

MINNESOTA DEPARTMENT OF HEALTH (MDH)

DATA PRACTICES POLICY: 607

**INFORMATION FOR THE PUBLIC ABOUT
PUBLIC ACCESS TO MDH DATA
AND
RIGHTS OF DATA SUBJECTS**

Updated 1/22/07

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SECTION 1 YOUR RIGHTS AS A MEMBER OF THE PUBLIC TO ACCESS GOVERNMENT DATA

The Minnesota Department of Health (MDH), like all state agencies, maintains government data. The Minnesota Government Data Practices Act (MGDPA) gives you, and all other members of the public, the right to see and have copies of public data that we keep. The MGDPA also controls how we keep government data and what we tell you when you ask to see the data that we have. The MGDPA is contained in Minnesota Statutes, chapter 13. This section sets out these rights and controls.

MDH Responsible Authority and Designee.

The MDH Responsible Authority for data practices is Commissioner Dianne Mandernach, at the Freeman Building, 625 Robert Street North, PO Box 64975, St. Paul, Minnesota, 55164-0975. The designee of the MDH Responsible Authority and the MDH Data Practices Compliance Official is Lynn Belgea. You can contact Ms. Belgea at the same address as Commissioner Mandernach or at 651/201-5741, fax-651/201-4986, or lynn.belgea@health.state.mn.us weekdays between 8:00 a.m. and 4:30 p.m. TDD users may call MDH at 651/201-5797.

The law says that all the data we have are public (can be seen by anybody) unless there is a state or federal law that classifies the data as *not public*.

We have a report that lists the kinds of data we keep about individuals, how each kind of data is classified, and what law classifies that kind of data. This report is called the MDH Data Practices Catalog. If you want to see or have a copy of the MDH Data Practices Catalog, contact Lynn Belgea at the address or phone number listed above.

You have the right to look at all public data that we keep.

You may request and receive public information over the phone, in person, through the mail, or via email. If it is not possible to give you the info in the way you ask, we will contact you to decide on another way to give you the information you asked for.

To look at public data that we keep, you have a couple of options and several things to consider:

- You can make your request to the MDH responsible authority or her designee. Making your request to the responsible authority will trigger your ability to enforce your request, but it may delay getting you the data because the request has to be transferred to the MDH program that maintains the data you want.
- Instead of contacting the responsible authority first, you can make your request to the MDH program that maintains the data you want to look at. In almost all cases, this is the quickest way to get your data. In rare cases, however, this may delay your ability to enforce your data request if you have problems getting the data you want.
- You can make your request in person or by telephone, mail, fax, or email.
- We encourage you to make an appointment to look at MDH public data. In many cases, this will allow us to serve you better, especially if the data you want are not immediately available or if staff are not available to take care of your data request. If you have a time-sensitive data request or if you make a request without an appointment, we will do our best to accommodate your request.

You also have the right to make a standing request for data. (An example of a common standing request is persons who want to be notified whenever MDH proposes rules or rule amendments.) If you make a standing request, we will periodically ask you whether you wish to maintain your standing request.

You may ask to see:

- specific types of data or data elements;
- specific documents or portions of documents;
- entire records, files, or data bases; or
- any public data we keep.

In your request, you should say that you are making a data request under the MGDPA. Tell us as clearly as you can what information you want to see. If we are not sure exactly what information you are requesting, we will ask you, but you don't have to tell us who you are or explain why you are asking for the data.

We will let you know as soon as we can if we have the data you are asking for. If you are asking for public data and we have the data, we will let you see or have copies of the data as soon as we are able to identify, find or copy the data you are asking for. If we are not able to do this right away, we will let you know and we will tell you when we will be able to let you see or have copies of the data. If the data you want to look at is contained in original records, an MDH staff person may be with you when you look at the records.

We don't have to give you data we don't keep.

If we don't have the data you are asking for, we will tell you as soon as we find that out. We do not have to collect or create data for you in order to respond to your request.

We may not have to give you public data in the form you want.

If we have the data you're asking for, but we don't keep the data in the form you want, we may not be able to give you the data in that form. If we can't put the data in the form you want, you may have the data in our format and convert it to the form you want. If we can put the data in the form you want, we will let you know how long it will take us to provide the data and how much it will cost. Then you can decide if you want the data in that form or not.

We cannot charge you a fee for looking at public data.

You have the right to look at public data at no cost to you. We will let you look at computerized data on a computer screen, or print a copy, so that you can inspect the data at no charge.

Some MDH public data is posted on the MDH web site. You may inspect this public data on your own computer, and you may print or download the data using your own computer, at no cost.

We can't charge you a fee for separating public data from data that are not public.

You have the right to have us explain the public data to you.

If you have any questions about the meaning of public data that we keep, please ask for an explanation. If you ask, we will explain the data to you.

You have the right to have copies of the public data that we keep.

You have the right to have a copy of any data that you have a right to see. This includes the right to have copies of all or parts of specific documents, files, records, data bases, or types of data that we keep. If you ask for the copies in electronic form, and we keep the data in electronic form, we will give you the data in electronic form.

To ask for a *copy* of public data that we keep, you have the same options as when you ask to *look* at public data. You can directly contact the MDH program that maintains the data or you can make your initial request to the MDH Responsible Authority (Commissioner Dianne Mandernach) or her designee (Lynn Belgea). You can make your request in person or by telephone, mail, fax, or email. We encourage you to make an appointment to get copies of MDH public data. In many cases, this will allow us to serve you better, especially if the data you want are not immediately available or if staff are not available to take care of your data request. If you have a time-sensitive data request or if you make a request without an appointment, we will do our best to accommodate your request.

In your request, say that you are making a request for copies of data under the MGDPA. Tell us as clearly as you can what types of data or information you want copies of. If we have any question about the data or information you are requesting, we will ask you. You don't have to tell us who you are or explain why you are asking for the data.

Once we have your request, we will provide the copies you asked for as soon as reasonably possible, depending on how many copies you are requesting and how many staff we have available to respond to your request.

We have the right to charge you a reasonable fee for providing copies.

We may charge you a fee for making copies of the data you ask for. If you ask us to mail or fax the copies to you, the fee may include postage or long distance phone charges. If you request a certified copy of a document, we may charge you a fee to certify the document. Whether or not we charge you a fee will depend on our costs for providing the copies compared to our costs for collecting and recording a fee. If the fee is large, we may require that the fee be paid before we make the copies.

If you are requesting copies of data that have commercial value, we may charge you a fee in addition to the fee for the copies.

In some cases, the fee for copies is set in statute or rule. In other cases, we have to calculate the fee based on the costs associated with providing copies. Attachment A to this document is an information sheet that lists the factors that we may use to calculate the fee for providing copies.

You have the right to know why you can't see or get copies of data that are not public.

If the information you ask for is not public data, we will tell you that when you make your request, or we will notify you in writing as soon as possible after that. We also will tell you

which specific law makes the information not public. If you ask, we will put this in writing for you.

You have the right to see and have copies of summary data.

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. We will prepare summary data for you if you make a request in writing (letter, fax, email, etc.) to the MDH program that maintains the data or to the MDH Responsible Authority (Commissioner Dianne Mandernach) or her designee (Lynn Belgea). You will have to pay us what it costs to prepare the summary data. We may require prepayment, depending on the amount of the fee. When we receive your request, we will contact you to make detailed arrangements to prepare the summary data.

If you have any questions about how to access public data that we keep, please contact Lynn Belgea, the designee of the MDH responsible authority and the MDH data practices compliance official. Contact Ms. Belgea at the Freeman Building, 625 Robert Street North, PO Box 64975, St. Paul, Minnesota, 55164-0975, 651/201-5741, fax-651/201-4986, or lynn.belgea@health.state.mn.us. TDD users may call MDH at 651/201-5797.

SECTION 2

YOUR RIGHTS AS THE SUBJECT OF GOVERNMENT DATA

Some of the government data maintained by MDH are data on individuals. The Minnesota Government Data Practices Act (MGDPA) is a law that gives you, *as an individual*, important rights when we collect, create, keep, use or release data about you, and controls how we collect, use, and release data about you. The MGDPA is contained in Minnesota Statutes, chapter 13.

MDH Responsible Authority and Designee.

The MDH Responsible Authority for data practices is Commissioner Dianne Mandernach, at the Freeman Building, 625 Robert Street North, St. Paul, Minnesota, 55164-0975. The designee of the MDH Responsible Authority and the MDH Data Practices Compliance Official is Lynn Belgea. You can contact Ms. Belgea at the same address as Commissioner Mandernach or at 651/201-5741, fax-651/201-4986, or lynn.belgea@health.state.mn.us weekdays between 8:00 a.m. and 4:30 p.m. TDD users may call MDH at 651/201-5797.

A special note about data on births and deaths.

MDH data on births and deaths are governed in many respects by statutes and rules outside of the MGDPA. See for example Minnesota Statutes, chapters 144 and 259, and Minnesota Rules, chapter 4601. Refer to the statutes governing birth and death data to know your rights regarding these data.

This section applies to individuals who are the subject of government data.

The MGDPA defines an individual as a living human being and gives every individual all of the rights discussed in this section. Data on individuals fit into one of three classifications.

- **Public data** is data available to the public.
- **Private data** is data made not public by state or federal law and is accessible to the individual subject of the data.
- **Confidential data** is data made not public by state or federal law and is NOT accessible to the individual subject of the data.

The law controls how we collect, keep, use, and release data about you.

We can collect, keep, use, and release private and confidential data about you only when a state or federal law allows or requires us to do it. The law also says we can collect, keep, use, and release private and confidential data about you only if we need to in order to do our job.

The law says we have to give you a notice when we ask you to give us private or confidential data about yourself.

When we ask you to give us private or confidential data about yourself, we will give you a notice, either orally or in writing. The notice sometimes is called a Tennesen warning. In the notice, we will tell you these things:

- We will tell you why we are collecting the data from you and how we plan to use the data.
- If there is a law that says you have to give us the data, we will tell you that. We also will tell you if you do not have to give us the data.
- We will tell you what might happen if you give us the data.
- We also will tell you what might happen if you do not give us the data.

- We will tell you what other people or entities have the legal right to know about, see, or have copies of the data you give us. When we tell you this, we will be as specific as we can be.

Different programs within MDH may collect information about you for different reasons and use it in different ways, so we may give you more than one notice, and the notices may be different. We will explain anything in the notice if you ask us.

We only have to give you the Tennessee warning when we are asking you to give us private or confidential data about yourself. We *do not* have to give you the notice when:

- you give us information we haven't asked for;
- the information we are asking for is about someone else; or
- the information we are asking for is public data about you.

The notice puts limits on what we can do with data we keep about you.

Usually, after we give you the Tennessee warning and you choose to give us the data we ask for, we will use and release the data only in the ways that were stated in the notice. There are some exceptions to this rule. These exceptions are:

- If a federal, state or local law is passed after we give you the notice and collect the data from you, and if that law says we may or must use or release the data in a way we didn't tell you about in that notice, then we will use or release the information in order to comply with the new law.
- On rare occasions, after we collect private or confidential data about people for one purpose, we need to use or release that information for a different purpose. If there is no law that says we can use the data for the new purpose, we may ask the Commissioner of the Minnesota Department of Administration for permission to use or release private or confidential information in a way we didn't tell you about in the notice. If the Commissioner of Administration decides that we need to use or release the data in the new way in order to carry out a function assigned to us by law, then the Commissioner of Administration will give us approval. We will use or release the data in the new way if the Commissioner of Administration approves.
- If we collected private or confidential data about you before August 1, 1975, we have the right to use, keep and release the data for the reasons we collected it. We also can ask the Commissioner of Administration for permission to use, keep, or release the data to protect public health, safety, or welfare.
- If a court orders us to release private or confidential data about you, we have to release the data according to the court order.
- As explained in the next paragraph, if you give us your permission to use or release private data about you in a way we didn't tell you about in the notice, then we will use or release the data in the new way.

If we need to use or release data about you in a new way, we need your permission.

If we need to use or release private data about you in a way that we didn't tell you about in the Tennessee warning, we will ask you for your informed consent. This has to be done in writing, so we will ask you to read and sign a consent form. A copy of the consent form we use is attached to this document.

The consent form tells you:

- What information we want to release, or what information we want someone else to give us. You may consent to release *all* of the information, *some* of the information, or *none* of the information that is listed on the form.
- The reasons we are asking for your consent and how the information will be used. You may consent to *all*, *some*, or *none* of the uses or purposes listed on the form.
- Who will release the information and who will receive it. You may consent to release information to *all*, *some*, or *none* of the entities or people listed on the form.
- What will happen if you let us release or use the information in a new way and what will happen if you don't.
- Whom to talk to if you have any questions.

You don't have to let us use or release the information in the new way. Before you decide, you should look at the information. The consent form tells you whom to talk to if you want to look at the information or have copies of it.

We have to explain everything on the consent form in a way that you understand. After you understand the consent form, we will ask you to sign it.

If you give us your consent, we can release or use the information for the length of time that is written on the consent form. You may stop your consent any time before that time is over. If you want to stop your consent, you must write to the person named on the form and clearly say that you want to stop all or part of your consent. Stopping your consent will not affect information that already has been released or used because you gave your consent.

We also will ask for your consent if someone asks us for private data about you and the law doesn't let us give the data to that person.

If *you* ask us to release private data about you to someone else, we will ask for your informed consent. If you give us your informed consent, we have to release the data in the way you ask.

We only ask for your informed consent to release *private* data about you. We don't need to ask for your consent to release public data about you because the law says we have to give public data to anyone who asks. The law does not give you the right to see confidential data about you or to consent for someone else to see the data.

You have the right to know if we keep data about you.

If you ask us, we will tell you if we keep information about you and we will tell you if the data are classified as public, private, or confidential. To find out what information we keep about you, submit a written request to the MDH Responsible Authority (Commissioner Dianne Mandernach) or her designee (Lynn Belgea). Before responding to your request, we will need to verify your identification. We will accept a driver's license or state identification card for in-person requests and a notarized signature on requests sent to us.

You have the right to see data we keep about you.

If you want to see public data about you, contact the MDH program that maintains the data or the MDH Responsible Authority (Commissioner Dianne Mandernach) or her designee (Lynn Belgea). (Details about how to see public data are in section 1 of this policy.)

To see private data about you, submit a written request to the MDH program that maintains the data or to the MDH Responsible Authority (Commissioner Dianne Mandernach) or her designee (Lynn Belgea). Before responding to your request, we will need to verify your identification. We will accept a driver's license or state identification card for in-person requests and a notarized signature on requests sent to us.

In your request, tell us as clearly as you can what types of data or information you want to see. You have the right to see specific documents, files, records, or types of data that we keep. You also have the right to ask for and see *all* of the public and private data about you that we keep.

Once we have your data request, we will show you the data right away if we can. If we can't show you the data right away, we will show you the data in no more than ten business days.

The law says we have to protect private data about you. For this reason, a member of our staff may be with you when you inspect the information.

After you have looked at the data you requested, we do not have to let you see the data again for six months, unless we collect or create more information about you before six months have passed. You do not have to wait for six months to see the data again if we have collected new data about you, or if you have challenged any of the data, or if you are appealing the results of that challenge. See the information below about how to challenge the accuracy and/or completeness of government data.

We can't charge you a fee for looking at data about yourself.

You do not have to pay any money just to look at data about yourself, even if we have to make a copy of the information so that you can look at it.

You have the right to have public and private data about you explained to you.

If you have questions about the data we keep about you, please ask the MDH program that maintains the data. If you ask, we will explain the data to you.

You have the right to have copies of data about yourself.

If you want a copy of public data about you, contact the MDH program that maintains the data or make your initial request to the MDH Responsible Authority (Commissioner Dianne Mandernach) or her designee (Lynn Belgea). (Details about how to get a copy of public data are in section 1 of this policy.)

To get a copy of private data about you, submit a written request to the MDH program that maintains the data or to the MDH Responsible Authority (Commissioner Dianne Mandernach) or her designee (Lynn Belgea). Before responding to your request, we will need to verify your identification. We will accept a driver's license or state identification card for in-person requests and a notarized signature on requests sent to us.

In your request, tell us as clearly as you can what data or information you want copied. You have the right to have copies of specific documents, files, records, or types of data that we keep. You also have the right to have copies of *all* of the public and private data about you that we keep.

Once we have your request for copies, we will give you the copies right away if we can. If we can't give you the copies right away, we will give them to you in no more than ten business days.

We have the right to charge you a reasonable fee for providing copies.

We may charge you a fee for making copies of the data you ask for. If you ask us to mail or fax the copies to you, the fee may include postage or long distance phone charges. If you request a certified copy of a document, we may charge you a fee to certify the document. Whether or not we charge you a fee will depend on our costs for providing the copies compared to our costs for collecting and recording a fee. If the fee is large, we may require that the fee be paid before we make copies.

In some cases, the fee for copies is set in statute or rule. In other cases, we have to calculate the fee based on the costs associated with providing copies. Attachment A to this document is an information sheet that lists the factors that we may use to calculate the fee for providing copies.

You have the right to know why you can't see or get copies of data we keep about you.

If we cannot show you the data about you, we will tell you that, and we will tell you what part of the law says we can't show it to you.

You have the right to challenge the accuracy and/or completeness of data about you.

If you believe that public or private data that we keep about you are inaccurate and/or incomplete, you may file a data challenge with us. You may challenge only *accuracy* and *completeness* of data.

- *Accurate* means the data are reasonably correct and do not contain any errors.
- *Complete* means that the data describe the history of your contacts with us in a complete way.

For example, data may be inaccurate or incomplete if a wrong word, name, or phrase is used; if the data give a false impression about you; if certain information is missing from the record; or if certain information should not be in the record.

You have the right to include a statement with inaccurate and/or incomplete data.

If you believe that public or private data we have about you are not accurate or complete, you have the right to include a statement of disagreement with the data. If we release the disputed data to anyone else, we have to include your "statement of disagreement" with the data.

You can appeal our decision about your data challenge.

If you don't agree with our decision about your challenge, you may appeal the decision to the Commissioner of the Minnesota Department of Administration.

More details about data challenges and appeals.

At the end of this document is an attachment that gives you details about how to challenge the accuracy and/or completeness of MDH data about you and how to appeal if you disagree with MDH's decision about your challenge.

Minors and Legal Guardians.

If you are a minor (which means that you are not yet eighteen years old), your parents or your guardian usually have the same rights as you do. This means that each of your parents or your guardian usually can look at and have copies of private and public information we keep about you. Usually, they each have the right to give their consent to release private data about you. They each can challenge the accuracy and completeness of the data about you.

If you have no parents, or if your parents are not a part of your life, then the person who is caring for you (such as a grandparent, legal guardian, etc.) may have these rights.

In some cases, your parents or guardian do not have these rights. For example, we won't let your parents or guardian exercise the rights the law gives you if there is a court order that takes these rights away from them. The court order might be about a divorce, separation, custody, or some other matter, or it might take away the parental rights of your parents. Sometimes a state or federal law says that we can't let your parents see information about you.

If you are a minor, you have the right to ask us not to let your parents or guardian have private data about you. If you don't want us to give your parents information about you, you must write to the MDH Responsible Authority (Commissioner Dianne Mandernach) or her designee (Lynn Belgea). Tell us why you don't want us to release the information to your parents, and then sign your name.

After you make your request, we have to decide if we will let your parents see the data. Before we make this decision, we have to consider:

- Whether there is a law that says we have to give the data to your parents or a law that says we cannot give the data to your parents.
- Whether you have a good reason for asking us not to release the data.
- Whether you would be harmed in any way if we give your parents the data.
- Whether you understand what will happen if we don't release the data.
- Whether it is in your best interest for us not to give the data to your parents.

If you have been appointed as the legal guardian for someone, you may exercise that individual's rights under the MGDPA. To do so, you must show proof of your appointment as legal guardian.

If you have any questions about your rights, please contact Lynn Belgea, the designee of the MDH Responsible Authority and the MDH Data Practices Compliance Official. Contact Ms. Belgea at the Freeman Building, 625 Robert Street North, PO Box 64975, St. Paul, Minnesota, 55164-0975, 651/201-5741, fax-651/201-4986, or lynn.belgea@health.state.mn.us. TDD users may call MDH at 651/201-5797.

Attachment A: Fees for Providing Copies of Public Data

Minnesota Statutes, section 13.03, provides that, if a person requests copies or electronic transmittal of public government data, the responsible authority for the government entity may require the requesting person to pay for copies. Per an amendment to section 13.03 adopted in 2005, if 100 or fewer pages of black and white, letter or legal size paper copies are requested, the responsible authority may charge no more than 25 cents for each page copied. For all other requests for copies (more than 100 pages, color copies, nonstandard size paper, copies of tapes or disks, etc.), the **actual costs of searching for and retrieving** government data, including the cost of **employee time**, and for **making, certifying, compiling, and electronically transmitting** copies of the data, or the data themselves, *but may not charge for separating public data from not public data*. Additional criteria for determining copy costs are set forth at Minnesota Rules, part 1205.0300, subpart 4. Note, however, that fees for some MDH data, such as birth and death certificates, are not covered by this information because fees for copies of the data are set in statute. Various opinions by the Commissioner of the Minnesota Department of Administration, issued under Minnesota Statutes, section 13.072, have established the following factors that may be used to determine how much an entity may charge for providing copies of public data.

THESE COSTS MAY BE INCLUDED, AS LONG AS THEY ARE REASONABLE:

- Staff time required to:
 - retrieve documents (the requirement that data be kept in a manner that makes them easily accessible for convenient use may limit the entity in charging for search and retrieval time)
 - do all that is necessary to copy documents
- Materials (paper, copier ink, staples, diskettes, mag tapes, video or audio cassettes, etc.)
- Special costs associated with making copies from computerized data, such as writing or modifying a computer program to format data (keeping in mind that computerized data must be easily accessible for convenient use)
- Mailing costs
- Vehicle costs directly involved in transporting data to the appropriate facility when necessary to provide copies (for example, when the government entity is unable to provide copying services for photographs, oversize documents, videos, etc.)

THESE COSTS MAY NOT BE INCLUDED:

- Purchase or maintenance of copier
- Normal operating expenses of computer
- Staff time required to:
 - Separate public from not public data
 - Open a data request that was mailed
 - Sort, label or review data, if not necessary to identify the data to be copied
 - Return documents to storage
 - Provide information about the data to the requester (i.e., explain content and meaning of data), including the cost of a sign-language interpreter, if needed
- Administrative costs that are not related to copying
- Records storage
- Sales tax
- The entire cost of operating a multi-tasked computer for a measured unit of time, when fulfilling a request for copies was only one of the tasks performed during that unit of time.

**Attachment B:
Minnesota Department of Health
Consent for Release of Information**

We are asking for your consent (permission) to release information about you to the entities or persons listed on this form. The information can't be released without your consent. This form tells you what information we want to release, or what information we want another entity to release to us. This form tells you the reasons we are asking for your consent. You have the right to look at all the information to be released and have copies of it. You should do this before you give your consent to release the information. If you want to look at the information or have copies of it, you must talk to (NAME AND HOW TO CONTACT).

You may consent to release *all* of the information, *some* of the information or *none* of the information. You may consent to release information to *all*, *some*, or *none* of the entities listed on this form.

If you give us your consent, we can release the information for (TIME PERIOD) or until (EVENT OR CONDITION). You may stop your consent any time before (THIS TIME PERIOD, EVENT, OR CONDITION). If you want to stop your consent, you must write to (NAME AND ADDRESS OF PERSON) and clearly say that you want to stop all or part of your consent. Stopping your consent will not affect information that already has been released because you gave your consent.

You do not have to consent to the release of any information that tells people that you or your child is disabled. If you are asking for help because of a disability, we may need information about the disability in order to help you.

If you have a question about anything on this form, please talk to (NAME) before you sign it.

[A.] I authorize the [entity] to release information about [name of data subject]. I understand that:

[B.] The information I agree to let you release is:

[C.] The information will be given to:

[D.] You are asking me to release this information so that:

[E.] If this information is released, what will happen is:

[F.] If this information is *not* released, what will happen is:

[G.] Signature of individual _____ Date signed _____

[H.] If individual is a minor, signature of parent or guardian _____
Date signed _____

[I.] Signature of person explaining this requested release of information _____
Date signed _____

Instructions to MDH for Using this Form

These instructions correspond to the lettered sections on the reverse side of this form. Use plain language when tailoring this form to accommodate your entity's specific needs.

- A. Enter the complete name and address of the entity that maintains the information. Include any relevant program names, staff names, titles and phone numbers.
- B. Identify, *as specifically as possible*, the reports, record names or types of information or records that will be released.
- C. Identify the entity or entities to which the information will be released. Include the name and address of the entity. Include relevant staff names and titles. *Be specific.*
- D. Describe *specifically and completely* the purpose(s) for seeking the client's informed consent and the new use(s) to which the information will be put.
- E. Describe *specifically and completely* the consequences to the data subject of releasing the information. This means all of the consequences known to the entity at the time the consent is signed.
- F. Describe *specifically and completely* the consequences to the data subject of *not* releasing the information. This means all of the consequences known to the entity at the time the consent is signed.
- G. Instruct the client to sign the consent and enter the date on which the consent is signed.
- H. As a general rule, a parent or guardian's signature should be obtained when the client is under the age of 18 or has a legally appointed guardian; however, specific requirements for obtaining consent to release data in these circumstances vary. **Instructions for completing this portion of the form within your particular entity should be developed in consultation with your legal advisor.**

Attachment C: Challenging the Accuracy and/or Completeness of Data That MDH Keeps About You

You have the right to challenge the accuracy and/or completeness of data about you.

The Minnesota Government Data Practices Act gives you the right to challenge the accuracy and/or completeness of public and private data being maintained about you by any government entity in Minnesota.

If you believe that public or private data that we keep about you are inaccurate and/or incomplete, you may file a data challenge with us. You may challenge only *accuracy* and *completeness* of data.

- *Accurate* means the data are reasonably correct and do not contain any errors.
- *Complete* means that the data describe the history of your contacts with us in a complete way.

For example, data may be inaccurate or incomplete if a wrong word, name, or phrase is used; if the data give a false impression about you; if certain information is missing from the record; or if certain information should not be in the record.

To make a data challenge, notify the MDH Responsible Authority (Commissioner Dianne Mandernach) or her designee (Lynn Belgea). In the notice, say that you are challenging the accuracy and completeness of data we maintain about you. To protect your rights, be sure to say clearly that you are challenging data under the provisions of Minnesota Statutes, section 13.04, subdivision 4. This challenge notice must be done in writing -- such as by letter, email, or fax. If you are sending a letter, you may wish to send it by certified mail with return receipt requested. Be sure to keep a copy of your letters and any other correspondence.

Be very clear in your challenge notice:

- Tell us very clearly what data you are challenging. Tell us if you are challenging a specific word, sentence, date, time, or name. There are many ways to do this. Because it is important to be very specific, a good way to identify the data is to make a copy of the document(s) containing the data, clearly mark the data you are challenging, and enclose the copy with your letter.
- Tell us very clearly why or how the data are inaccurate or incomplete. Be very specific and write down as many reasons as you can.
- Tell us very clearly what you think should be done to make the data accurate or complete. For example, you may ask us to *add* a word, phrase, page, etc., to make the data complete or accurate. You may ask us to *change* the data to make them accurate or complete. You also may ask us to *remove* data from a file or *delete* some of the data to make the rest of the data complete and/or accurate. Again, be very specific and explain very carefully what you want us to do to make each piece of data accurate and/or complete.

When we receive your letter, the law says we have 30 days to review it and the data you are challenging, to decide whether all, some or none of the data are inaccurate or incomplete, and respond to your challenge.

If we *agree* with all or part of your challenge, we will correct the inaccurate or incomplete data and try to notify anyone who has received the data in the past. This includes anyone you tell us has received the data.

If we *don't agree* with all or part of your challenge, we will tell you we believe that the data you are challenging are accurate and/or complete.

You have the right to include a statement with inaccurate and/or incomplete data.

If you believe that public or private data we have about you are not accurate or complete, you have the right to include a statement of disagreement with the data. If we release the disputed data to anyone else, we have to include your “statement of disagreement” with the data.

You can appeal our decision about your data challenge.

If you don't agree with our decision about your challenge, you may appeal the decision to the Commissioner of the Minnesota Department of Administration. When we respond to your challenge letter, we will tell you that you have the right to appeal our decision. You then have 60 days (about two months) to file your appeal. If we do not tell you about your right to appeal our decision, you have 180 days (about six months) to file your appeal.

Your appeal must be made to the Commissioner of Administration in writing (such as sending a letter, an email message, or fax). Include your name, address, and a phone number, and make sure you state your appeal relates to MDH data.

You need to say that you are appealing a decision we made about your data challenge (or your challenge to accuracy and/or completeness of data we keep about you). Tell the Commissioner of Administration what data you believe are inaccurate or incomplete. Also tell why you disagree with the MDH decision.

Then tell the Commissioner of Administration what you want to happen because of your appeal. For example, do you want MDH to add, change, or delete data in our files?

Include a copy of your challenge letter and any other letters about your challenge that you have sent or received. Send your appeal to:

Commissioner of Administration
State of Minnesota
50 Sherburne Avenue
Saint Paul, MN 55155

The Commissioner of Administration's staff will contact you about your appeal. The Commissioner of Administration's staff can be reached at:

Information Policy Analysis Division (IPAD)
Minnesota Department of Administration
201 Administration Building, 50 Sherburne Avenue
St. Paul, MN 55155

Voice: 651/296-6733 or 1-800/657-3721
Fax: 651/205-4219
www.ipad.state.mn.us

If the Commissioner of Administration determines that your appeal meets all of the requirements in the law, the appeal will be accepted. At that point, IPAD will try to resolve the dispute in an informal way, using conferences and/or conciliation. IPAD also may suggest that you and MDH take the matter to mediation.

If the dispute can't be resolved informally, the Commissioner of Administration will, in most instances, order a hearing by an administrative law judge in the state Office of Administrative Hearings. The administrative law judge then hears the case and makes a recommendation to the Commissioner of Administration. The Commissioner of Administration reviews the recommendation and issues an order about whether the data are accurate and/or complete. You and MDH each have the right to appeal the Commissioner of Administration's order to the Minnesota Court of Appeals.

You do not need to be represented by an attorney to appeal the results of a data challenge, but legal advice can be helpful because the administrative law process can be technical and complex.