



CITY OF VIRGINIA

Data Practices Policy for Data About Subjects

City of Virginia · 327 1st Street South, Virginia, MN 55792 · www.virginiamn.us

Revised August 2018

Data about You

The Government Data Practices Act (Minnesota Statutes, Chapter 13) says 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, 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. See below for some examples.

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 OF PUBLIC DATA: *Your name on an application for an Animal License from the City*

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 our government entity staff who have a work assignment to see the data, and to others as permitted by law or court order.

EXAMPLE OF PRIVATE DATA: *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 our government entity 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 OF CONFIDENTIAL DATA - MS 13.41, Subd. 3. Board of Peace Officer Standards and Training *active investigative data relating to the investigation of complaints against any licensee*

Your Rights under the Government Data Practices Act

This government entity 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.

Minors have the right to ask this government entity 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. Note: Minors do not have this right if the data in question 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 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 use the consent form we provide.

- **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**

To look at data, or request copies of data that this government entity keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, make a written request. Make your request for data to the appropriate individual listed in the Data Practices Contacts on page 6. You may make your request by mail, fax, or email, using the data request form attached.

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

- that you are making a request, under the Government Data Practices Act {Minnesota Statutes, Chapter 13}, 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

How We Respond to a Data Request

Once you make your request, we will work to process your request. 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 within 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 within 10 business days and state which specific law says you cannot access the data.

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 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 Government Data Practices Act to respond to questions that are not specific requests for data.

Questions about the Data Practices Policies in Virginia

Any questions regarding the City of Virginia's Data Practices Policies and compliance can be directed to the Britt See-Benes, Responsible Authority or the Thomas Butorac, City Attorney at (218) 748-7500.

Data Practices Contacts

RESPONSIBLE AUTHORITY

Name Britt See-Benes
Address 327 1st Street South, Virginia MN 55792
Phone number (218) 748-7500
Fax number (218) 749-3580
Email address britts@virginiamn.us

DATA PRACTICES COMPLIANCE OFFICIAL

Name Tom Butorac
Address 327 1st Street South, Virginia MN 55792
Phone number (218) 748-7500
Fax number (218) 749-3580
Email address butoract@virginiamn.us

DATA PRACTICES DESIGNEE(S)

General Requests

Name Kris Johnson
Address 327 1st Street South, Virginia MN 55792
Phone number (218) 748-7500
Fax number (218) 749-3580
Email address kris@virginiamn.us

Police Department

Name Suzanne Lien
Address 327 1st Street South, Virginia MN 55792
Phone number (218) 748-7510
Fax number (218) 749-3586
Email address liens@virginiapd.com

Human Resources/Finance Department

Name Sherry Erickson
Address 327 1st Street South, Virginia MN 55792
Phone number (218) 748-7500
Fax number (218) 749-3580
Email address ericksons@virginiamn.us



DATA REQUEST FORM – DATA ABOUT SUBJECTS

DATE OF REQUEST: _____ DATE RECEIVED BY CITY: _____

DATA SUBJECT NAME: _____

PARENT/GUARDIAN NAME (if applicable): _____

I AM REQUESTING ACCESS TO DATA IN THE FOLLOWING WAY:

Note: inspection is free but we charge for copies when the cost is over \$10.00

Inspection

Copies

Both inspection and copies

THESE ARE THE DATA I AM REQUESTING:

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

CONTACT INFORMATION

NAME: _____

ADDRESS: _____

PHONE _____ EMAIL _____

You do not have to provide any of the above contact information. However, if you want us to mail/email you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information we will not be able to begin processing your request until you contact us