

## **Brown County Data Practices Policy for Data Subjects**

This document was prepared in accordance with the Minnesota Government Data Practices Act, Minnesota Statute Chapter 13.

### **Data About You**

The Data Practices Act (Minnesota Statutes, Chapter 13) says that data subjects have certain rights related to a government entity collecting, creating, and keeping 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, CD-ROMs, DVD's, photographs, etc.

### **Classification of Data About You**

The 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. See below for some examples.

- 1) **Public data:** We must give public data to anyone who asks; it does not matter who asks for the data or why. The following is an example of public data about you: *if you are an employee of a government entity, the fact that you work for the entity, and your job title.*
  
- 2) **Private data:** We cannot give private data to the general public, but you have access when the data are about you. The following is an example of private data about you: *your social security number.* We can share your private data with you, with someone who has your permission, with Brown County staff who need the data to do their work, and as permitted by law or court order.
  
- 3) **Confidential data:** Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. The following is an example of confidential data about you: *if you register a complaint with a government entity concerning violations of state laws or local ordinances concerning the use of real property, your identity is confidential.* We can share confidential data about you with Brown County staff who need the data to do their work and to others as permitted by law or court order. We cannot give you access to confidential data.

### **Your Rights Under the Data Practices Act**

Brown County 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 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.

Minors have the right to ask Brown County to not 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.

**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 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, you must provide written approval for us to do so.

**Protecting Your Data:** Brown County protects your data. We have established appropriate safeguards to ensure that your data are safe.

**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**

To look at data or request copies of data that Brown County keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, make a written request. Make your written request for data to the appropriate individual listed in the Data Practices Contacts document on page 4. You may make your written request for data by mail, fax, or email.

Your written request should state:

- a. That you are making a request, under the Data Practices Act (Minnesota Statutes, Chapter 13), as a data subject, for data about you;
- b. Whether you would like to inspect the data, get copies of the data, or both;
- c. A clear description of the data you would like to inspect or have copied; and
- d. Identifying information that proves you are the data subject, or data subject's parent/guardian.

Brown County 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 5.

#### **How We Respond to a Data Request**

Upon receiving your written request, we will work to process it. If it is not clear what data you are requesting, we will ask you for clarification.

If we do not have the data, we will notify you in writing within ten (10) business days.

If we have the data, but the data are confidential or private data that are not about you, we will notify you in writing within ten (10) business days and state which specific law says you cannot access the data.

If we have the data, and the data are public or private data about you, we will respond to your request within ten (10) business days by doing one of the following:

- a. Arrange a date, time and place to inspect data, for free, if your request is to look at the data, or
- b. Provide you with copies of the data within ten (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 an electronic format. Information about copy charges is on page 3. We also will arrange for you to pre-pay for the copies.

After we have provided you with access to data about you, we do not have to show you the data again for six (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 Data Practices Act does not require us 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 under the Data Practices Act to respond to questions that are not specific requests for data.

### **Copy Costs – Data Subjects**

Brown County charges data subjects for copies of government data. These charges are authorized under Minnesota Statutes, Section 13.04, Subdivision 3. You must pay for any copy charges before we give them to you.

#### **Actual Cost of Making the Copies**

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

Brown County will charge the requestor the cost of employee time to search for data, retrieve data, and make copies. The cost for employee time will be calculated based on the wages/salary (may include benefits) of the lowest-paid entity employee who could complete the task. If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.

## Data Practices Contacts Brown County

### **Auditor/Treasurer's Office**

A/T Jean Prochniak  
PO Box 115  
New Ulm, MN 56073  
Phone: 507-233-6616  
Fax: 507-359-1430  
Jean.prochniak@co.brown.mn.us

### **County Attorney's Office**

Co. Attorney Charles Hanson  
1 S. State Street  
New Ulm, MN 56073 Phone:  
507-354-3163  
Fax: 507-354-7297  
info@brolaw.com

### **County Sheriff's Office Chief**

Deputy Jason Seidl  
15 S Washington Street New  
Ulm, MN 56073 Phone: 507-  
233-6713  
Fax: 507-359-1524  
Jason.Seidl@co.brown.mn.us

### **County Recorder's Office**

Co. Recorder Betti Kamolz  
14 S. State Street  
New Ulm, MN 56073 Phone:  
507-233-6668  
Fax: 507-233-6668  
recorder@co.brown.mn.us

### **County Administration**

Co. Administrator Charles Enter  
14 S. State Street  
PO Box 248  
New Ulm, MN 56073 Phone:  
507-233-6601  
Fax: 507-359-1430  
Charles.enter@co.brown.mn.us

### **Brown County Human Services**

Social Services Supervisor Julie Hogen  
1117 Center Street  
New Ulm, MN 56073 Phone:  
507-359-6591  
Fax: 507-359-6542  
Julie.Hogen@co.brown.mn.us

### **Human Resources Department**

HR Director Ruth Schaefer  
14 S. State Street New  
Ulm, MN 56073  
Phone: 507-233-6603  
Fax: 507-359-1430  
Ruth.Schaefer@co.brown.mn.us

### **County Highway Department**

Co. Engineer Wayne Stevens  
1901 North Jefferson Street New  
Ulm, MN 56073  
Phone: 507-233-5700  
Fax: 507-354-6857

### **County Assessor Department**

Co. Assessor Rita Trembl  
PO Box 248  
New Ulm, MN 56073  
Phone: 507-233-6610  
Fax: 507-359-1430  
Rita.Trembl@co.brown.mn.us

### **County Probation Department**

Probation Director Les Schultz  
1 S. State Street  
New Ulm, MN 56073 Phone:  
507-233-6621  
Fax: 507-233-6649

### **County Public Health Department**

PH Director Karen Moritz  
1117 Center Street  
PO Box 543  
New Ulm, MN 56073 Phone:  
507-233-6820  
Fax: 507-233-6819

### **County Veterans Services Office**

Co. VSO Greg Peterson  
PO Box 248  
New Ulm, MN 56073  
Phone: 507-233-6636  
Fax: 507-233-6638  
Greg.peterson@co.brown.mn.us

### **County Planning & Zoning**

Zoning Administrator Laine Sletta  
PO Box 248  
New Ulm, MN 56073  
Phone: 507-233-6644  
Fax: 507-359-1430  
Laine.sletta@co.brown.mn.us

## Standards for Verifying Identity

The following constitute proof of Identity.

An **adult individual** must provide a valid photo ID, such as a state driver's license, a military ID, a passport, a Minnesota ID, a Minnesota tribal ID;

A **minor individual** must provide a valid photo ID, such as a state driver's license, a military ID, a passport, a Minnesota ID, a Minnesota tribal ID, a Minnesota school ID;

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 parent or guardian's relationship to the child, such as a court order relating to divorce, separation, custody, foster care; a foster care contract; an affidavit of parentage; and

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 orders or valid power of attorney.

**Note:** 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.