SWIFT COUNTY
DATA PRACTICES POLICY
FOR DATA SUBJECTS

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 is 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 is asking for the data or why.

The following is an example of public data about you: Names of Minnesota government employees.

2. Private Data: We cannot give private data to the general public, but you have access when the data is about you. We can share your private data with you, with someone who has your permission, with our Swift County staff who need the data to do their work, and as permitted by law or court order.

The following is an example of private data about you: Social Security numbers.

3. Confidential Data: Confidential data has the most protection. Neither the public nor you can get access even when the confidential data is about you. We can share confidential data about you with our Swift 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.

The following is an example of confidential data about you: The identity of the subject of an active criminal investigation.

Your Rights Under the Government Data Practices Act

Swift 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 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 is 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 Swift County staff 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 is 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 is not public, we must give you a notice. The notice is sometimes called a Tennessen 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 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 is safe.

- **When your Data is 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 Swift County 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 pages 5-7. You may make your request by mail, fax, or email, using the data request form on page 9.

If you choose not to 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; and

- identifying information that proves you are the data subject, or data subject's parent/guardian.

Swift 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 10.

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, in writing, within 10 business days.

- If we have the data, but the data is confidential or private data that is not about you, we will notify you within 10 business days and state which specific law says you cannot access the data.

- If we have the data, and the data is 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 the data, for free, if your request is to look at the data,

    - or provide you with copies of 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.

Information about copy charges is on page 8. We will also arrange for you to prepay 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 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 is 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.

How We Keep Data Secure
Private data is accessible to individuals within Swift County whose work assignments reasonably require access. Confidential data is accessible to individuals within Swift County whose work

assignments reasonably require access. Only appropriate individuals will get access to private and confidential data.

Swift County will notify data subjects when a security breach has occurred, and an unauthorized person has gained access to data.

SWIFT COUNTY DATA PRACTICES CONTACTS:

Department Specific Responsible Authority

Mike Hoffman, Sheriff's Office
Law Enforcement Center
Suite 4
301 14th Street North
Benson, MN 56215; Telephone: 320-843-3133; Fax: 320-843-2299

Debora Gerads, County Attorney's Office
211 11th St. North
Benson, MN 56215; Telephone: 320-843-2134; Fax: 320-843-2348

Eric Rudningen, Board Chair, County Commissioners
Attn: Tesa Tomaschett County Administrator
Courthouse
301 14th St North
P.O. Box 207
Benson, MN 56215; Telephone: 320-314-8399; Fax: 320-843-2275

Catie Lee, Director, Swift County Family Services
410 21st St. South
P.O. Box 208
Benson, MN 56215; Telephone; 320-843-3160; Fax 320-843-4582

Responsible Authority for other County Departments

Debora Gerads, County Attorney
211 11th St. North
Benson, MN 56215; Telephone: 320-843-2134; Fax: 320-843-2348

Named Responsible Authority Designee by Department

Carla Roberts, Land Record's Office
Courthouse
301 14th St North
P.O. Box 207
Benson, MN 56215; Telephone: 320-843-3377; Fax: 320-843-6105

Sarah Jaeger, Auditor's/Treasurer's Office
Courthouse
301 14th St North
P.O. Box 207
Benson, MN 56215; Telephone; 320-843-4069; Fax 320-843-2275

Joseph Tschida, Assessor's Office
Courthouse
301 14th St North
P.O. Box 207
Benson, MN 56215; Telephone; 320-842-5891; Fax 320-843-2275

David Barrett, Veterans Service Office
Courthouse
301 14th St North
P.O. Box 207
Benson, MN 56215; Telephone: 320-842-5271; Fax: 320-843-4850

Scott Collins, Environmental Office
1000 Industry Drive
Benson, MN 56215; Telephone: 320-843-2356; Fax: 320-843-9172

Tesa Tomaschett, County Administrator's Office (including HR)
Courthouse
301 14th St North
P.O. Box 207
Benson, MN 56215; Telephone: 320-314-8399; Fax: 320-843-2275

Tyler Baumchen, Highway Department
1635 Hoban Avenue
P.O. Box 241
Benson, MN 56215; Telephone: 320-842-5251; Fax: 320-843-3543

Rob Lee, IT Director
Courthouse
301 14th St North
P.O. Box 207
Benson, MN 56215: Telephone: 320-843-6109; Fax: 320-843-2275

Stephanie Smith, U of M Extension Office
Courthouse
301 14th St N
P.O. Box 207
Benson, MN 56215; Telephone: 320-843-3796; Fax: 320-843-4850

Jacob Knapper, Parks, Drainage, and Wetlands Office
1635 Hoban Avenue
P.O. Box 241
Benson, MN 56215; Telephone: 320-843-5341; Fax: 320-843-3543

Shelly Lottman, Restorative Practices Office
211 11th St. North
Benson, MN 56215; Telephone: 320-843-2493; Fax: 320-843-2348

COPY COSTS — DATA SUBJECTS

Swift 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 the copies before we will give them to you.

Actual Cost of Making the Copies

In determining the actual cost of making 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.

The cost of employee time to make copies is based on the hourly rate of the employee. 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.

For black and white, letter or legal-size paper copies, the cost is $.25 for a one-sided copy, or $.50 for a two-sided copy.

SWIFT COUNTY
DATA REQUEST FORM
DATA SUBJECTS

Date of request: _____

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.

I am requesting access to data in the following way:

Inspection _____ Copies _____Both inspection and copies

Note: Inspection is free, but Swift County will charge for copies as indicated on page 8.

This is 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:

Data subject name:_____

Parent/Guardian name (if applicable) _____

Address _____

_____

Phone number_____ Email address _____

Staff verification:

Identification provided_____

We will respond to your request within 10 business days.

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

- 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 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.**