

515.1 DATA REQUEST POLICY FOR SUBJECTS OF DATA

I. Purpose

The purpose of this policy is to set forth the procedure for an employee or other individual to inspect or obtain data about that individual or that individual's minor child maintained by the school district and to comply with the Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes Chapter 13.

II. Construction

This policy must be construed as consistent with the MGDPA and Minnesota Rules Chapter 1205. All terms used herein that are defined by the MGDPA must be given the same definition as listed in the MGDPA and Minnesota Rules Chapter 1205. This policy does not confer upon an individual the right to access data not otherwise provided in any applicable law or other school district policy. Nothing in this policy shall be interpreted to contradict any other school district policy.

III. Definitions

- A. Government Data – “Government data” means all recorded information that the school district has, including paper, email, flash drives, CDs, DVDs, photographs, etc.
- B. Inspection – “Inspection” means the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the school district, unless printing a copy is the only method to provide for inspection of the data. For data stored in electronic form and made available in electronic form on a remote access basis to the public by the school district, inspection includes remote access to the data by the public and the ability to print copies of or download the data on the public's own computer equipment.
- C. Public Data – “Public data” means all government data collected, created, received, maintained, or disseminated by the school district, unless classified by statute, temporary classification pursuant to statute, or federal law, as nonpublic or protected nonpublic; or, with respect to data on individuals, as private or confidential.
- D. Responsible Authority – “Responsible authority means the individual designated by the school board as the individual responsible for the collection, use and dissemination of any set of data on individuals, government data, or summary data, unless otherwise provided by state law.

IV. Right to Access Data

Upon request to a responsible authority or designee, an individual shall be informed whether that individual, the individual's minor child or person for whom the individual has been appointed guardian is the subject of stored data and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data shall be shown that public or private data about themselves without any charge and, if desired, shall be informed of the content and meaning of that data. Except as required by law, after an individual has been shown this and informed of its meaning, the school district need not disclose the data to that individual for six months unless additional data on the individual has been collected or created.

V. Making a Data Request

To inspect data or request copies of public data in the school district's possession, a person should make a written request using the form found in Attachment B with a clear description of the data requested, identify forms in which data is to be provided, and method to contact the requestor (such as phone number, address, or email address). Attachment B shall be submitted to the appropriate data practices official or designee described in Attachment C. The responsible authority may seek clarification from the requestor if the request is not clear before providing a response to the data request. The school district reserves the right to accept verbal requests for data or reduce verbal requests to writing, at its sole discretion.

VI. Processing a Request

Upon receipt of a written request, the school district will process it within a reasonable time, depending upon the nature and volume of the request. If the requestor does not appear at the time and place established for inspection of the data or the data is not picked up within ten (10) business days after the requestor is notified, the school district will conclude that the data is no longer wanted and will consider the request closed. The school district's response time may be affected by the size and complexity of the particular request, including necessary redactions of the data, and also by the number of requests made within a particular period of time. If the response to a request will take longer than fifteen (15) business days and the requestor has provided contact information, the school district may notify the person of the approximate amount of time it will take to process the request.

- If it is unclear what data the individual is requesting, the school district will seek clarification.
- If the school district does not have the requested data, it will notify the individual in writing as soon as reasonably possible.
- If the school district has the requested data, and the data may lawfully be disclosed to the individual, the school district will respond to the request by doing one of the following:
 - Arrange a date, time, and place for the individual to inspect the data without cost to the individual, or

- Provide the individual with copies of the data. The individual may choose to pick up the copies, or the school district will mail or fax copies of the data to the individual. The school district will provide electronic copies (such as e-mail), only if the school district keeps the data in electronic format. Prepayment of copies is required unless other arrangements are approved by the responsible authority. Further information about copying charges is included on Attachment B.
- If the school district determines that the requested data is classified so as to deny the requesting person access, the school district shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible.
 - Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of law upon which the denial was based.

Nothing in this policy or the MGDPA requires the school district to create data; collect new data; or to provide data in a specific form or arrangement if the school district does not keep the data in that form or arrangement, in response to a data request.

Nothing in this policy or the MGDPA requires the school district to respond to questions that are not requests for data.

VI. Identification

The school district reserves the right to require that an individual requesting private data on the individual or the individual's minor child provide valid photo identification at the time that the data is requested or provided. The school district will not disclose private data on anyone other than the individual requesting data or that individual's minor child without receiving a valid release signed by the subject of the data.

VII. Rights of Data Subjects

A. Challenging Inaccurate or Incomplete Data

Consistent with the MGDPA, any person who believes that information contained in the school district's records regarding that individual, the individual's minor child, or person over whom the individual has been appointed legal guardian is inaccurate or incomplete may request that the school district amend those records. To exercise this right, the individual must notify the responsible authority described in Attachment C in writing of the nature of the disagreement. Upon receiving such notification, the school district will take action as required by the MGDPA. Please note that the submission of a challenge to data does not guarantee that the school district will amend its records.

B. Information Provided When Data is Requested by the School District

Consistent with the MGDPA and other applicable law, certain circumstances may require the school district to notify an individual who is asked to provide the school district with private or confidential data concerning that individual of the ways in which the school district can use the data collected.

C. Other Rights of Data Subjects

Nothing in this policy shall be construed as limiting the rights provided by the MGDPA. Individuals who are the subject of data in the school district's possession have all of the rights afforded by Minnesota Statutes, Section 13.04.

Legal References:

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Cross References:

MSBA Model Policy 722 (Public Data Requests)

School Board Action:

Adopted as Policy 515.1 October 17, 2017

Revised November 20, 2018