

Your right to access information DLI keeps about you

Data about you

The Minnesota Government Data Practices Act (MGDPA)¹ says 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 and photographs.

Classification of data about you

The MGDPA presumes all government data is public unless a state or federal law says the data is not public. Data about you is classified 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 or why. The following is an example of public data about you: the Minnesota Department of Labor and Industry (DLI) issued you a license; your license application data, except your Social Security number and nondesignated addresses, would be public data.

Private data

We cannot give private data to the general public, but you have access when the data is about you. The following is an example of private data about you: your Social Security number. We can share your private data with you, with someone who has your permission, with DLI staff members who need the data to do their work and as permitted by law or court order.

Confidential data

Confidential data has the most protection. Neither the public nor you can obtain access, even when the confidential data is about you. The following is an example of confidential data about you: any active investigative data relating to the investigation of complaints against a license you hold would be confidential data. We can share confidential data about you with DLI staff members who need the data to do their work and with others as permitted by law or court order. We cannot give you access to confidential data.

¹The MGDPA is contained in Minnesota Statutes, Chapter 13.

Your rights under the Data Practices Act

DLI 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 the 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.

Your access to your data

You have the right to look at (inspect), free of charge, public and private data we keep about you. You also have the right to get copies of public and private data about you. The MGDPA 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 (younger than age 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 DLI not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have the right. We may ask you to put your request in writing and to include the reasons that we should deny your parent or guardian access to the data. We will make the final decision about your request based on your best interests.

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 Tennessee Warning. The notice controls what we do with the data we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask your written permission if we need to use or release private data about you in a different way or if you ask us to release the data to another person. This permission is called informed consent. If you want us to release data to another person, you must provide a legally valid informed consent document.

Protecting your data

The MGDPA requires us to protect your data. We have established appropriate safeguards to ensure your data is 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 is inaccurate or incomplete

You have the right to challenge the accuracy and 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 DLI keeps about you, your minor children or an individual for whom you have been appointed legal guardian, you may make a written request. Make your request for data to the appropriate individual listed in Attachment A, "Where to direct requests for data about yourself." You may make your written request by mail, fax or email, using the Data Request form attached as Attachment B.

If you choose not to use the Data Request form, your written request should include:

- a statement that you are making a request under the MGDPA 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 or guardian.

How we respond to a data request

After 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 in writing within a reasonable time and state which specific law says you cannot access the data.
- If we have the data and the data is public, or is 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 for you to inspect the data, for free, if your request is to look at the data; or
 - provide you with copies of the data, or if there is a charge for the copies, provide you with an invoice for the copies, within 10 business days. You may choose to pick up your copies or we will mail or fax them to you after we receive payment. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format, after receiving payment for the copies.

After we have provided you with access to the data about you, we are not required to provide you access to the data again for six 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), let us know. We will give you an explanation if you ask.

The MGDPA 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.

Copy costs for data subjects

DLI has the right to charge a reasonable fee for providing copies of government data to data subjects.

All DLI units will estimate the cost before making the copies. If the total estimated cost is less than \$50, DLI will not charge for the copies. If the total estimated cost is \$50 or more, DLI will contact you before making the copies to inform you of the estimated cost and confirm you still want the copies. Payment will be required before the copies are provided to you.

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Attachment A

Minnesota Department of Labor and Industry: Where to direct requests for data about yourself

All requests for workers' compensation data should be directed to:

April DelCastillo
Supervisor, of Compliance, Records and Training
Workers' Compensation Division
Email: april.delcastillo@state.mn.us
Phone: 651-284-5200
Mail: 443 Lafayette Road N., St. Paul, MN 55155

All other requests for data should be directed to the following data practices compliance official:

Ethan Landy
Deputy chief general counsel
Email: ethan.landy@state.mn.us
Phone: 651-284-5019
Fax: 651-284-5725
Mail: 443 Lafayette Road N., St. Paul, MN 55155

Attachment B

Minnesota Department of Labor and Industry: Data request form – data subjects

Date of request:

To request private data as a data subject, you must certify or provide proof of your identity.

I am requesting access to data in the following way. Note: Inspection is free, but the Minnesota Department of Labor and Industry will charge for copies.

Inspection Copies Both inspection and copies

The following is the data I am requesting. Note: Describe the data your are requesting as specifically as possible. If you need more space, use the back of this form.

This is my contact information

Data subject's name: _____

Parent/guardian name (if applicable): _____

Address, city, state, ZIP code: _____

Phone (with area code): _____ Email address: _____

Signature of data subject or parent/guardian: _____

The Minnesota Department of Labor and Industry will respond to your request within 10 business days.

Staff verification (this space used by staff members only)

Certification or proof of identity provided: _____