copies.
- Following our response, if you do not make arrangements within ten (10) business days to inspect the data or pay for the copies, we will conclude that you no longer want the data and will consider your request closed.
- 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.

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The 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.

**We are not required to respond to questions that are not about your data requests, or that are not requests for government data.**

**Data Practices Contacts**

<p><b>Responsible Authority &amp; Data Practices Compliance Official</b>  City Clerk City Hall  City Clerks Office  Room 318  411 West 1st Street  Duluth, MN 55802-1198  Phone (218) 730-5500  <a href="mailto:clerks@duluthmn.gov">clerks@duluthmn.gov</a></p>	<p><b>Duluth Police Department</b>  Data Practices Designee:   230 North Arlington Ave  Duluth, MN 55811  Phone (218) 730-5590  <a href="mailto:policerecords@duluthmn.gov">policerecords@duluthmn.gov</a></p>
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**Copy Costs – Data Subjects**

You have the right to look at (inspect), free of charge, all public data that we keep. If you want copies of public data that we keep, Minnesota Statutes, section 13.03, subdivision 3(c) sets the amount we may charge for copies. You must pay for the copies before we will give them to you. If possible, and upon request, we will provide you with an estimation of the total cost of supplying copies.

**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 cents for a one-sided copy, or 50 cents for a two-sided copy.

**Most other types of copies – actual cost (not to exceed \$25.00 per hour for employee time) after the first one hour of employee time per data request. The first hour of employee time per data request is free of charge.** We will charge the actual cost of making and sending copies for data about you. We will not charge for the first one hour of employee time spent making the copies or electronically sending the data. In determining the actual cost, we include the employee-time to create and send the copies, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs such as postage (if



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any). We do not charge for costs related to separating public from not public data. 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.

**We do not charge for costs related to separating public from not public data.**



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## Data Request Form – Data Subject

Request date: \_\_\_\_\_

Contact information\*:

Name: \_\_\_\_\_

Phone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\*To request data as a data subject, you must show a valid state ID, such as a driver's license, military ID, or passport, as proof of identity.

**Describe the data you are requesting as specifically as possible:**

**I am requesting access to data in the following way: (mark one)**



- Inspection** – no charge
- Copies** –25 cents per page for 100 or fewer paper copies of letter or legal sized paper copies (2-sided is 50 cents a copy). For copies of other data (more than 100 paper copies, photographs, data on a CD or DVD, data stored electronically, etc.), the City charges the actual cost (not to exceed \$25.00 per hour for employee time) after the first one hour of employee time per data request. The first hour of employee time per data request is free of charge.
- Both inspection and copies** - see charges above. You have the right to look at data, free of charge, before deciding to request copies.

**To Be Completed By Staff Member Responding to Data Request:**

Identity Confirmed As: \_\_\_\_\_ on

Date: \_\_\_\_\_ by

Staff Name: \_\_\_\_\_

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## 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 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 formal or informal appointment as guardian, such as
  - court order(s)
  - valid power of attorney

Note: Individuals who do not inspect data or pick up copies of data in person may be required to provide either notarized or certified copies of the documents that are required or an affidavit of ID.