

MINNESOTA BOARD OF ACCOUNTANCY

DATA PRACTICES POLICY: INFORMATION FOR THE PUBLIC ABOUT PUBLIC ACCESS TO BOARD DATA AND RIGHTS OF DATA SUBJECTS

The Minnesota Government Data Practices Act gives you, and all other members of the public, the right to see and have copies of public data kept by the Board. Persons may make their request to see or have copies of public data to the Board's Responsible Authority or its Data Practice Compliance Official, who are identified below.

Responsible Authority:

Doreen Frost, Executive Director
Board of Accountancy
85 East Seventh Place, Ste. 125
St. Paul, MN 55101

(651) 296-7938
TTY users: (800) 627-3529

Doreen.Frost@state.mn.us

Table of Contents

Your Rights As A Member Of The Public To Access Government Data **2**

Your Rights As The Subject Of Government Data **6**

Attachment A: Fees For Providing Copies Of Public Data **13**

Attachment B:..... **16**

Attachment C: **17**

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

The Minnesota Government Data Practices Act gives you, and all other members of the public, the right to see and have copies of public data that kept by the Board of Accountancy (hereinafter “Board”). The law also controls how we keep government data and what we tell you when you ask to see the data that we have.

These rights and controls are:

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

We have a report that lists the kinds of data we keep about individuals, how each kind is classified, and what law classifies that kind of data. This report is called ***Types of data collected and maintained by the Board***. If you want to see or have a copy of this report contact Doreen Frost, Executive Director, at 85 East 7th Street, Suite 125, St. Paul, MN 55101, (651) 296-7938. TTY users may call the Board at (800) 627-3529.

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

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

To look at public data that we keep, contact Doreen Frost, Executive Director, at 85 East 7th Street, Suite 125, St. Paul, MN 55101, (651) 296-7938. TTY users may call the Board at (800) 627-3529.

The Board encourages you to make an appointment to look at the public data it maintains. In many cases this will allow us to serve you better, especially if the data you want are not immediately available or if staff are not available to take care of your data request. If you have a time-sensitive data request or if you make a request without an appointment, we will do our best to accommodate your request.

You also have the right to make a standing request for data. If you make a standing request, we will periodically ask whether you wish to maintain your standing request.

You may ask to see:

- Specific types of data or data elements;
- Specific documents or portions of documents;
- Entire records, files or data bases;

Minnesota Board of Accountancy

Information for the Public about Public Access to Board Data & Rights of Data Subjects—Dated 03/16/2006

- All public data we keep.

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

We will let you know as soon as we can whether or not we have the data you are asking for. If you are asking for public data and we have the data, we will let you see or have copies of the data right away. If we need more time to identify, find or copy the data you are asking for, we will let you know and we will tell you when we will be able to give you the data.

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

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

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

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

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

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

Some public data kept by the Board is posted on it's website. You also may inspect this public data on your own computer, and you may print or download the data using your own computer, at no cost.

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

You have the right to have public data explained in a way you understand.

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

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

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

To ask for a *copy* of public data that we keep, you have the same options as when you ask to *look* at public data. You can contact the Board's responsible authority or its data practice compliance official at the Board office. You may make your request in person, or by telephone, mail, fax, or email. We encourage you to make an appointment to get copies of public data maintained by the Board. In many cases, this will allow us to serve you better, especially if the data you want are not immediately available or if staff are not available to take care of your data request. If you have a time-sensitive data request or if you make a request without an appointment, we will do our best to accommodate your request.

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

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

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

We have the right to charge you a fee for making copies of the data you ask for. If you ask us to mail or fax the copies to you, the fee may include postage or long distance phone charges. If you request a certified copy of a document, we may charge you a fee to certify the document.

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

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

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

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

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

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. We will prepare summary data for you if you make a request in writing (letter, fax, email, etc.) to the Board's responsible authority or its data practice compliance official. You will have to pay the Board what it costs to prepare the summary data. The Board may require prepayment, depending on the amount of the fee. When the Board receives your request, we will contact you to make detailed arrangements to prepare the summary data.

If you have any questions about how to access public data kept by the Board, please contact the Board's responsible authority and Executive Director, Doreen Frost, at 85 East 7th Place, Suite 125, St. Paul, MN 55101, (651) 296-7938, fax (651) 282-2644, Doreen.Frost@state.mn.us. TTY users may call the Board at (800) 627-3529.

YOUR RIGHTS AS THE SUBJECT OF GOVERNMENT DATA

The Minnesota Government Data Practices Act is a law that gives you, as an individual, important rights when we collect, create, keep, use or release data about you, and controls how we collect, use, and release data about you. The MGDPA is contained in Minnesota Statutes, chapter 13.

The Board's Responsible Authority and Designee.

The Board's responsible authority for data practices is Doreen Frost, Executive Director, 85 East 7th Street, Suite 125, St. Paul, Minnesota 55101. You can contact Ms. Frost at the Board office, 85 East 7th Street, Suite 125, St. Paul, Minnesota 55101, (651) 296-7938, fax (651) 282-2644, or by email to Doreen.Frost@state.mn.us weekdays between 8:00 a.m. and 4:30 p.m. TTY users may call the Board at (800) 627-3529.

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

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

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

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

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

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

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

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

- We will tell you why we are collecting the data from you and how we plan to use the data.
- If there is a law that says you have to give us the data, we will tell you that. We also will tell you if you do not have to give us the data.
- We will tell you what might happen to you if you give us the data.
- We also will tell you what might happen to you if you do not give us the data.
- We will tell you what other people or entities have the legal right to know about, see or have copies of the data you give us. When we tell you this, we will be as specific as we can be.

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

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

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

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

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

- If a federal, state or local law is passed after we give you the notice and collect the data from you, and if that law says we may or must use or release the data in a way we didn't tell you about in that notice, then we will use or release the information in order to comply with the new law.
- On rare occasions, after we collect private or confidential data about people for one purpose, we need to use or release that information for a different purpose. If there is no law that says we can use the data for the new purpose, we may ask the Commissioner of the Minnesota Department of Administration for permission to use or release private or confidential information in a way we didn't tell you about in the notice. If the Commissioner of Administration decides that we need to use or release the data in the new way in order to carry out a function assigned to us by law, then the Commissioner of Administration will give us approval. We will use or release the data in the new way if the Commissioner of Administration approves.

- If we collected private or confidential data about you before August 1, 1975, we have the right to use, keep and release the data for the reasons we collected it. We also can ask the Commissioner of Administration for permission to use, keep or release the data to protect public health, safety or welfare.
- If a court orders us to release private or confidential data about you, we have to release the data.
- As explained in the next paragraph, if you give us your permission to use or release private data about you in a way we didn't tell you about in the notice, then we will use or release the data in the new way.

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

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

The consent form tells you:

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

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

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

If you give us your consent, we can release the information for the length of time that is written on the consent form. You may stop your consent any time before that time is over. If you want to stop your consent, you must write to the person named on the form and clearly say that you want to stop all or part of your consent. Stopping your consent

will not affect information that already has been released because you gave your consent.

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

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

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

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

If you ask us, we will tell you if we keep information about you and we will tell you if the data are classified as public, private or confidential. To find out what information we keep about you, submit a written request to the Board's responsible authority (Executive Director Doreen Frost). Before responding to your request, we will need to verify your identification. We will accept a driver's license or state identification card for in-person requests and a notarized signature on requests sent to us.

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

If you want to see public data about you, contact the Board's responsible authority (Executive Director Doreen Frost). (Details about how to see public data appear earlier in this policy.)

To see private data about you, submit a written request to the Board's responsible authority (Executive Director Doreen Frost). Before responding to your request, we will need to verify your identification. We will accept a driver's license or state identification card for in-person requests and a notarized signature on requests sent to us.

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

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

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

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

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

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

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

If you have questions about the data we keep about you, contact the Board's responsible authority (Executive Director Doreen Frost). If you ask, we will explain the data to you.

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

If you want a copy of the public data about you, contact the Board's responsible authority (Executive Director Doreen Frost). (Details about how to get a copy of public data appear earlier in this policy.)

To get a copy of private data about you, submit a written request to the Board's responsible authority (Executive Director Doreen Frost). Before responding to your request, we will need to verify your identification. We will accept a driver's license or state identification card for in-person requests and a notarized signature on requests sent to us.

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

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

We have the right to charge a fee for making the copies.

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

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

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

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

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

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

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

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

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

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

You can appeal our decision about your data challenge.

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

More details about data challenges and appeals.

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

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

If you have any questions about your rights, please contact the Board's responsible authority, Executive Director Doreen Frost, at 85 East 7th Place, Suite 125, St. Paul, Minnesota 55101, (651) 296-7938, fax (651) 282-2644, or Doreen.Frost@state.mn.us. TTY users may call the Board at (800) 627-3529.

Attachment A:

Fees For Providing Copies of Public Government Data

Effective August 1, 2005

This document is intended to guide government entities in determining an appropriate fee for providing copies of public government data when the requester is not the subject of the data *and* the copy fee is not established specifically by statute.

Minnesota Statutes, section 13.03 provides that, if a person requests copies or electronic transmittal of public government data, and the requester is not the subject of the data, the responsible authority for the government entity *may* require the requester to pay a fee. Amendments to section 13.03 in 2005 require entities to calculate any fee that is charged by using *one* of the two methods below. (Minnesota Session Laws 2005, Chapter 163, section 8, effective August 1, 2005.) Regardless of which method is used, the entity may not charge for separating public data from not public data.

Fee Calculation Method I

If 100 or fewer pages of black and white, letter or legal size paper copies are requested, the entity **may** charge a **per-page fee** of not more than 25 cents for each page copied (50 cents for a two-sided copy). The entity is authorized to charge *only* the per-page fee and *cannot* require the requester to pay *any* of the costs listed in Fee Calculation Method II. This provision should not be interpreted to permit division of a single request into requests for copies of fewer than 100 pages in order to avoid charging a fee based on the actual costs of providing copies.

Fee Calculation Method II

In all other circumstances, including requests to provide data via facsimile, the entity **may** require the requester to pay the **actual costs** of *searching* for and *retrieving* the data, including the cost of employee time, and for *making, certifying, compiling* and *electronically transmitting* copies of the data or the data themselves. Additional criteria for determining copy costs using Method II are set forth at Minnesota Rules, part 1205.0300, subpart 4. The entity may not charge a minimum fee.

Certain advisory opinions, issued pursuant to Minnesota Statutes, section 13.072, have established the following criteria for determining copy costs using Method II. (See the opinion index on IPAD's website; specifically, the topical index category, Copy costs.)

A. Costs that *may be included* as long as they are *reasonable*:

- ◆ Staff time required to:

Minnesota Board of Accountancy

- Retrieve documents
- Sort and label documents, *only* if necessary to identify the data to be copied
- Remove staples or paper clips
- Take documents to copier for copying
- Copy documents

Notes: The entity may not assess a fee for labor costs (wages/salary plus benefits) that exceed those of the lowest-paid employee who could complete the task(s) performed. The requirement that data be kept in a manner that makes them easily accessible for convenient use may limit the entity in charging for staff time.

- ◆ Materials (paper, copier ink, staples, magnetic 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. *Note:* Computerized data must be kept in a manner that makes the data easily accessible for convenient use.
- ◆ Mailing costs
- ◆ Vehicle costs directly involved in transporting data to the appropriate facility when necessary to provide copies (for example, when the entity is unable to provide copying services for photographs, oversized documents, videos, etc.)
- ◆ Electricity costs when the requester uses own scanner to make an unusually large number of copies

B. Costs that *may not* be included:

- ◆ Purchase or rental of copier
- ◆ Maintenance of copier
- ◆ Normal operating expenses of computer/copier, including electricity used, and machine wear/tear
- ◆ Depreciation of copier
- ◆ Staff time required to:
 - Separate public from not public data
 - Open a data request that was mailed

- Sort, label or review data, *if not necessary* to identify the data to be copied
- Return documents to storage
- Provide information about the data to the requester (i.e., explain content and meaning of data)
- Prepare data for mailing
- Prepare cover letter, fax sheet or invoice for copies
- Credit payment and perform other associated accounting functions

Note: The entity may not assess a fee for labor costs (wages/salary plus benefits) that exceed those of the lowest-paid employee who could complete the task(s) performed

- ◆ Administrative costs that are not related to copying
- ◆ Records storage
- ◆ Sales tax
- ◆ The entire cost of operating a multi-tasked computer for a measured unit of time, when fulfilling a request for copies was only one of the tasks performed during that unit of time
- ◆ Costs incurred because data are not maintained in a manner that makes them easily accessible for convenient use
- ◆ Search and retrieval costs when data are inspected but no copies are requested

Attachment B:

Authorization to Release Applicant Information

**MINNESOTA BOARD OF ACCOUNTANCY
85 East Seventh Place, Suite 125
ST. PAUL, MN 55101**

Applicant data is classified as private or confidential under the Minnesota Data Practices Act. However, **I hereby waive my rights under the Minnesota Data Practice Act and authorize** the Minnesota Board of Accountancy (Board) to provide information contained in my application materials, including any documents, to

(insert name of the individual who may receive information).

I understand that I am not legally required to sign this form. The purpose of this authorization is to facilitate the processing of my application. This authorization automatically expires one year after this date.

Signature of Applicant

Printed Name of Applicant

Date

Minnesota Board of Accountancy

Information for the Public about Public Access to Board Data & Rights of Data Subjects—Dated 03/16/2006

Attachment C:

Challenging the Accuracy and/or Completeness of Data That the Board Keeps About You

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

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

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

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

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

To make a data challenge, notify the Board's responsible authority (Executive Director Doreen Frost). In the notice, say that you are challenging the accuracy and completeness of data we maintain about you. To protect your rights, be sure to say clearly that you are challenging data under the provisions of Minnesota Statutes, section 13.04, subdivision 4. This challenge notice must be submitted in writing (by letter, email, or fax). If you are sending a letter, you may wish to send it by certified mail with return receipt requested. Be sure to keep a copy of your letters and any other correspondence.

Be very clear in your challenge notice:

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

Minnesota Board of Accountancy

Information for the Public about Public Access to Board Data & Rights of Data Subjects—Dated 03/16/2006

accurate or complete. You also may ask us to *remove* data from a file or *delete* some of the data to make the rest of the data complete and/or accurate. Again, be very specific and explain very carefully what you want us to do to make each piece of data accurate and/or complete.

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

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

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

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

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

You can appeal our decision about your data challenge.

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

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

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

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

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

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

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

Information Policy Analysis Division (IPAD)
Minnesota Department of Administration
305A Centennial Building, 658 Cedar Street
St. Paul, MN 55155

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

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

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

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