

# Minnesota Office of Higher Education Requesting Information About You

May 2016

Minnesota Statutes, section 13.05, subdivision 8, requires this document.

## Data About You

The Data Practices Act (Minnesota Statutes, Chapter 13) gives every individual important rights when government collects, creates, and keeps government data about them. This document explains these rights and how to use them.

## Classification of Data About You

An individual is a living human being. The law classifies data about individuals 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 and why.
- **Private data:** We cannot give private data to the general public, but you have access when the data are about you.
- **Confidential data:** Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you.

## Your Rights Under the Data Practices Act

If the Office of Higher Education (OHE) has data about an individual, and the individual can be identified from the data, the individual is the data subject. OHE can collect and keep only those data about data subjects that we need to administer and manage programs that are permitted by law, consistent with statutory authority. As a data subject, you have the following rights.

**Your 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.

**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 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.

**Protecting Your Data:** The Data Practices Act requires us to protect private and confidential data about you as the data subject. 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 OHE keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, make your request for data to the OHE Data Practices Compliance Official. You may use the data request form on page 4, but you are not required to use the form.

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

- That you are making a request under the 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 been copied.
- Identifying information that proves you are the data subject, or data subject's parent/guardian if you are requesting private data.

### **Identification**

The Office of Higher Education requires proof of your identity before we can respond to your request for private data. One of the following will provide proof of identity: a state driver's license, military ID, passport, or Minnesota ID.

### **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, 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 are 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 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 them to you. We will provide electronic copies upon request if we keep the data in electronic format. Any charges must be paid prior to receiving the documents.

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.

The Data Practice 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. 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.

### **Copy Costs for Data Subjects**

The Office of Higher Education may charge data subjects for copies of government data under the Minnesota Government Data Practices Act, section 13.04, subdivision 3.

- You must pay for the copies before we will give them to you.
- We do not charge for copies if the cost is less than \$10.00.
- We do not charge to inspect data or to separate public from not public data.
- When data is about you we do not charge for search and retrieval time.

### **Charges**

#### **For 100 or fewer paper copies -- \$.25 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.

#### **For more than 1 hour of employee time to electronically transmit documents – Actual Cost.**

### **Actual Cost**

The charge for copies is the actual cost of employee time to electronically transmit the data and for any material and mailing costs. The cost of employee time is calculated using the hourly salary of the lowest paid employee able to complete the task, plus 20% fringe benefits.

**OHE Responsible Authority**  
**Larry Pogemiller, Commissioner**  
**1450 Energy Park Drive, Suite 350**  
**St. Paul, MN 55101-5227**  
**Phone: 651-259-3900**

**OHE Data Practices Compliance Official**  
**Winnie Sullivan, Deputy Commissioner**  
**1450 Energy Park Drive, Suite 350**  
**St. Paul, MN 55108-5227**  
**Phone: 651-259-3922**  
**Fax: 651-642-0675**  
**Email: [Winnie.Sullivan@state.mn.us](mailto:Winnie.Sullivan@state.mn.us)**

**Minnesota Office of Higher Education  
Data Request Form**

<b>Name:</b>	<b>Date:</b>	
<b>Address:</b>		
<b>City:</b>	<b>State:</b>	<b>Zip:</b>
<b>Phone Number:</b>	<b>Email:</b>	

Note: You do not have to provide any of the above information. However, we may not be able to clarify your request of providing copies without contact information. You are required to use this form. It is for convenience only.

Please describe the data you are requesting in the box below and if you would like us to provide:

\_\_\_\_\_ Inspection          \_\_\_\_\_ Copies          \_\_\_\_\_ Both Inspection and copies

MS § 13.03, subd. 3, authorizes OHE to charge fees to recover costs to provide copies of data. Prepayment is required prior to receiving copies of data.

Submit by mail, fax, or email to:          Minnesota Office of Higher Education  
Data Practices Compliance Official  
1450 Energy Park Drive, Suite 350  
St. Paul, MN 55108-4046  
Fax: 651-259-3922  
Email: [Diane.Oconnor@state.mn.us](mailto:Diane.Oconnor@state.mn.us)

For questions call: Data Practices Compliance Official at 651-259-3922