

# Eureka Township

## Data Practices Policy For Data Subjects

Revised April, 2020

## Data about you

The Minnesota Government Data Practices Act, Minn. Stat. Chap. 13, states that data subjects have certain rights related to a government entity collecting, creating, and keeping government data about them. You are the subject of data when you can be identified from the data. Government data is a term that means all recorded information a government entity has, including paper, email, CDs, DVDs, photographs, etc.

## Classification of data about you

The 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 you are classified by state law as public, private, or confidential.

### Public data

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. *[example: Your name on a permit application]*.

### Private data

We cannot give private data to the general public, but you can have access to private data when the data are about you. We can share your private data with you, with someone who has your permission, with Eureka Township staff who have a work assignment to see the data, and to others as permitted by law or court order. *[example: Your social security number]*.

### Confidential data

Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. We can share confidential data about you with Eureka Township staff who have a work assignment to see the data, and to others as permitted by law or court order. We cannot give you access to confidential data. *[example: The identity of a subject of an active criminal investigation]*.

## Your rights under the Government Data Practices Act

Eureka Township must keep all government data in a way that makes it easy for you to access data about you. Also, we can collect and keep only those data about you that we need for administering and managing programs that are permitted by law. 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 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.

Minor have the right to ask the Township 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 may 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. Minor do not have this right if the data in questions are educational data maintained by an educational agency or institution.

### **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. The notice is sometimes 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 must use the consent form we provide or similar form.

### **Protecting your data**

The 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 and/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 look at data, or request copies of data that Eureka Township keeps about you, your minor children, or an individual for whom you have been appointed legal guardian by making a written request. Make your written request for data to the appropriate individual listed in the Data Practices Contact on page 5. You may make your written request by mail or email using the data request form on page 7.

If you choose not to use the data request form, your written request should include:

- You are making a request, under the Government Data Practices Act, as a data subject, for data about you.
- Whether you would like to inspect the data, have copies of the data, or both.
- A clear description of the data you would like to inspect or have copied.
- Identifying information that proves you are the data subject, or data subject's parent/guardian.

Eureka Township requires 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 guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity located on page 8.

### **How we respond to a data request**

Upon receiving your request, we will work to process it.

- If it is unclear what data you are requesting, we will ask you for clarification.
- If we do not have the data, we will notify you in writing as soon as reasonably possible.
- If we have the data, but the data are not public, we will notify you as soon as reasonably possible and, upon your request, state in writing which specific law says the data are not public.
- If we have the data, and the data are public, we will respond to your request within a reasonable amount of time by doing one of the following:

- Arrange a date, time and place for you to inspect the data, free of charge, if your request is to look at the data (inspection must occur during normal business hours and at a time when staff are available); or
- Provide you with copies of the data as soon as reasonably possible. You may choose to pick up your copies, or we will mail them to you. If you want us to send you the copies, you will need to provide us with an address. We will provide electronic copies (such as email or CD) upon request, provided that we already have the data in electronic format.

After we have provided you with access to data about you, we do not have to show you the data again for 6 months, unless there is a dispute, or we collect or create new data about you.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.

The Government Data Practices Act does not require Eureka Township to create or collect new data in response to a data request if we do not already have the data, 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. In addition, we are not required to respond to questions that are not specific requests for data.

Eureka Township may ask questions or request additional information in order to better process your request. If you do not respond to a request for clarification or other communication about your request, we may consider your request abandoned after a reasonable time passes.

## **Eureka Township Data Practices Contacts**

### **Responsible Authority**

Town Clerk  
25043 Cedar Avenue  
Farmington, MN 55024  
(952) 469-3736  
[clerk@eurekamn.gov](mailto:clerk@eurekamn.gov)

### **Data Practices Compliance Official**

Town Board Compliance Liaison  
25043 Cedar Avenue  
Farmington, MN 55024

## Copy Costs – Data Subjects

Eureka Township charges members of the public for copies of government data. These charges are authorized under Minn. Stat. § 13.03, Subd. 3(c). You must pre-pay for the copies before we will give them to you.

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

### **Most other Types of Copies: Actual cost**

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for, retrieving the data, and making the copies or electronically transmitting the data (e.g., sending the data by email).

In determining the actual cost of making copies, we are permitted to factor in employee time, the cost of the materials onto which we are copying the data (e.g., paper, CD, etc.), and mailing costs, if any. If your request is for copies of data that we cannot reproduce ourselves, we will charge you the actual cost we must pay an outside vendor for this service.

Date of request: \_\_\_\_\_

I am requesting access to data in the following way:

- Inspection *(no charge, and may be done during normal business hours)*
- Copies *(cost for copies of data must be received in advance)*
- Both inspection and copies

These are the data I am requesting:

Note: Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

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**Contact Information:**

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

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

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

You are not legally required to provide any of the above contact information; however, if you want us to mail/email you copies of data, we will need your contact information. In addition, providing contact information may help us process your request. If we do not understand your request and need to get clarification from you, we will not be able to begin processing your request until you contact us.

Eureka Township will respond to your request as soon as reasonably possible.

***For Office Use Only***

Date request received: \_\_\_\_\_ Public Data / Nonpublic Data    Approved / Denied

Date paid: \_\_\_\_\_ Amount \$: \_\_\_\_\_ Receipt no.: \_\_\_\_\_

Request handled by: \_\_\_\_\_ Date data provided: \_\_\_\_\_

## Standards for Verifying Identity

The following constitute proof of identity:

- An **adult individual** must provide a valid photo ID, such as:
  - State driver's license;
  - U.S. Military ID;
  - Valid passport;
  - Minnesota state ID;
  - Minnesota tribal ID.
  
- A **minor individual** must provide a valid photo ID, such as:
  - State driver's license;
  - U.S. military ID;
  - Valid passport;
  - Minnesota state ID;
  - Minnesota Tribal ID;
  - College or school ID.
  
- The **parent or legal guardian of a minor** must provide a valid photo ID *and either*:
  - A certified copy of the minor's birth certificate; *or*:
  - Certified copy of documents that establish the parent or guardian's relationship to the child, such as:
    - Court order relating to divorce, separation, custody or foster care;
    - Foster care contract;
    - Affidavit of parentage.
  
- The legal guardian for an individual must provide a valid photo ID and a certified copy of appropriate documentation of appointment as guardian, such as:
  - Court order(s);
  - Valid power of attorney.

Note: Eureka Township may require that individuals provide proof of identity in person. In certain circumstances, individuals who do not exercise their data practices rights in person must provide *either* notarized or certified copies of the documents that are required *or* an affidavit of ID.