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KOOCHICHING COUNTY DATA PRACTICES MANUAL

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Section I: INTRODUCTION

This manual is intended to provide direction and procedures for how to access and/or obtain copies of government data maintained or collected by Koochiching County. It is also intended to provide direction and procedures for Koochiching County employees who respond to requests for data. This manual is to be used in conjunction with the Minnesota Government Data Practices Act (as amended) and the Rules promulgated by the Commissioner of Administration. *This manual is subject to revision and amendment at any time, without notice, as necessary to reflect current business practices in Koochiching County and all legal obligations.*

While these guidelines and procedures may be helpful to social service agencies, the Commissioner of the Minnesota Department of Human Services is the responsible authority for the government data collected, stored, used and disseminated by the statewide human service systems. This may be true for other county departments and their respective state and/or federal agencies as well.

Questions about this manual can be directed to:

Jenny Herman
Koochiching County Director
218-283-1152
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DISCLAIMER

State and/or Federal law prevail over any information in this document.

WHAT IS THE MINNESOTA GOVERNMENT DATA PRACTICES ACT?

Minnesota Statutes Chapter 13 is the Minnesota Government Data Practices Act or “Data Practices Act”.

The Data Practices Act is a state law that controls how **government** data is collected, created, stored, used and released. It applies to state agencies, political subdivisions, statewide systems, community action agencies, and persons or entities licensed or funded by or under contract to a government entity.

Data is

- Any piece of information
- Collected, created, maintained or disseminated
- Regardless of physical form or storage medium (paper, computer, audio or video tape, etc).

Government data **does not** include mental impressions of government employees such as knowledge, opinion, or conversations not reduced to writing.

The Data Practices Act sets out a system of data classifications that define who can access each classification of data. In general, it classifies all government data as public unless a specific state

statute (including a provision of the Data Practices Act) or federal law classifies the data as not public. If no law can be identified that classifies the data as not public, then the data are presumed to be public and available to anyone upon request.

Classifications of Data:

There are six basic classifications of data under the Data Practices Act:

1. **Data on Individuals: Public** – This is data about individuals which can be disclosed to anyone for any purpose, e.g. names and salaries of Koochiching County employees.
2. **Data on Individuals: Private** – This is data about individuals which can be disclosed only to the subject of the data or to government entities or employees whose work assignments reasonably require access to the data, e.g. names of Koochiching County employees receiving workers compensation benefits.
3. **Data on Individuals: Confidential** – This is data about individuals that cannot be disclosed even to them, e.g. information in an active investigation of theft of Koochiching County property.
4. **Data not on Individuals: Public** – This is data not about individuals which can be disclosed to anyone for any purpose, e.g. contract amounts with vendors to Koochiching County.
5. **Data not on Individuals: Private** – This is data not about individuals which can be disclosed only to the subject of the data or to government entities and employees whose work assignments reasonably require access to the data, e.g. certain financial information about businesses.
6. **Protected non-public Data**: This is data not about individuals, which is available only to government entities with a legal right to know it. A corporation being investigated for fraud, for example, would not have a right to the information being collected during the investigation. Certain security information is non-public.

The following chart illustrates the Data Practices Act data classifications:

Data on Individuals*	Meaning of Classification	Data not on Individuals
Public	Available to anyone for any reason	Public
Private	Available only to the data subject and to anyone authorized by the data subject or by law to see it	Nonpublic
Confidential	Not available to the public or the data subject	Protected Nonpublic

*Individual is defined at MS § 13.02, subdivision 8. Individual means a living human being. It does not mean any type of entity created by law, such as a corporation.

Examples of Employee Information which is Public:

- Name
- Salary
- Gross Pension
- Value and nature of fringe benefits
- Expense Reimbursements
- Job Titles
- Job description
- Education and training
- Previous work experience
- First and last date of employment
- Existence and status of complaints against the employee
- Terms of buy-out agreements
- Final disposition of disciplinary action
- Work location
- Work phone number
- Badge number
- Honors and awards received
- Payroll time sheets (specific to work time)

Examples of Other Public Information:

- Budgets
- Invoices and purchase orders

Examples of Employee Information which are Non-Public:

- Social Security number
- Birth date
- Home phone number
- Home address
- Health records
- Gender
- Ethnicity
- Citizenship
- Veteran and disability status

Examples of Non-Public Data (Confidential or Protected):

- Intellectual property such as research activities
- Passwords
- Sealed bids
- Active investigations

To ensure uniformity in all and to avoid future conflict, Koochiching County will classify all data in its possession according to the “Minnesota Government Data Practices Act.” All data collected prior to August 1975 will be classified the same as if it were data being currently collected.

Section II: RESPONSIBLE AUTHORITY AND DESIGNATED DATA PRACTICES OFFICIALS

The Responsible Authority, who has administrative authority to carry out the duties of the Data Practices Act in Koochiching County, is the Administration Director. The Data Practices Compliance Officer is the County Attorney.

Elected Officials are responsible for compliance in their individual departments:

County Sheriff	Law Enforcement Center 715 4 th Street Intl Falls, MN 56649	218-283-1147 telephone 218-283-7004 fax
County Auditor – Treasurer	Courthouse 715 4 th Street Intl Falls, MN 56649	218-283-1112 telephone 218-283-1104 fax
County Recorder	Courthouse 715 4 th Street Intl Falls, MN 56649	218-283-1190 telephone 218-283-1194 fax
County Attorney	Courthouse 715 4 th Street Intl Falls, MN 56649	218-283-1131 telephone 218-283-1133 fax

The Responsible Authority designated the following designees:

County Assessor	Len Peterson 715 4 th Street Intl Falls, MN 56649	218-283-1201 telephone 218-283-1125 fax
County Engineer	Dave Reimer 715 4 th Street Intl Falls, MN 56649	218-283-1186 telephone 218-283-1170 fax
Land Commissioner	Nathan Heibel 715 4 th Street Intl Falls, MN 56649	218-283-1126 telephone 218-283-1129 fax
Complex Superintendent	Dean Tveit 715 4 th Street Intl Falls, MN 56649	218-283-1199 telephone 218-283-1151 fax
Health/Human Services Director	Kathy LaFrance 1000 5 th Street Intl Falls, MN 56649	218-283-7000 telephone 218-283-7013 fax
County Surveyor	Bob Murray 305 American Ave. Bemidji MN 56601	218-283-1177 telephone 218-283-1183 fax
Environmental Service Director	Matt Gouin 715 4 th Street	218-283-1156 telephone 218-283-1159 fax

	Intl Falls, MN 56649	
Veteran Service Officer	Mark Lessard 407 3 rd Street Intl Falls, MN 56649	218-283-1179 telephone 218-283-1151 fax
Information Systems Director	Jaci Nagle 715 4 th Street Intl Falls, MN 56649	218-283-1171 telephone 218-283-1104 fax
Administration Director	Jenny Herman 715 4 th Street Intl Falls, MN 56649	218-283-1152 telephone 218-283-1151 fax

Designees shall establish a list or index to all data or types of data on individuals (public, private or confidential) collected, stored, used or disseminated by their departments. The annual document shall include identification of the statute(s), federal law(s), or local ordinance(s) which authorizes collection.

While these guidelines and procedures may be helpful to social service agencies, the Commissioner of the Minnesota Department of Human Services is the responsible authority for the government data collected, stored, used and disseminated by the statewide human service systems.

Section III: A. ACCESS TO PUBLIC DATA

Data and information collected and maintained by Koochiching County is considered public unless classified as private, confidential, nonpublic or protected nonpublic in accordance with the statutes and regulations cited in Section I of this manual or is classified by federal statute.

The Koochiching County Board of Commissioners has designated the Administration Director as the Responsible Authority charged with implementation of the Data Practices Act. Elected Officials and Department Heads are the responsible authorities for their respective departments.

It is the intent of this manual to ensure ready access to public information gathered by Koochiching County as well as to protect the privacy rights of individuals and other subjects of information as to the distribution and dissemination of data.

REQUESTING PUBLIC DATA

It is assumed that access to information at any county office will be accomplished through visual review. If copies are requested or the request involves extensive staff research above and beyond the data routinely shared or provided in the normal course of business, Koochiching County reserves the right to charge the requester for all actual costs, including:

1. Materials used to provide the copies
2. Labor required to research and retrieve data and to prepare the copies
3. Postage Cost.

Koochiching County will attempt to respond to all requests for information. Should an immediate response not be possible, the requester will be informed of the time required to fulfill the request. In any case, the time required will be within the limits allowed under the law. If the information cannot be released because of its classification, the requester will be informed promptly, citing the relevant sections of the law protecting the data.

Complaints or disputes with the processing of data should be directed to:

Jenny Herman, Administration Director, 715 4th Street, Intl. Falls, MN 56649

ACCESSING DATA: NO CHARGE

You have the right to access (see/inspect/look at) all public data that we keep at reasonable times and places and at no cost (with the exception of enhanced data; see below). Accessing data includes visual inspection of paper and similar types of government data.

You have a right to access public data that we already have stored in electronic format. In this case, we may provide you access to a computer terminal so that you can access and view the data within Koochiching County buildings. Accessing also may include a remote access basis to the data by you so that you can print copies of or download the data on your own computer equipment. However, if you request the data to be enhanced, we may charge a fee. See section immediately following for more information.

ACCESSING ENHANCED DATA: THERE MAY BE A CHARGE

We may charge a fee for access to electronic data when you request the data to be enhanced. An example of enhancement would be where the data we maintain is in one type of format or program and you ask us to put it in another type of format or program.

OBTAINING COPIES: THERE MAY BE A CHARGE

You have the right to get copies of public data that we keep, including all or parts of documents, files, records, or data bases.

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. If we can reasonably make a copy or have a copy made of public data we maintain in electronic format, we will do so. However, we are not required to provide the data in an electronic format that is different from the format the data is already in. We can charge you the actual cost of providing a copy of any public data we maintain in electronic format.

The Data Practices Act provides that we may charge you the actual, reasonable cost for providing these copies, including the cost of employee time, and for making, certifying, compiling and electronically transmitting copies of the data. If you ask us to mail the copies to you, the fee may include the cost of postage and mailing expenses. **See Section IV on Fees and the County Fee Schedule at the end of this document.**

DATA WITH COMMERCIAL VALUE: THERE MAY BE A CHARGE

If you request copies of public data that have commercial value, we may charge you a fee to recover our actual developmental costs for the data. This fee would be in addition to the fees described elsewhere. Example: Koochiching County Plat Maps.

SUMMARY DATA: THERE MAY BE A CHARGE

Summary data includes summaries of private or confidential data where no individual is identified. An example of summary data would be a statistical record such as the number of Koochiching County employees by race, age and gender.

Requests for summary data information should be brought to the attention of any supervisory level employee. Preparation of the data and the timeliness for its preparation for the person requesting the summary data should be dependent upon the type of data being requested.

YOU CAN BE INFORMED OF THE MEANING OF DATA

You have the right to be informed of the meaning of public data. This means you have the right to have public data explained to you in a way you understand. We may also explain to you any limitations in accuracy or quality in the data. For example, you might request summary data on the number of Koochiching County employees who are over the age of 40. When we give you the data, we would advise you that this number is only accurate as of a certain date or time period – since employees will have birthdays after that date or time period and the numbers will change.

If you have questions about the meaning of data, contact a Data Practices Designee or Koochiching County's Responsible Authority (identified in Section II of this manual). They will assist in explaining the meaning of technical terms, abbreviations, words, phrases, etc.

DENYING ACCESS TO DATA

If the data you want is classified as non-public, confidential and/or private data on others, so that you cannot access or see it, Koochiching County will tell you this in writing, and tell you which state or federal law classifies the data as non-public, confidential and/or private.

KOOCHICHING COUNTY
DATA PRACTICES REQUEST FORM

Requestor Complete this Section – Please Print Clearly

1. **Please Note:** If you are seeking **public** information, we cannot require you to give us your name or address. If you are the **subject** of the data and are seeking private data about yourself, we can require that you provide us with sufficient identifying information and documentation which clearly shows that you are the person entitled to the data. If not, the data cannot be released to you.

REQUESTOR NAME:

Last, First, Middle Initial

2. **DATE OF REQUEST:** _____

3. **ADDRESS OF WHERE YOU WANT THE INFORMATION SENT OR VIEWED:**

4. **PHONE NUMBER YOU WOULD LIKE US TO CALL YOU WHEN DATA IS READY:**

Area Code

5. **DESCRIPTION OF THE INFORMATION REQUESTED:**

6. **REQUESTER SIGNATURE (Only if needed to prove identity)**

Name

Date

Comments:

Note: You may be charged a fee for the actual costs of making copies, and/or compiling the information requested. Make check/money order payable to **Koochiching County Treasurer.**

**Data Practices Compliance Officer or Data Practices Designee
Complete This Section:**

7. NAME OF PERSON RESPONDING TO REQUEST:

8. THE INFORMATION REQUEST IS CLASSIFIED:

Public Non-Public*
Private* Protected Non-Public*
Confidential*

9. REQUEST:

Approved
Denied
Approved in part

(* Explain in #10)

10. REMARKS/COMMENTS: (If requested data is classified so as to deny access to the requester, attach copy of letter to requestor which cites statutory or legal authority. Also enter any other remarks or comments that are appropriate.

11. FEES ASSESSED (Please Break down fees specifically)

TOTAL AMOUNT DUE \$

AMOUNT PAID \$

Received By:

Comment:

12. SIGNATURE, TITLE & PHONE NUMBER OR KOCHICING COUNTY EMPLOYEE COMPLETING THIS SIDE OF FORM:

Signature

Title

Phone number

Date form completed

13. DATE INFORMATION PROVIDED OR MAILED:

Section III: B. RIGHTS OF SUBJECT OF DATA

WHO IS A SUBJECT OF GOVERNMENT DATA?

A subject of government data is an individual about whom a government entity stores or maintains data. Such data will be classified as either public, private or confidential on individuals. For example, Koochiching County has personnel records on its employees. With respect to these personnel records, the employee is the subject of government data and has certain rights to access and/or copy this data. Data on an individual may be public, private or confidential.

WHAT IS PUBLIC, PRIVATE OR CONFIDENTIAL DATA ON INDIVIDUALS?

Data on individuals is any data which identifies an individual (living human being) or from which an individual can be identified.

The chart below illustrates the differences between public, private and confidential data on individuals:

DATA ON INDIVIDUALS

	PUBLIC	PRIVATE	CONFIDENTIAL
DEFINITIONS	Public Data on Individuals is data about a particular individual that is available to anyone for any reason. It must be provided to anyone who asks for it, regardless of who is requesting the data or why.	Private Data on Individuals is data about a particular individual which is available to the individual subject of the data, but not available to the public, without the individual subject's consent.	Confidential Data on Individuals is data about a particular individual. It is not available to either the public or the individual subject of the data.
EXAMPLES	Names, job titles, duties and compensation of county employees	Home addresses Birthdates Home phone numbers	Active civil investigative data

SUMMARY OF RIGHTS OF SUBJECTS OF DATA:

If you are the subject of government data collected or maintained by Koochiching County, you have the right to:

- Be given a Data Practice Notice (or a Tennesen Warning) when either private or confidential data about you is being requested or collected by Koochiching County;

- Know whether Koochiching County maintains any data about you and how the data is classified;
- Inspect at no charge, all public and private data Koochiching County maintains about you;
- Have the content/meaning of public and private data Koochiching County has about you explained;
- Get copies of public/private data Koochiching County maintains about you for the actual, reasonable cost;
- Have private or confidential data Koochiching County maintains about you, collected, stored, used or disclosed only in ways that are authorized by law or in ways in which you have consented via a valid informed consent form;
- Authorize anyone else to see or have copies of private data about you. This is called giving your informed consent;
- Request data about yourself without being required to give the reason for the request; and
- The right to be informed of these rights and how to exercise them within Koochiching County.
- As a Minor, to have the right to ask that his/her private data not be released to his/her parent or guardian – Minnesota Rules 1205.0500; (M.S. 13.02 Sub. 8 provides that parents and guardians generally are entitled to the same Chapter 13 rights as their minor children except for the right provided Minors under Minnesota Rules 1205.0500.)

CONTROLS ON THE COLLECTION/STORAGE OF DATA ON INDIVIDUALS:

Koochiching County may collect and store public, private and/or confidential data on individuals only if necessary to administer/manage a program authorized by state law or local ordinance or mandated by the federal government. Koochiching County must identify its legal authority for collecting or storing data on individuals. Koochiching County must also identify its specific legal authority for using or disseminating private and confidential data on individuals. This authority may be explicitly established by law or it may be implied.

Data Practices Notice: Whenever Koochiching County collects private or confidential data about you we must first give you the Data Practices Notice (Tennessee Warning). The notice may be given verbally or in writing, and will advise you of:

- The purpose and intended use of the data;
- Whether you may refuse to provide the data;
- Whether you are legally required to provide the data;
- Any consequences to you for refusing to provide the data;
- The identity of other persons or entities who are authorized by law to receive or have access to the data you provide.

As a general rule, once we give you the Data Practice Notice and you choose to give the data, the law says we may use and release the data only in the ways that were stated in the notice.

WHAT DATA CAN I ACCESS OR HAVE AND HOW SOON WILL YOU RESPOND TO MY REQUEST?

You have the right to access or copy all public or private data Koochiching County has about you. However, you do not have the right to access or copy confidential data Koochiching County has about you, or private or confidential data about other individuals. If you request such data, we will inform you in writing that we cannot provide it to you. We will cite the specific law or provision of law that makes this data unavailable to you.

Koochiching County will respond to your request for public or private data about you within ten working days.

WHO DO I CONTACT TO ACCESS, COPY OR ASK QUESTIONS REGARDING DATA KOOCHICHING COUNTY MAY HAVE ABOUT ME?

You may contact the Responsible Authority listed in Section II of this manual. You may be asked to put your request in writing. For your convenience, a **Data Request Form** is also included at the end of Section III. You may copy this form and write your request on it.

Identification Issues: Before private or confidential data is released to you, Koochiching County may require you to provide identification so that we know you are the individual subject of the data and that we have authority to release it to you.

Further Request: If you have reviewed data about yourself already, Koochiching County is not required to show you the data again for six months unless:

- We create or collect more data on you
- You are challenging the accuracy or completeness of the data or are appealing the results of such a challenge.

FEES FOR COPIES OF DATA

Koochiching County may charge you the actual, reasonable cost of providing you with copies of private data about you. However, access only is free. For further information on fees, please see Section IV Fees.

CHALLENGING THE ACCURACY OF DATA:

You have the right to challenge the accuracy and/or completeness of public and private data Koochiching County has or maintains about you. If you believe we have public or private data about you which is inaccurate or incomplete, you can file a data challenge with Koochiching County. You may challenge only *accuracy* and *completeness* of data:

- *Accurate* means the data are reasonably correct and free from error.
- *Complete* means that the data describes all the subject's transactions with the entity in a reasonable way.

To challenge the accuracy and/or completeness of data, you must communicate in writing (letter, e-mail message, or fax) to a Data Practices Designee or the Responsible Authority identified in Section II of this manual. State that you are challenging the accuracy and/or completeness of data that Koochiching County maintains about you. **Note:** If you are a current or former **Koochiching County employee** and are challenging the accuracy of data that is in your

personnel file or records, you can communicate your challenge directly to your current or prior manager or director.

You should identify the specific data being challenged; describe *why* or *how* the data are inaccurate or incomplete; and state what you want Koochiching County to do to make the data accurate or complete. Upon receipt of your challenge, Koochiching County will review the data. Within 30 business days, we will determine if the data are inaccurate or incomplete. If **we agree** that the challenged data are inaccurate or incomplete, we will make the changes requested and try to notify anyone who has received the data in the past.

If **we do not agree** that the challenged data are inaccurate or incomplete, we will notify you of this. If we determine that challenged data are accurate and/or complete, and you disagree with us, you have the right to submit a written statement of disagreement to us. The form of your statement of disagreement is of your choosing, and must be included with the disputed data whenever the disputed data are accessed or released. You should send your statement to a Data Practices Designee or the Responsible Authority, identified in Section II of this manual. If you are a current or former **Koochiching County** employee and are challenging the accuracy of data in your personnel file or records, you can send your statement directly to your current or prior manager or director.

Once the above steps have been exhausted, you will have the right to appeal our determination to the Commissioner of the Minnesota Department of Administration. You must exercise the right to appeal within 60 calendar days of the date we gave you written notice of the right to appeal our determination. If we did not give you written notice of this right, you will have 180 days in which to file an appeal.

(For more information on filing an appeal, see Minnesota Rules, part 1205.1600, and/or the Minnesota Department of Administration’s “Model Policy, Public Access to Government Data and Rights of Subjects of Data”)

HOW CAN I ALLOW ANOTHER INDIVIDUAL ACCESS TO PRIVATE DATA ABOUT ME?

You can give permission to another individual to access private data about yourself by completing and signing an informed consent form which can be described within Section 13.05, Subd. 4(d), of the Data Practices Act. To be valid the consent form used must be:

1. In plain language;
2. Dated;
3. Specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
4. Specific as to the nature of the information the subject is authorizing to be disclosed;
5. Specific as to the persons/agencies to whom the subject is authorizing information to be disclosed;
6. Specific as to the purpose or purposes for which the information may be used by any of the parties named in clause (5);

7. Specific as to its expiration date which should be within a reasonable period of time, not to exceed one year. (Note: for authorizations given in connection with applications for life insurance or non-cancelable or guaranteed renewable health insurance and identified as such, the time should not exceed two years after the date of the policy.)

A consent form which meets the above criteria is included on the next page.

You may wish to consult your legal advisor before using this or any other consent form to release your private data.

Koochiching County
CONSENT FOR RELEASE OF INFORMATION

I, _____

(Name of individual authorizing release and if required, address, client number, social security number, etc. to identify this individual from other similar names in agencies' files)

AUTHORIZE:

_____ (name of Koochiching County employee or Koochiching County office maintaining data about me or dependent family members) **to disclose private data about me to:**

_____ (name of individual(s), or entities to receive the information)

I authorize Koochiching County to provide the following information about me (Identify, as specifically as possible, the reports, record names or types of information or records that will be released).

Purpose of Information: (List any uses for the information or restrictions on uses):

I understand that information about me is protected under the Minnesota Government Data Practices Act, M.S. Chapter 13, and cannot be disclosed without my written consent unless otherwise provided for by state or federal law. I also understand that I may revoke this consent at any time and that this consent expires as specified below, or if not specified, within one year of the data of my signature.

Specific date, event or condition upon which this consent expires:

In no event shall this consent be valid for more than one year from the data of my signature below:

Signature of individual authorizing release

Date

Section III: C. PROCEDURES TO LIMIT COLLECTION, USE AND ACCESS TO PRIVATE OR CONFIDENTIAL DATA

Limitations on collection and use of data: Private or confidential data on an individual shall not be collected, stored, used or disseminated by Koochiching County for any purposes other than those stated to the individual at the time of collection in accordance with section 13.04, with some exceptions:

1. Data collected prior to August 1, 1975;
2. When subsequent laws change the rules regarding the data;
3. When the Commissioner of the Minnesota Department of Administration specifically approves it;
4. When informed consent is given. **See Section III B. of this Manual**, for information regarding what constitutes informed consent.
5. As part of a meeting open to the public (to the extent provided in section 13D.05)

Contracts: Generally, if Koochiching County enters into a contract with a person or entity and data is involved, the contracting party shall administer the data consistent with the Data Practices Act. If Koochiching County enters into a contract with a private person or entity to perform any of its functions, Koochiching County will include terms in the contract that make it clear that all of the data created, collected, received, stored, used, maintained, or disseminated by the private person or entity in performing those functions is subject to the requirements of the Data Practices Act, and that the private person must comply with those requirements as if it were a government entity. The remedies in section 13.08 of the Data Practices Act apply to the private person or entity.

Preparation of Summary Data: The use of summary data derived from private or confidential data on individuals is permitted. Koochiching County will prepare summary data from private or confidential data on individuals upon the request as described in **Section IIIA of this Manual**.

Publication of access procedures: Government entities subject to the Data Practices Act must prepare a public document describing the rights of a data subject under section 13.04 and the specific procedures in effect in the government entity for access by the subject of the data. Koochiching County has published these rights in this document in **Section IIIB of this Manual**.

Intergovernmental access of data: Government entities subject to the Data Practices Act shall allow another responsible authority access to data classified as not public only when the access is authorized or required by statute or federal law. Data which is not public can be shared with government entities and employees whose work assignments reasonably require access. For example, Koochiching County may share private or confidential data with the Office of the Attorney General as necessary for legal advice and representation.

International dissemination: Koochiching County shall not transfer or disseminate any private or confidential data on individuals to the private international organizations known as Interpol,

except through the Interpol-United States National Central Bureau, United States Department of Justice.

Data protection: Under the Data Practices Act, the Koochiching Administration Director, (Responsible Authority) is required to:

1. Establish procedures to assure that all data on individuals is accurate, complete, and current for the purposes for which it was collected; and
2. Establish appropriate security safeguards for all records containing data on individuals.

In this regard, Koochiching County has the following policies, procedures and / or resources:

1. Appointment of Data Practices Compliance Official and Data Practices Designees (**See Section II of this Manual.**)
2. This Koochiching County Data Practices Compliance Manual
3. Training on Data Practices and Record Retention Procedures
4. Various Information Technology Policies relating to computer security, and data integrity.

SECURITY OF RECORDS CONTAINING DATA ON INDIVIDUALS:

Minnesota Statutes, Section 13.05, Subdivision 5, requires that all government entities establish appropriate security safeguards for all records containing data on individuals. Minnesota Rules 1205.0400 states that private data are accessible to individuals within a government entity whose work assignments reasonably require access. Minnesota Rules 1205.0600 states that confidential data are accessible to individuals within a government entity whose work assignments reasonably require access. Koochiching County has identified which staff, because of their work assignment, has access to private and confidential data in the performance of their work. This access is identified in the County's Record Retention Schedules and the County Job Descriptions. In the event of a temporary duty assigned to staff by a manager or supervisor, an employee may access certain not public data, for as long as the work is assigned to the employee. Any access to not public data will be strictly limited to the data necessary to complete work assignment.

Any sharing of not public data will be strictly limited to the data necessary or required to comply with a state or federal law.

Not public data shall be secured in locked workspaces and locked file cabinets and documents shredded before disposing of them through record retention.

Not public data within the County's Information Systems will be secured through Information System Policy with assignment of system security roles limiting access to appropriate shared network drives, implementing password protections for employee computers and locking computers before leaving workstations.

Minnesota Statutes, Section 13.055, requires state agencies to notify data subjects when a security breach has occurred, and an unauthorized person has gained access to data.

Section IV: FEES

Fees for Providing Copies of Public Data:

The Minnesota Data Practices Act allows a government entity to charge a fee to the requesting party, for copies of or electronic transmittal of public data, Minn. Stat. 13.03, Subd. 3. The fee may include the actual, reasonable cost of searching for and retrieving data, including the cost of employee time, and for making, certifying, compiling and electronically transmitting copies of data. Payment of fees will be required before the requested public data is provided.

The following 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 Koochiching County in charging for search and retrieval time)
- Sort and label documents, if necessary to identify the data to be copied
- Remove staples, paper clips
- Take documents to copier for copying
- 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.

The Data Practices Act does not allow the following costs:

- Administrative costs unrelated to copying
- Cost for simply inspecting, accessing or viewing data
- Overhead costs
- Purchase, maintenance or normal operating expenses of the copier, printer or computer
- Records storage
- Sales tax
- 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 requested (i.e., explain content and meaning of data)

- 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.

The County fee schedule is not inclusive of all county fees. Fees not included in this publication are for services not utilized broadly by the general public, such as fees charged by the county or state to persons involved in the criminal justice system, or fees for services or permits obtained infrequently or as outlined under the Data Practices Act. Please inquire for more information about a specific service, permit or fee. Koochiching County may waive the charge if the total cost of services and supplies is under \$5.00.

Section V: DATA/RECORD RETENTION SCHEDULE

The Official Records Act, Records Management Act, Minnesota Government Data Practices Act and other state and federal rules and laws govern Koochiching County in creating, storing and disposing of government data. Under the Records Management and Official Records Act, we are also responsible to retain and use a record retention schedule, which governs if and when we can dispose of our records.

Koochiching County accepted the County General Records Retention Schedule developed by the Minnesota Department of Administration. A copy of the schedule is available upon request.