



**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 is identified below.

Responsible Authority:
(Data Practice Compliance Official)

Doreen Johnson, Executive Director
Minnesota Board of Accountancy
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St. Paul, MN 55101
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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 are 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 maintain.

These rights and controls are:

The law says that all the data we have is 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 the Board’s Responsible Authority (listed on page 1).

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 email. If it is not possible to give you the information in the way you ask, we will contact you to decide on another way to give you the information you requested.

To look at public data we keep, contact the Board’s Responsible Authority (listed on page 1).

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 is 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, 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 requesting. 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 requesting, 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 requesting, we will tell you. We don't 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 requested.

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.

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 copy of the data, so that you can inspect the data at no charge.

Some public data kept by the Board is posted on its website. You may also 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 is not public.

You have the right to have public data explained.

If you have any questions about the meaning of public data that we keep, please ask for an explanation. If you ask, we will try to 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 is 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 questions 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 the staff we have available to respond to you 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 request. If you ask us to mail or fax the copies to you, the fee may include postage or long-distance phone charges.

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 (Attachment A) is an information sheet that lists the factors we may use to calculate the fee for providing copies. We may require payment in advance.

Data that are not public.

If the information you request 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 will also 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 summary data. The Board may require prepayment, depending on the fee amount. 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 (listed on page 1).

YOUR RIGHTS AS THE SUBJECT OF GOVERNMENT DATA

The Minnesota Government Data Practices Act (“MGDPA”) 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 Statute, Chapter 13.

The Board’s Responsible Authority and Designee.

The Board’s Responsible Authority is Doreen Johnson, Executive Director. Her contact information is listed on page 1.

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

The MGDPA defines an individual as a 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 data and confidential data about you only when a state or federal law allows or requires us to do so. 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.

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 notice, either orally or in writing. The notice sometimes is called a Tennessen Warning. The information required in a Tennessen warning is described in Minnesota Statutes section 13.04, subdivision 2.

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.

We only have to give you the Tennessen warning notice when we are asking you to give us private or confidential data about yourself. There are many circumstances where we *do not* have to give you the notice, including 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.

We may ask your permission to use or release the data in a new way.

In some circumstances we may 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.

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 in the consent form. The consent form tells you whom to talk to if you want to look at the information or have copies of it.

If you want to rescind your consent, you must write to the person named on the form and clearly say that you want to rescind all or part of your consent. Stopping your consent will not affect information that already has been released because you gave your consent.

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.

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 consent for someone else to see the data.

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 (listed on page 1). (Details about how to see public data appears earlier in this policy.)

To see private data about you, submit a written request to the Board's Responsible Authority (listed on page 1). 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 requests, 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 documents 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 must 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 more information about you before six months have passed. You do not have to wait 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 don't 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 (listed on page 1). 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 (listed on page 1). (Details about how to get a copy of public data appears earlier in this policy.)

To get a copy of private data about you, submit a written request to the Board's Responsible Authority (listed on page 1). 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.

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

We may charge you a fee for making copies of the data you request. 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 can't 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.

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 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 shouldn't be in the record.

*It is important to note, the Board follows a record retention policy as it relates to the destruction of records. At times, records that were once maintained by the Board may/will be destroyed pursuant to the record retention schedule. Data will still be considered *complete* even if there was previously other included data that has been destroyed in accordance with the record retention policy.

To make a data challenge, notify the Board's Responsible Authority (Doreen Johnson, Executive Director). 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 Statute § 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; and
 - 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 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.

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.

If you have any questions about how to access public data kept by the Board, please contact the Board's Responsible Authority (listed on page 1).

ATTACHMENT A: FEES

Fees for Providing Copies of Public Government Data

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 Statute § 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 § 13.03 in 2005 require entities to calculate any fee that is charged by using one of the two methods below. 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, and electronically transmitting copies of the data or the data themselves. Additional criteria for determining copy costs using Method II are set forth in Minnesota Rule 1205.0300, subpart 4. The entity may not charge a minimum fee.

Certain advisory opinions, issued pursuant to Minnesota Statute § 13.072, have established the following criteria for determining copy costs using Method II. (See the opinion index on the Data Practices Office's website; specifically, the index category, Copy Costs.)

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

- Staff time required to:
- 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;
 - *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. 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);
- 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; and
- Mailing costs.

B. Costs that *cannot* be included:

- Purchase or rental of copier;
- Maintenance of copier;
- Normal operating expenses of computer/copier, including electricity used, and machine wear/trade;
- 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 necessarily* 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; and
- Search and retrieval costs when data are inspected but no copies are requested.

Request (to release) from Government

IT IS NECESSARY FOR A GOVERNMENT ENTITY TO RELEASE AN INDIVIDUAL'S PRIVATE DATA TO AN OUTSIDE ENTITY OR PERSON. THE ENTITY MUST GET THE INDIVIDUAL'S INFORMED CONSENT BECAUSE THE ENTITY DOES NOT HAVE STATUTORY AUTHORITY TO RELEASE THE DATA, OR THE OUTSIDE ENTITY/PERSON WAS NOT NAMED IN THE TENNESSEN WARNING.

Explanation of your rights

- You have the right to choose what data we release. This means you can let us release all of the data, some of the data, or none of the data listed in this consent. Before you give permission to release the data, we encourage you to review the data listed in this consent.
- You have the right to let us release the data to all, some, or none of the persons or entities listed on this form. This means you can choose which entities or persons may receive the data and what data they may receive.
- You have the right to ask us to explain the consequences for giving your permission to release the data.
- You may withdraw your permission at any time. Withdrawing your permission will not affect the data that we have already released because we had your permission to release the data.
- You may give us permission to discuss the data released by this form with the outside entity. If you choose not to give us permission, you may still allow us to release the data.

If you have a question about anything about this consent, or would like more explanation before you sign it, please contact:

Entity contact person name, phone number, email address

Permission to release

I, [DATA SUBJECT NAME], give my permission for [GOVERNMENT ENTITY NAME] to release data about me to [NAME OF OTHER ENTITY/PERSON] as described in this consent. I understand that my decision to allow release of the data to [NAME OF OTHER ENTITY/PERSON] is voluntary.

1. The specific data that [GOVERNMENT ENTITY NAME] may release to [NAME OF OTHER ENTITY/PERSON] are [EXPLANATION OF DATA].
2. I understand [GOVERNMENT ENTITY NAME] wants to release the data for this reason: [EXPLANATION OF REASON FOR THE RELEASE].
3. I understand that although the data are classified as private at [GOVERNMENT ENTITY NAME], the classification/treatment of the data at [NAME OF OTHER ENTITY/PERSON] may not be the same and is dependent on laws or policies that apply to [NAME OF OTHER ENTITY/PERSON]. [INCLUDE OTHER CONSEQUENCES]
4. [OPTIONAL]. I give [GOVERNMENT ENTITY NAME] permission to discuss the data released by this consent with [NAME OF OTHER ENTITY OR PERSON].

[OPTIONAL] This permission to release expires [DESCRIBE TIME OR DATE OF EXPIRATION].

Name, Signature (Parent/Guardian Signature), Date
