



**POLK COUNTY
GUIDELINES AND PROCEDURES
FOR
MINNESOTA
GOVERNMENT DATA PRACTICES ACT**

Adopted by the Polk County Board of Commissioners
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MINNESOTA GOVERNMENT DATA PRACTICES ACT

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MINNESOTA GOVERNMENT DATA PRACTICES ACT

Introduction

These guidelines and procedures provide assistance to Polk County staff in complying with those portions of the MGDPA that relate to *access to government data* and to the *rights of subjects of data*.

The public access requirements are:

- The presumption that all government data are public unless classified as not public by state or federal statute;
- The right of any person to know what types of data are collected by Polk County about that person and how that data is classified;
- The right of any person to inspect, at no charge, all public government data at reasonable times and places subject to reasonable charges that may be imposed as authorized by Minn. Stat. § 13.03, subd. 3(c), for searching for and retrieving that data;
- The right of any person to have public data explained in an understandable way;
- The right of any person to get copies of public government data at a reasonable cost;
- The right of any person to an appropriate and prompt response from Polk County when exercising these rights; and
- The right of any person to be informed of the authority by which Polk County can deny access to government data.
- The right to be reasonably notified, consistent with this policy, if not public data concerning the person is subject to a breach of the security of the data.

A BRIEF OVERVIEW OF THE MINNESOTA GOVERNMENT DATA PRACTICES ACT

The Minnesota Government Data Practices Act regulates the management of all government data that are created, collected, received, or released by a government entity, no matter what form the data are in, or how they are stored or used.

Briefly, the Act regulates:

- what data can be collected;
- who may see or get copies of the data;
- the classification of specific types of government data;
- the duties of government personnel in administering the Act;
- procedures for access to the data;
- procedures for classifying data as not public;
- civil and criminal penalties for violation of the Act; and
- the charging of fees for copies of data.

Government data is either *data on individuals* or *data not on individuals*. Data on individuals are classified as either public, private, or confidential. Data not on individuals are classified as public, nonpublic, or protected nonpublic. This classification system determines how data is handled (see chart below).

Data on Individuals	Meaning of Classification	Data <i>Not</i> on Individuals
Public	Available to anyone for any reason	Public
Private	Available only to the data subject and to anyone authorized in writing by the data subject or by court order or by law to see it	Nonpublic
Confidential	Not available to the public or the data subject	Protected Nonpublic

COLLECTION OF GOVERNMENT DATA

What is the Minnesota Government Data Practices Act?

The Minnesota Government Data Practices Act (MGDPA), which is Chapter 13 of Minnesota Statutes, is a state law that controls how government data is collected, created, stored, maintained, used, and disseminated.

What are government data?

Government data are all data maintained in any form by state and local government entities. As long as data are recorded in some form in a government entity, it is government data no matter what physical form it is in, or how it is stored or used. Government data may be stored on paper forms/records/files, in electronic form, on audio or video tape, on charts, maps, etc. Government data may include oral statements but usually does not include mental impressions of a government official not existing in some other format.

Persons or entities licensed or funded by, or under contract to, a government entity are subject to the MGDPA to the extent specified in the licensing, contract, or funding agreement.

- A. Official records must be kept. Minn. Stat. § 15.17, subd. 1, requires all officers and agencies of the county to make and keep all records necessary for a full and accurate knowledge of their official activities. Requirements for collecting, creating, maintaining, storing, and disseminating data are found in Minn. Stat. Ch. and Minn. R.t 1205, the Minnesota Government Data Practices Act and Rules. Links for locating the governing statute and rules can be found in Appendices B and C.
- B. The collection and storage of public, private, and confidential data on individuals are limited to that necessary for the administration and management of programs specifically authorized or mandated by the state, local governing body, or the federal government.

C. DEFINITIONS

1. **Annual Report** - The public document required by Minn. Stat. § 13.05, subd. 1, containing the name of the responsible authority and the individual designee, title and address, and a description of each category of record, file, or process relating to private or confidential data on individuals maintained by the government entity.
2. **Authorized Representative** - The individual, entity, or person authorized to act on behalf of another individual, entity or person. The authorized representative may include, but is not limited to: (a) in the case of a minor, a parent, or guardian, (see Section IX.B); (b) an attorney acting on behalf of an individual when the individual has given written informed consent; (c) any other individual entity, or person given written authorization by the data

subject; or (d) an insurer or its representative, provided that the data subject has given informed consent for the release of the information, (e) court appointed guardian/conservator, and (f) personal representative of the estate of a decedent or a decedent's heirs.

3. **Court Order** - The order of a judge made or entered in writing, or on the record in a legal proceeding.
4. **Data** - All data collected, created, received, maintained, or disseminated by a government entity regardless of its physical form, storage media, or conditions of use, including, but not limited to, paper records and files, microfilm, computer media, or other processes.
5. **Data Subject** - The individual or person who is the subject of the data.
6. **Designee** - Any person designated by a responsible authority (a) to be in charge of individual files or systems containing government data and (b) to receive and comply with requests for government data.
7. **Government Entity** - A state agency, statewide system, or political subdivision.
8. **Individual** - A natural person. In the case of a minor or an individual adjudged mentally incompetent, "individual" includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians or individuals acting as parents or guardians in the absence of parents or guardians upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.
9. **Informed Consent** - The written consent given by a data subject to allow disclosure of private data about that person.
10. **Person** - Any individual, partnership, corporation, association, business trust, or legal representative of an organization.
11. **Political Subdivision** - Any county, city, school district, special district, any town exercising powers under Minn. Stat. Chapter 368 and located in a metropolitan area, and any board, commission, district or authority created pursuant to law, local ordinance, or charter provision. It includes any nonprofit corporation which is a community action agency organized to qualify for public funds, or any nonprofit social service agency which performs services under contract to a government entity to the extent that the nonprofit social service agency or nonprofit corporation collects, stores, disseminates, and uses data on individuals because of a contractual

relationship with a government entity.

12. **Representative of the Decedent** - The personal representative of the estate of the decedent during the period of administration, or if no personal representative has been appointed, or after discharge, the surviving spouse, any child of the decedent, or, if there are no surviving spouse or children, the parents of the decedent.
13. **Requestor** - The entity or person requesting access and/or copies of the data.
14. **Responsible Authority - Counties** - Each elected official of the county is the responsible authority of the respective office. An individual who is an employee of the county shall be appointed by the County Board to be the responsible authority for any data administered outside offices of elected officials.
15. **Rules** - "The Rules Governing the Enforcement of the Minnesota Government Data Practices Act." Minn. R., Chap. 1205. See Appendix C.
16. **State Agency** - The state, the University of Minnesota, and any office, officer, department, division, bureau, board, commission, authority, district, or agency of the state.
17. **Statewide System** - Any recordkeeping system in which government data is collected, stored, disseminated, and used by means of a system common to one or more state agencies or more than one of its political subdivisions or any combination of state agencies and political subdivisions.
18. **Temporary Classification** - An application, pursuant to Minn. Stat. § 13.06, which has been approved by the Commissioner of Administration to classify government data not classified by state statute or federal law as either private or confidential for data on individuals, or nonpublic or protected nonpublic for data not on individuals.
19. **Tennessee Warning** - Those rights, as contained in Section IX.A, communicated to an individual asked to supply private or confidential data concerning himself or herself.

II. CLASSIFICATION OF GOVERNMENT DATA

For the purposes of these guidelines, government data is divided into four types:

- (a) data on individuals, which is classified as either public, private, or confidential;
- (b) data not on individuals, which is classified as either public, nonpublic, or

protected nonpublic; (c) statistical or summary data derived from data on individuals in which individuals are not identified; and (d) data on decedents. These classifications, the criteria for classification, and the description of who has access are as follows:

A. DATA ON INDIVIDUALS

1. Public Data on Individuals

a. Definition: All data on individuals is public, unless classified as private or confidential.

b. Data on Individuals is Public if:

- 1) A statute or federal law requires or allows the collection of the data and does not classify the data as private or confidential.
- 2) An application for Temporary Classification for private or confidential data on individuals is disapproved by the Commissioner of Administration.
- 3) Private or confidential data may become public to comply with either judicial order or administrative rules pertaining to the conduct of legal action or if a statute changes or causes the classification to change. (For example: private or confidential data which is presented in court and made public by the court.)

c. Access: All public data on individuals is accessible by any person regardless of their interest in that data.

2. Private Data on Individuals

a. Definition: Private data on individuals is data which is not accessible to the public, but is accessible to subject of the data.

b. Tennessean Warning: Except for law enforcement investigations, a Tennessean Warning must be given when private or confidential data is collected from the subject of the data (Section IX.A describes the Tennessean Warning.)

A Tennessean Warning need not be given when private data is collected from someone other than the subject of the data.

c. Data on Individuals is Private if:

- 1) A state statute or federal law expressly classifies the data as not

accessible to the public, but accessible to the subject of the data.

- 2) A Temporary Classification of private has been approved by the Commissioner of Administration and has not expired.
- 3) If data is classified as both private and confidential by state or federal law, the data is private data.

d. Access: Private data on individuals is accessible to:

- 1) The data subject or the representative as authorized in writing by the subject (if the subject is a minor, usually by the subject's parent or guardian).
- 2) Individuals, entities, or persons who have been given express written permission by the data subject. (Section IX.C describes Informed Consent.)
- 3) Personnel within the entity who have a work-related reason to access as determined by the responsible authority or designee.
- 4) Entities or persons who used, stored, and disseminated government data collected prior to August 1, 1975, with the condition that use, storage, and dissemination was not accessible to the public, but accessible to the data subject. Use, storage, and dissemination of this data is generally limited to the purposes for which it was originally collected
- 5) Entities or persons for which a state, local, or federal law authorizes new use or new dissemination of the data.
- 6) Entities or persons subsequent to the collection of the data and subsequent to the communication of the Tennessee Warning, when specifically approved by the Commissioner of Administration, as necessary, to carry out a function assigned by law.
- 7) Pursuant to a court order.
- 8) Entities or persons as otherwise provided by federal or state statutes.

3. Confidential Data on Individuals

- a. Definition:** Data on individuals is confidential if it is made by statute or federal law not accessible by the public and not accessible by the data subject.

b. Tennessean Warning: Except for law enforcement investigations, a Tennessean Warning must be given when confidential data is collected from the subject of the data.

A Tennessean Warning need not be given when confidential data is collected from someone other than the subject of the data.

c. Data on Individuals is Confidential if:

- 1) A state or federal statute expressly provides that: (a) the data shall not be available to either the public or to the data subject, or (b) the data shall not be available to anyone except those agencies which need the data for agency purposes.
- 2) A Temporary Classification of confidential has been approved by the Commissioner of Administration and has not expired.

d. Access: Confidential data on individuals is accessible to:

- 1) Entities or persons who are authorized by state, local, or federal law to gain access.
- 2) Personnel within the entity who have a work-related reason to access the data as determined by the responsible authority or the designee.
- 3) Entities or persons who used, stored, and disseminated government data collected prior to August 1, 1975, with the condition that the data was not accessible to the individual subject of the data.
- 4) Entities or persons for which a state or federal law authorizes a new use or new dissemination of the data.
- 5) Entities or persons subsequent to the collection of the data and communication of the Tennessean Warning when specifically approved by the Commissioner of Administration, as necessary, to carry out a function assigned by law.
- 6) Pursuant to a court order.
- 7) Entities or persons as otherwise provided for by federal or state statute.

B. PUBLIC, NONPUBLIC, OR PROTECTED NONPUBLIC DATA NOT ON INDIVIDUALS

1. Public Data Not on Individuals

a. **Definition:** Public data not on individuals means data not on individuals which is accessible to the public.

b. **Data Not on Individuals is Public if:**

1) A statute or federal law does not expressly classify the data as not public.

2) An application for Temporary Classification for data as nonpublic or protected nonpublic is not approved by the Commissioner of Administration.

3) A statute requires the data to be made available to the public.

c. **Access:** Public data not on individuals is accessible to any person regardless of their interest in the data.

2. Nonpublic Data Not on Individuals

a. **Definition:** Nonpublic data not on individuals means data which is not public, but is accessible to data subject, if any. As used here, the data subject means a person, as defined in Section I.D., paragraph 10.

b. **Data Not on Individuals is Nonpublic if:**

1) A state statute or federal law classifies the data as not public, but accessible to the data subject, if any.

2) A Temporary Classification of data as nonpublic has been approved by the Commissioner of Administration.

c. **Access:** Nonpublic data not on individuals is accessible to:

1) The data subject, if any.

2) Personnel within the entity who have a work-related reason to access that data as determined by the responsible authority or designee.

3) Entities or persons authorized by statute or federal statute to gain access.

4) Pursuant to court order.

5) Entities or persons as otherwise provided by federal or state statute.

3. Protected Nonpublic Data Not on Individuals

a. Definition: Protected nonpublic data not on individuals means data which is not public and not accessible to the data subject, if any. As used here, the data subject means a person as defined in Section I.D., paragraph 10.

b. Data Not on Individuals is Protected Nonpublic if:

- 1) A state statute or federal law classifies the data as not accessible to the public and not accessible to the data subject, if any.
- 2) A Temporary Classification of government data as protected nonpublic has been approved by the Commissioner of Administration.

c. Access: Protected nonpublic data not on individuals is accessible to:

- 1) Personnel within the entity who have a work-related reason to access the data as determined by the responsible authority or the designee.
- 2) Entities or persons authorized by statute or federal law to gain access.
- 3) Pursuant to a court order.
- 4) Entities or persons as otherwise provided by federal or state statutes

C. SUMMARY DATA

1. Definition: Summary data means statistical records and reports derived from data on individuals, but in which the individuals are not identified and neither their identities nor other characteristics that could uniquely identify the individual is ascertainable.

2. Data is Summary Data if:

- a. All data elements that could link the data to a specific individual have been removed; AND,
- b. Any list of numbers or other data which could uniquely identify an individual is separated from the summary data and is not available to persons who gain access to or possess summary data.

3. Access: Unless classified by a Temporary Classification, summary data is public and may be requested by and made available to any entity or person,

including a governmental entity.

D. DATA ON DECEDENTS

1. Private Data on Decedents

a. Definition. Upon death, private and confidential data on an individual shall become, respectively, private data on decedents and confidential data on decedents.

b. Access:

1) Access is available to the personal representative of the estate during the administration or if no personal representative, the surviving spouse, any child of the decedent, or if no spouse or children, to the parent of the decedent.

2) A trustee appointed by court order in a wrongful death action also has access to private data on decedents concerning the data subject.

2. Confidential Data on Decedents.

a. Definition. Confidential data on decedents means data which, prior to the death of the data subject, was classified by as confidential data on individuals.

b. Access. Access to and use of the data is the same as access to confidential data on individuals.

c. The representative of the decedent may exercise all rights which are conferred by the Act on individuals who are the subjects of confidential data in the case of confidential data on decedents.

3. Release of private data on a decedent or confidential data on a decedent may also be obtained from a court following the procedure outlined in the statute. Any person may bring an action in the district court located in the county where the data is being maintained or, in the case of data maintained by state agency, in any county, to authorize release of private data on decedents or confidential data on decedents. The court must examine the data and consider whether the harm to the surviving spouse, children, or next-of-kin of the decedent, the harm to any other individual identified in the data, or the harm to the public outweighs the benefit to the person bringing the action or the benefit of the public.

4. Private data on decedents and confidential data on decedents shall become public when ten years have elapsed from the actual or presumed death of

the individual and 30 years have elapsed from the creation of the data. For purposes of this determination, an individual is presumed to be dead if either 90 years elapsed since the creation of the data or 90 years have elapsed since the individual's birth, whichever is earlier, except that an individual is not presumed to be dead if readily available data indicates that the individual is still living.

III. REQUEST FOR GOVERNMENT DATA

Refer to Section VI and Information Disclosure Request form when copies of data are requested. No fee shall be charged for only viewing data. Pursuant to Minn. Stat. § 13.03, subd. 3(c), actual costs may be required to be paid for compiling some data, but not for separating public from non-public data.

A. REQUEST FOR DATA - GENERAL - Upon request to the responsible authority or designee (refer to Appendix D for responsible authorities or designees), an authorized person shall be permitted to inspect government data at reasonable times and places. If the party requests, they shall be informed of the meaning of the data. If the data requested is public data, no form can be required, but the requestor can be asked to voluntarily complete a request and contact form. Upon request and at the discretion of the staff member, public data may be disclosed over the telephone.

Regardless of where the data originates, if it is in the possession of Polk County, it is government data and subject to the MGDPA, including access provisions.

The Information Disclosure Request form shall be completed for all requests by the public for government data which is classified as other than public.

B. REQUESTS FOR DATA ON INDIVIDUALS BY THE DATA SUBJECT

1. Upon request and when access or copies are authorized, the designee shall provide copies of the private or public data on an individual to the data subject or authorized representative. See Minn. R. 1205.0500 if data subject is a minor. If a copy is provided, that appropriate fees shall be charged unless waived consistent with county policy.

2. The designee shall respond to the request as soon as reasonably possible and not later than ten (10) working days of the date of request.

3. After an individual has been shown the data and informed of its meaning, the data need not be disclosed to that individual for six (6) months, unless a dispute or action is pending concerning accuracy of data or additional data has been obtained about that individual.

C. REQUESTS FOR SUMMARY DATA

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1. Unless otherwise classified by a Temporary Classification, summary data derived from private or confidential data on individuals is public and the responsible authority or designee shall provide the summary data upon the written request of any person.
 2. Within a reasonably prompt time of the receipt of such request, the responsible authority or designee shall inform the requestor of the costs of preparing the summary data, if any.
 3. The responsible authority or the designee shall:
 - a. Provide the summary data requested **OR**
 - b. Provide a written statement to the requestor describing a likely time schedule for preparing the requested data, including reasons for any delays and a statement of costs, which should be pre-paid unless waived by the county; **OR**
 - c. Provide access to the requestor to the private or confidential data so that the requestor can compile the summary data. Such access will be provided only when the requestor signs a non-disclosure agreement; **OR**
 - d. Provide a written statement to the requestor stating reasons why the requestor's access would compromise the private or confidential data or is classified as other than public.
 4. A non-disclosure agreement is used to protect the privacy and confidentiality of the data when the requestor of the summary data prepares the summary by accessing private or confidential data on individuals. Because of the obligation to protect the security of the data from improper access or use, such agreements rarely will be used. In the rare case of such use, a non-disclosure agreement shall contain at least the following:
 - a. A general description of the private or confidential data which is being used to prepare summary data.
 - b. The purpose for which the summary data is being prepared.
 - c. A statement that the requestor understands that the requestor may be subject to the civil or criminal penalty provisions of the MGDPA for violation of the protected statute of the data.
 - d. The dated signature of the requestor and the responsible authority, designee, or representative.

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- e. Willingness by the requestor to sign the agreement is not a guarantee of access to the data. Access may be denied if the county determines such assurances are insufficient to protect the not public nature of the data.

D. REQUESTS FOR GOVERNMENT DATA BY OTHER GOVERNMENT AGENCIES.

1. A responsible authority shall allow another government entity access to data classified as private, confidential, nonpublic, or protected nonpublic only when the access is authorized or required by state or federal statute.
2. An agency that supplies government data under this section may require the requesting agency to pay the actual cost of supplying the data when the requested data is not provided in the normal course of business and not required by state or federal statute. In most circumstances, Polk County will not charge a fee to another government entity. Consideration should be given to transmission of the data by electronic means to save Polk County copying costs.
3. In many cases, data shall have the same classification in the hands of the agency receiving it as it had in the agency providing it, unless the classification is required to change to meet judicial, administrative, or statutory requirements such as change in classification by statutory definition. When reasonably practical, the agency providing the requested information shall indicate the classification of the data when the data is classified as other than public.
4. When reasonably practical and necessary, if it is not clear the requesting agency is authorized to access the data, it shall be directed to obtain informed consent from the data subject(s) for data classified as private or confidential. If the agency is unable to obtain such written consent, the Polk County Responsible Authority should be consulted for a determination of access prior to release of the data.

E. HOW DATA PRACTICES APPLIES TO CONTRACTUAL LICENSING AND FUNDING RELATIONSHIP WITH GOVERNMENT ENTITIES.

1. Pursuant to Minn. Stat. § 13.05, subd. 6, if a person receives not public data on individuals from a government entity because that person has a contract with that entity, the person must administer the data in a manner consistent with the MGDPA.
2. Pursuant to Minn. Stat. § 13.05, subd. 11, if a private person collects, receives, stores, uses, maintains or disseminates data because the person has a contract with a government entity to perform any of the entity's

functions, the data is subject to the requirements of the MGDPA and the contractor must comply with the MGDPA requirements. The contract should clearly inform the contractor of these responsibilities.

3. Pursuant to Minn. Stat. § 13.02, subd. 11, if the data is collected by a nonprofit social services entity which performs services under contract to a government entity and the data is collected and used because of that contract, access to the data is regulated by the MGDPA.
4. If a third party is licensed by a government entity and the licensure is conditioned upon compliance with the MGDPA, or if the party has another type of contract with a government entity, the party is subject to the MGDPA to the extent specified in the contract or the licensing agreement.

IV. INFORMATION DISCLOSURE REQUEST FORM.

A. INFORMATION DISCLOSURE REQUEST. The Information Disclosure Request provides a record of the requestor identification information and the government data requested, as well as the action taken by the responsible authority or the designee and any financial transaction which occurs.

B. WHEN COMPLETED. The Information Disclosure Report should be completed for all requests by the public for government data classified as private, confidential, nonpublic, and protected nonpublic and for all requests by other government agencies for which the not public data is not routinely shared or provided in the normal course of business.

V. FEES FOR COPIES OF GOVERNMENT DATA.

Pursuant to the MGDPA and Polk County Board resolution, and unless otherwise provided for by federal law, state statute or rule, fees for copies of government data shall be based upon the costs of providing such service as set forth in Section V.E. Fees shall be reasonable and reflect only the actual costs.

NOTE: FEES SHALL NOT BE CHARGED TO THOSE INDIVIDUALS WHO ONLY WISH TO VIEW DATA.

NOTE: FEES MAY NOT BE CHARGED FOR SEPARATING PUBLIC FROM NONPUBLIC DATA.

A. COPIES PROVIDED AT NO CHARGE. When access is authorized, copies may be provided at no charge:

1. When another government agency or responsible authority requires or requests the record/document copies as part of the administration and management of an authorized program and the copies are usually provided

as part of the normal course of business.

2. When records, documents, brochures, pamphlets, books, reports, or other similar publications are produced for free distribution to the public. A charge may be assessed if an individual request exceeds normal distribution.
3. When required by statute or court order.

B. COPIES PROVIDED WITH CHARGE. When access is authorized, copies shall be provided at the applicable Flat Rate or Special Rate in the following circumstances:

1. Other government agencies or responsible authorities who require or request record documents or publication copies which are not usually provided or reproduced at a cost as part of the normal course of business.
2. Records, documents, brochures, pamphlets, books, reports, or other similar publications that are not normally provided or reproduced for distribution to the public.
3. Public data on individuals and public data not on individuals, particularly when the requestor is not the subject of the data.

C. COPYING FEES. Copying fees shall be charged at the Flat Rate or the Special Rate for those records, documents, and publications covered in Section B above.

1. The Flat Rate shall be charged for all requested records, documents, and publications which are not otherwise identified in the Fee Schedule under Appendix A. The current Flat Rate to be charged is contained in Section E. The Flat Rate will be reviewed annually and updated, as necessary.
2. A Special Rate will be charged for copies of requested records, documents, and publications which are listed in Appendix A by the department in which they are available.
3. When copies are mailed, postage costs shall be added to the rates listed in Section E, unless alternative arrangements have been made.

D. COLLECTION OF COPYING FEES. Fees shall be collected before releasing copies unless prior arrangements have been made. Payment may be required before copies are made.

E. FEE SCHEDULE.

FAX

25 cents per page

COPY FLAT RATE
SPECIAL RATES

25 cents per page
See Appendix A

F. DISPOSITION OF FEES. Copying fees collected shall be deposited in the appropriate account in the Taxpayer Service Center.

VI. ASSIGNMENT OF DESIGNEE.

The responsible authority may assign, in writing, one or more designees. The designee is the person in charge of individual files or systems containing government data and who receives and complies with the requests for government data. Additionally, the designee shall implement the provisions of the Act, the rules, and these guidelines and procedures as directed by the responsible authority. All duties outlined as duties of the responsible authority may be delegated to the designee.

VII. DUTIES OF THE RESPONSIBLE AUTHORITY OR DESIGNEE.

A. DATA PRACTICES ANNUAL REPORT.

1. The responsible authority shall prepare a public document on data categories. The public document will contain the responsible authority's name, title, address, and description of each category of record, file, or process relating to private or confidential data maintained by the county.
2. The public document shall be updated annually.
3. The responsible authority shall supply the document to the Minnesota Commissioner of Administration, if requested by the Commissioner.
4. The county may also maintain the report on its website.

B. PROCEDURES FOR DISSEMINATION OF DATA.

1. The responsible authority shall ensure that each department establishes procedures to manage the dissemination of data. Collection, storage, use, and dissemination of private and confidential data shall be limited to what is necessary for the administration and management of programs authorized or mandated by law.
2. Public data cannot be collected, stored, used, or disseminated for any purpose other than the purpose stated to the individual when the data was originally collected unless:
 - a. The data was collected prior to 1975, in which case the data can be used for the original purpose for which it was collected or for an

additional purpose approved by the Commissioner of Administration.

- b. There is specific authorization for the use in state, local, or federal law.
- c. The additional use has been approved by the Commissioner of Administration, as necessary, to carry out a function designated by law.
- d. The individual data subject has given an informed consent for the additional use of the data (see Informed Consent, Section IX.C).

C. DATA PROTECTION.

The responsible authority shall establish procedures to assure that all data on individuals is accurate, complete, and current for the purpose for which it was collected and establish appropriate security safeguards for all data.

VIII. ACCESS TO GOVERNMENT DATA

A. WHO CAN MAKE A DATA REQUEST?

Anyone may seek access to data by making a data request.

B. TO WHOM MUST A DATA REQUEST BE MADE?

1. A data request must be made to the responsible authority or to the appropriate designee(s).
2. The responsible authority may cause to be prepared summary data upon the request of any person if the request is in writing and the requestor pays in advance for the cost to prepare the summary data.
3. The responsible authority may delegate the preparation of summary data to anyone outside of the entity, including the requestor, if
 - a. That person's purpose is set forth in writing and the person agrees not to release any of the private or confidential data used to prepare the summary data; and
 - b. If the responsible authority determines that the access will not compromise private or confidential data on individuals; and
 - c. All the elements of Section III.C of this policy are complied with.
4. The entity may require the requestor to prepay the cost of preparing summary data.

IX. RIGHTS OF DATA SUBJECT

A. TENNESSEN WARNING - Rights of Subjects of Data

1. Except for law enforcement investigations, every department that collects private and confidential data from an individual concerning that individual shall, prior to collecting the data, inform the individual of their rights as a subject of data. The notice must be given whenever:
 - a. A government *entity requests* data; and
 - b. The data is requested from an *individual*; and
 - c. The data requested are *private or confidential*; **and**,
 - d. The data is *about the individual* from whom it is requested.

All four of these conditions must be present before a Tennessean warning notice must be given. These rights are referred to as the Tennessean Warning or Data Practices Rights Advisory.

A Tennessean Warning may be given but is not required when private and confidential data is collected from an individual who is not the subject of the data.

2. The Tennessean Warning consists of the following information that must be communicated to the individual from whom private or confidential data concerning the individual is collected.
 - a. The purpose and intended use of the data. This is why the data are requested and how it will be used.
 - b. Whether the individual may refuse or is legally required to supply the data. The subject has the right to know whether or not she/he is required to provide the data.
 - c. Any consequences to the individual of either supplying or refusing to supply the data. The entity is required to state the consequences known to the entity at the time when the notice is given; **and**
 - d. The identity of other persons or entities that are authorized by law to receive the data. The notice must specifically identify recipients that are known to the entity at the time the notice is given.

NOTE: In accordance with the Federal Privacy Act of 1974, any federal, state, or local agency which requests an individual to disclose their

social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

3. Tennessean Warnings may be either oral or written.
 - a. Oral communication is not the preferred method of communicating the Tennessean Warning. However, it may be necessary under some circumstances. If an oral communication is necessary, the specific language communicated must be in written form and contained in the departmental data practices procedures and the situation documented.
 - b. A written communication requiring the signature of the data subject (i.e., a signature attesting that the individual from whom private or confidential data is collected has read and understands their rights pertaining to the requested data). The Tennessean Warning may be included on the form that collects the private or confidential data.
4. A sample format for a Notice of Rights Tennessean Warning is on page 31

B. NOTIFICATION TO MINORS

A minor has the right to request that the entity withhold private data about her/him from the parent or guardian. The entity may require that the request be in writing. A written request must include the reasons for withholding the data and must be signed by the minor.

Upon receipt of the request, the responsible authority must determine whether honoring the request is in the best interests of the minor. The responsible authority must consider, at a minimum:

1. Whether the minor is old and mature enough to explain the reasons for the request and to understand the consequences of making the request;
2. Whether denying access to the data may protect the minor from physical or emotional harm;
3. Whether there is a reason to believe that the minor's reasons for denying access to the parent(s) are reasonably accurate; and
4. Whether the nature of the data is such that disclosing the data to the parents could lead to physical or emotional harm to the minor. Minn. R. 1205.0500 contains the procedures for the release of data about minors.

C. INFORMED CONSENT

-
1. Private data on individuals may be used by and disseminated to any entity or person by the responsible authority, or the designee, if the individual subject or subjects of the data have given informed consent.

NOTE: Informed consent cannot authorize release of confidential data on individuals, since the data subject has no right to the data and, therefore, cannot authorize another a right to access.

2. Private data shall be disseminated to any person or entity if the subject or subjects have given their valid informed consent.
3. All informed consents shall be in writing.
4. Informed consent shall not be deemed to have been given by an individual subject of the data by the signing of any statement authorizing any person or agency to disclose information about the individual to an insurer or its authorized representative, unless the statement is:
 - a. In plain language;
 - b. Dated;
 - c. Specific in designating the particular government entity the data subject is authorizing to disclose data about the data subject;
 - d. Specific as to the nature of the data the subject is authorizing to be disclosed;
 - e. Specific as to the entity or person(s) to whom the subject is authorizing information to be disclosed;
 - f. Specific as to the purpose or purposes for which the information may be used by any of the entities or persons named in clause (e), both at the time of the disclosure and at any time in the future; and
 - g. Specific as to its expiration date which should be within a reasonable period of time. In the case of authorizations given in connection with applications for life insurance or noncancellable or guaranteed renewable health insurance and identified as such, the consent shall not exceed two years after the date of the policy.
5. Informed consent for health insurance purposes must comply with Minn. Stat. § 13.05, unless otherwise pre-empted by the HIPPA Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R. 164.

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6. Informed consent for other purposes may be valid for longer than one year if the consent otherwise meets the above requirements.
 7. The informed consent for the disclosure of alcohol and drug abuse patient records may be made only if the consent is in writing and expressly states the fact that the request is for alcohol or drug abuse patient records. It should contain the following:
 - a. The name of the program which is to make the disclosure;
 - b. The name or title of the person or organization to which disclosure is to be made;
 - c. The name of the patient;
 - d. The purpose or nature of information to be disclosed;
 - e. The extent or nature of information to be disclosed;
 - f. A statement that the consent is subject to revocation at any time, except to the extent that action has been taken in reliance thereon, and a specification of the data, event, or condition upon which it will expire without express revocation;
 - g. The date on which the consent is signed; and
 - h. The signature of the patient and, when required, of a person authorized to give consent.
 8. A sample format is on page 33 of this policy.

D. PROCEDURES FOR COMPLYING WITH DATA REQUESTS FROM AN INDIVIDUAL

The responsible authority shall ensure that each department establishes procedures to comply with requests for government data in an appropriate and prompt manner.

1. Upon request to the responsible authority, an individual shall be informed whether they are the subject of stored data on individuals, and whether it is classified as public, private, or confidential.
 - a. The responsible authority shall provide access to the private or public data upon request by the individual subject of the data.

nature of the disagreement. The responsible authority shall, within 30 days, either:

- 1) Correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or
 - 2) Notify the individual that the authority believes the data to be correct. Data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.
4. The determination of the responsible authority may be appealed pursuant to the provisions of the Administrative Procedure Act, Minn. Stat. §§ 14.57 to 14.62 and Minn. R. 1205.1600, relating to contested cases. Upon receipt of an appeal by an individual, the Commissioner of Administration shall, before issuing the order and notice of a contested case hearing required by Chapter 14, try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties consent, the Commissioner may refer the matter to mediation. Following these efforts, the Commissioner shall dismiss the appeal if resolved or issue the order and notice of hearing.
- a. Data on individuals successfully challenged by an individual must be completed, corrected, or destroyed without regard to the requirements of Section § 138.17.
 - b. After completing, correcting, or destroying successfully challenged data, the county will retain a copy of the Commissioner of Administration's order issued under Chapter 14 or, if no order were issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

X. ROLE OF THE COMMISSIONER OF ADMINISTRATION.

- A. Pursuant to Minn. Stat. § 13.06, subd. 4, the Commissioner of Administration is given the authority to approve new uses and disseminations of private and confidential data on individuals.
- B. Minn. Stat. § 13.06 gives to the Commissioner certain powers with regard to approving temporary classifications of data.
- C. Minn. Stat. § 13.072 gives the Commissioner authority to issue advisory opinions concerning the rights-of-data-subjects and the classification of government data. Commissioner's opinions may be found on the World Wide Web at www.ipad.state.mn.us

XI. CONSEQUENCES FOR NOT COMPLYING WITH THE MGDPA.

A. Pursuant to Minn. Stat. § 13.08, a government entity may be sued for violating any of the Act's provisions.

B. Minn. Stat. § 13.09 provides criminal penalties and disciplinary action as extreme as dismissal from public employment, for anyone who willfully (knowingly) violates a provision of the MGDPA.

XII. WHERE MORE INFORMATION CAN BE FOUND.

A. Responsible Authority Chuck Whiting, Polk County Administrator at 218-281-5408 or chuck.whiting@polkcountymn.gov.

B. Greg Widseth, Polk County Attorney at 218-281-4344 or greg.widseth@polkcountymn.gov.

C. Minnesota Statutes Chapter 13 (the MGDPA) may be found on the website of the Revisor of Statutes at: www.leg.state.mn.us/leg/statutes.asp.

Minnesota Rules, Chapter 1205, The Rules Governing Data Practices, promulgated by the Minnesota Department of Administration, also may be found at the website of the Revisor of Statutes at: www.revisor.leg.state.mn.us/arule/1205.

POLK COUNTY

Non-Disclosure Agreement

1. General description of the private or confidential data which is being used to prepare summary data:

2. Purpose for which summary data is being prepared:

3. I, _____, representing _____
have requested the data described above and for the purposes stated and fully understand that I may be subject to the civil or criminal liability, including but not limited to the provision of the Minnesota Data Practices Act in the event that the private or confidential data is disclosed or used in any manner not authorized by law. See Minn. Stat. §§ 13.08 and 13.09.

Minn. Stat. § 13.09. Any person who willfully violates the provisions of Minnesota Statutes Chapter 13, or any rules adopted or regulation promulgated thereunder is guilty of a misdemeanor. Any willful violation of Minnesota Statutes Chapter 13 by any public employee constitutes just cause for suspension without pay or dismissal of the public employee.

Requestor of Data Date

Contact Information

Responsible Authority/Designee Date

**THE NOTICE OF RIGHTS TENNESSEN WARNING
INSTRUCTION GUIDE**

Minnesota Statutes Section 13.04, subdivision 2

The notice must be given when:	<ol style="list-style-type: none">1. An individual2. Is asked to supply3. Private or confidential data4. Concerning self <p>All four conditions must be present to trigger the notice requirement.</p>
Statements must be included from the individual that inform the individual:	<ul style="list-style-type: none">• Why the data is being collected and how the entity intends to use the data;• Whether the individual may refuse or is legally required to supply the data;• Any consequences to the individual of either supplying or refusing to supply the data; and• The identity of other persons or entities authorized by law to receive the data.
Consequences of giving the notice are:	Private or confidential data on individuals may be collected, stored, used, and released as described in the notice without liability to the entity.
Consequences on <i>not</i> giving the notice are:	Private or confidential data on individuals cannot be collected, stored, used, or released for any purposes other than those stated in the notice unless: <ul style="list-style-type: none">• The individual subject of the data gives informed consent;• The Commissioner of Administration gives approval; or• A state or federal law subsequently authorizes or requires the new use or release.• A court order is issued to authorize release.

**“NOTICE OF RIGHTS”
SAMPLE FORMAT FOR TENNESSEN WARNING**

The Minnesota Government Data Practices Act requires Polk County to inform you of your rights as they pertain to the private and confidential data collected from you and about you. Some of the data we collect from you may be private data. Access to this data is available only to you, the agency collecting the data, or other statutorily authorized agencies, unless you or a court authorize its release. Some data may be classified as confidential data and is not accessible to you or the public.

The Minnesota Government Data Practices Act requires that you be advised of the following information when you are asked to provide private or confidential data.

The purpose and intended use of the requested information is:

Authorized persons or agencies with whom this information may be shared include:

Furnishing the above information is voluntary, but refusal to supply the requested information will mean:

Name

Date

MINN. STAT. § 13.04, subd. 2

INFORMED CONSENT INSTRUCTION GUIDE

- A. Enter the complete name and address of the entity that maintains the data. Include any relevant program names, staff names, titles and telephone numbers.
- B. Identify, as specifically as reasonably possible, the reports, record names, or types of information or records that will be released.
- C. Identify the entity or agencies to which the data will be released. Include the name and address of the entity. Include relevant staff names and titles. Be specific as reasonably possible.
- D. Describe specifically and completely the purpose(s) for seeking the person's informed consent.
- E. Describe the known consequences, if any, of releasing the data.

Describe specifically and completely the known consequences of *not* releasing the information.
- G. Instruct the person 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 subject 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 the County Attorney's office.**

INFORMED CONSENT FOR THE RELEASE OF INFORMATION

I, _____

(Name of individual authorizing release)

authorize _____

(Name of individual, entity, or person holding record)

to disclose

to _____

(Name of individual, entity, or person to receive the information)

the following information:

for the purpose of:

I understand this data may be protected under state and/or federal privacy laws and may not be disclosed without my written consent unless otherwise provided for by state or federal law. I understand that once this data is released that it may be subject to further disclosure without my written consent. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it, and that in any event, this consent expires automatically in one year or as described below, whichever is earlier.

Specification of the date or condition upon which this consent expires:

Executed
this _____ day of _____, 20_____.

(Signature of individual authorizing release)

(Printed name)

(Signature of parent, guardian, or authorized representative, when required)

(Printed name)

DATA PRACTICES NOTICE

I have been subpoenaed to testify before this court. I have been advised by the Office of the Polk County Attorney to provide the following information to the Court.

“The data I have been requested to provide includes data which is classified as private data as defined by Minn. Statute Chapter 13, the Minnesota Government Data Practices Act. Pursuant to Minnesota Statute 13.03 and Minnesota Rule 1205.0100, subd., 5, the Court’s attention is called to this classification. The Data Practices Act requires that I may disclose this data only if the data subject has given written consent, a statute allows disclosure, or a court orders disclosure. If this court orders me to provide this private data, I will do so.”

APPENDIX A

MINNESOTA GOVERNMENT DATA PRACTICES ACT

Fee Schedule – Special Rates

August 2023

**DATA PRACTICES
APPENDIX A**

**FEE SCHEDULE
FOR FAXING AND PHOTOCOPYING
(COUNTY AND NON-COUNTY MATERIALS)**

(Includes tax, if appropriate)

Fax:	\$.25 per page
International Fax Fee:	\$7.00 first page \$4.00 per page for additional pages
Photocopies:	\$.25 per page 8 ½" x 11" and 8 ½" x 14" \$.50 per page 11" x 17" \$.50 per page 8 ½" x 11" and 8 ½" x 14" color copy \$1.00 per page 11" x 17" color copy

For copies in excess of 100 pages of letter or legal sized black and white documents, actual charges may be required if they exceed the per page charge – Minnesota Statute 13.03, Subd. 3(c).

APPENDIX B

MINNESOTA GOVERNMENT DATA PRACTICES ACT

CHAPTER 13

www.leg.state.mn.us/leg/statutes.asp

(Click on “Retrieve an Entire Chapter”. In Chapter Box type “13”.
Then, check on “Get Chapter”)

August 2023

APPENDIX C

MINNESOTA
GOVERNMENT DATA PRACTICES ACT

CHAPTER 1205

State of Minnesota
Department of Administration
Data Privacy Division

**To read a copy of this section, please go to the
following website:**

www.revisor.leg.state.mn.us/arule/1205

August 2023

APPENDIX D

**MINNESOTA
GOVERNMENT DATA PRACTICES ACT**

Responsible Authorities and Designees

August 2023

APPENDIX D
Polk County - Responsible Authorities and Designees

Department	Responsible Authority	Designee
Administrator	Charles S. Whiting	Val Bjerk
Attorney	Greg Widseth	Scott Buhler
Social Services	Charles S. Whiting	Karen Warmack
Director of Property Records	Charles S. Whiting	Sam Melbye
Director of Assessment Services	Charles S. Whiting	Mark Landsverk
Environmental Services	Charles S. Whiting	Jon Steiner
Veterans Services	Charles S. Whiting	Kurt Ellefson
Human Resources	Charles S. Whiting	Alecia Helms
Information Systems	Charles S. Whiting	Levi Webster
Taxpayer Service Center	Charles S. Whiting	Sam Melbye
Finance	Charles S. Whiting	Ron Denison
Public Health	Charles S. Whiting	Sarah Reese
Highway	Charles S. Whiting	Richard Sanders
Sheriff	Charles S. Whiting	James Tadman
Building & Grounds	Charles S. Whiting	Richard Langlois

Polk County Data Practices Compliance Officer:
 Greg Widseth
 Polk County Attorney



APPENDIX E

DATA SECURITY BREACH PROTOCOL

August 2023

APPENDIX E DATA SECURITY BREACH PROTOCOL

Part 1. Purpose.

This protocol is intended to assist Polk County in implementing the requirements of Minn. Stat. § 13.055 that is intended to provide timely and appropriate notice to individuals who are affected by a breach of the security of their private or confidential data. All employees must immediately report known or potential breaches of security to the responsible authority and their supervisor. The County Attorney's Office in consultation with the affected department or office or Information Technology personnel as appropriate shall determine whether notice of the potential breach is required and if so how the notice will be provided. This protocol shall be integrated with any Department of Information Technology policy or policies currently or hereinafter adopted by the county in the event a potential data breach or data breach involves electronic related data, resources or components.

Part 2. Definitions. Minn. Stat. § 13.055, subd. 1 (in part):

Subpart A. Potential Data Security Breach. A situation or incident that provides a reasonable basis to believe not public data may have been compromised or accessed for a purpose not authorized by law or by a person or entity not authorized by law to have access to such data.

Subpart B. Breach of the security of the data. Breach of the security of the data means the unauthorized acquisition of data maintained by the county in any medium that compromises the security and classification of the data, but not including the good faith acquisition by an employee, contractor or agent of the county if not provided to an unauthorized person.

Subpart C. Contact Information. Contact information means either the name and mailing address or the name and e-mail address for each individual who is the subject of data maintained by the county.

Subpart D. Unauthorized acquisition. Unauthorized acquisition means a person has obtained government data without the informed consent of the individuals who are the subjects of the data or lacks statutory or other legal authority and with the intent to use the data for non-governmental purposes.

Subpart E. Unauthorized person. Unauthorized person means any person who accesses government data without permission or without a work assignment that reasonably requires the person to have access to the data.

Part 3. Guidelines.

Subpart A. Reporting a Potential Breach. Any employee who knows of or reasonably believes breach of the security of private or confidential data may have occurred must immediately report to his or her supervisor and the county's responsible authority (R.A.).

The report should include the date and time of the report, when the breach occurred (if known); the type of data involved; the approximate number of affected individuals, if known, and other pertinent data. The attached form should be used for that purpose whenever reasonably possible.

Employees who in good faith report a potential or actual breach under these guidelines will not be subject to retaliation for making such a report.

Subpart B. Breach Affected Division Response Process. After a potential breach of security has been reported the responsible authority will work with the affected department or office to take necessary steps to contain and control the integrity of the data handling systems impacted by the potential or reported breach and conduct a preliminary internal assessment of the scope of the potential breach. Applicable Information Technology (IT) staff and security procedures or other guidelines may be consulted as set forth in this policy.

If the potential breach is on a county computing system that contains or has network access to private or confidential data, the R.A. shall consult with IT personnel and consider control measures that may include but are not necessarily limited to removing the computing system from the network.

- (a) **Determining Breach.** The responsible authority shall consult with the affected staff supervisor to determine whether a breach of security of data has occurred.
- (b) **Incidents.** Examples of the types of incidents that may result in a notice-triggering breach include, but are not limited to:
 - i. Evidence of unauthorized access into a computer system containing private/confidential data;
 - ii. Missing documents or papers or stolen or missing laptop, desktop, storage device or other types of information technology resource containing files with private/confidential data;
 - iii. Documents containing private/confidential data sent in any form to a wrong recipient;
 - iv. IT Systems containing private/confidential data that has been compromised; or
 - v. Employee misuse of authorized access to or disclose of private or confidential data.

-
- (c) **Acquisitions.** Minn. Stat. § 13.055, subd. 2, requires government entities to notify individuals if their private or confidential data has been or is reasonably believed to have been acquired by an unauthorized person. In making that determination the following factors among others may be considered:
- i. Indications the data is in the physical possession and control of an unauthorized person such as a lost or stolen computer or other device or documents containing unprotected private or confidential data.
 - ii. Indications the data has been downloaded or otherwise acquired.
 - iii. Indications the data was used by an unauthorized person such as a fraudulent account opened or an instance of identity theft reported;
 - iv. The encryption protection of the data, if any;
 - v. Duration of exposure;
 - vi. The extent to which the compromise of electronic data indicates a directed attack such as a pattern showing the device itself was specifically targeted; or
 - vii. Indications the attack was intended to seek and collect private or confidential data.

1. **Timing of Notification.** If a breach has been determined in most instances the affected department or office has primary responsibility to notify affected individuals and may be assisted by the R.A. Notice is to occur without unreasonable delay. Notice maybe delayed due to a) the legitimate needs of a law enforcement agency; or b) any measures necessary to determine the scope of the breach and restore the reasonable security of the data.

Immediate notification may be appropriate in the event of a breach that could have immediate deleterious impact on individuals whose data may have been acquired by an unauthorized person.

2. **Contacting Law Enforcement.** The responsible authority or designee(s) shall contact law enforcement agencies if the breach of security is believed to involve illegal activities. Data may be shared with law enforcement consistent with applicable data practice laws. If law enforcement is contacted it should be informed of the County's practice to provide notice to affected individuals. If law enforcement advises such notice would impede an active criminal investigation notice may be delayed. Delayed notice should be sent out as soon as law enforcement advises it would no longer impede the criminal investigation.
3. **Whom to Notify.** The responsible authority in consultation with other appropriate county personnel, including but not limited to the affected department or office, shall determine the scope of the notice. Notice of a breach must be provided to any individual whose private or confidential data has been or is reasonably believed to have been acquired by an unauthorized person. If specific individuals cannot be identified notice should be sent to groups of individuals likely to have been affected such as all whose data is stored in the

database of files involved in the breach. Measures should be taken to prevent notice lists from being over-inclusive. If questions arise regarding the scope of the notice required the County Attorneys' Office may be contacted for guidance.

Subpart C. Notice.

1. **Content.** The responsible authority or designee shall consult with the affected department or office on the wording of a notice. IT personnel may also be consulted where appropriate. Notices shall generally be sent separate from other documents. The notice should use clear and plain language.

The following should generally be included in the notice:

- (a) A general description of what happened and when to the extent known.
- (b) The nature of the individual's private or confidential data that was involved, but not listing the specific private/confidential data.
- (c) Information about what the county has done to protect the individual's private/confidential data from further disclosure.
- (d) Institution assistance such as website information or telephone number for further information about the incident.
- (e) Information such as Web sites about what individuals can do to protect themselves against identity theft including contact information for nationwide credit reporting agencies.

2. **Method of Notification.** The responsible authority in consultation with the affected division shall determine the appropriate method of notice as follows.

- (a) **Written notice** by first class mail to each affected individual; or
- (b) **Electronic notice** to each affected individual if communication normally occurs in that medium and the procedure is otherwise consistent with the provisions regarding electronic records and signatures contained in 15 U.S.C. 7001.
- (c) **Substitute notice** may be provided if the cost of providing the written notice required to each affected individual would exceed \$250,000 or the affected class of individuals to be notified exceeds 500,000 or the county does not have sufficient contact information to notify affected individuals. Substitute notice consists of all the following:
 - (i) **E-mail notice** if the county has an e-mail address for the affected individuals;
 - (ii) **Conspicuous posting** of the notice on the county website for a minimum of 45 days and
 - (iii) **Notification to major media** outlets that reach the general public.

Subpart D. Coordination with Credit Reporting Agencies. Credit reporting agencies assist individuals in responding to a notice of a security breach. Such agencies should be notified in advance of sending notice of security breach incidents that may significantly increase calls to agencies for assistance.

If notice is required to be given to 1,000 or more individuals at one time the county shall notify without unreasonable delay all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis as defined in 15 U.S.C. 1681a, of the timing, distribution and content of the notice to be sent. Such contacts shall include but not be limited to the following:

- Equifax:
U.S. Consumer Servicest
Equifax Information Services, LLC.
Phone: 1-800-525-6285t

- Experian:
Experian Security Assistance
P.O. Box 72
Allen, TX 75013
1-888-397-3742

- TransUnion:
Phone: 1-800-680-7289

Subpart E. Documentation. The responsible authority or designee must complete a Breach of Security Incident Response Summary for each reported breach regardless of whether notice is given. The form should be completed beginning at the time of the initial report or as soon thereafter as reasonably practical.

Where appropriate all documentation related to the breach and investigation shall be labeled and maintained as not public pursuant to the applicable data privacy classification including but not limited to, "security information" as defined by Minn. Stat. §t 13.37, subd. 1(a). The form shall be retained by the responsible authority in accordance with the applicable records retention policy.

Potential Not Public Data Breach Report

Name of Reporting Person(s): _____

Department or Office: _____

Division: _____

Email: _____

Telephone Number: _____

Date of Report: _____

Time of Report: _____

Date and Time of Discovery of Potential Breach: _____

To Extent Known Date and Time of Potential Breach: _____

Type of Data Involved: _____

Method of Breach to Extent Known or Suspected: _____

Number of Affected Persons: _____

Additional Comments: _____

Signature of Reporting Person

This report must be promptly completed and forwarded to Polk County Administrator Chuck Whiting and/or Polk County Attorney Greg Widseth. It may be emailed to chuck.whiting@polkcountymn.gov or greg.widseth@polkcountymn.gov. For any assistance or questions, email Greg Widseth or call 218-281-4344.