

304.00.4 Access to Data for Individual Data Subjects

1. **Data about an Individual Data Subject** - The Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13) states that data subjects have certain rights related to a government entity collecting, creating, and maintaining government data about them. Government data is a term that means all recorded information a government entity has, including paper, email, DVDs, photographs, etc. Saint Paul Public Schools (herein referred to as the District) is a government entity.
2. **Classifications of Data about the Data Subject** - The Minnesota Government Data Practices Act presumes that all government data are public unless a state or federal law says that data are not public. Data about an individual are classified by state law as public, private, or confidential
 - a. **Public Data** – The District must give public data to anyone who asks. It does not matter who is asking or why. An example of public data about an employee includes, but is not limited to, the employee’s job title and gross salary.
 - b. **Private Data** – The District cannot give private data to the general public, but the District can share private data with the individual who is the subject of the data, with someone who has the individual’s permission, with District staff who need the data to do their work, and to others as permitted by law or court order. An example of private data about a student includes, but is not limited to, the student’s school test scores and disciplinary information.
 - c. **Confidential Data** – Confidential data have the most protection. Neither the public nor the individual data subject can gain access even when the confidential data are about the individual. The District can share confidential data about the individual with District staff who need the data to do their work and to others as permitted by law or court order. The District cannot give the individual data subject access to confidential data. An example of confidential data includes, but is not limited to, the name of the reporter of maltreatment of a minor who is the data subject.
3. **Data Subject’s Rights** - The District must keep records containing government data in a way that make them easily accessible for convenient use. The District can collect and maintain only those data on individuals needed for administering and managing programs that are permitted by law. Individual data subjects have the following rights.

a. Access to Data by Data Subjects

- i. All individual data subjects have the right to inspect, free of charge, public and private data the District keeps about the data subject. The data subject has the right to obtain copies of public and private data about him/herself. The data subject has the right to inspect the data, free of charge, before deciding to request copies. The District may charge for any copies.
- ii. Upon receiving a written request, the District will notify the individual data subject whether it maintains data about the data subject and whether the data are public, private, or confidential.

b. Access to Student Data or Data on Minors

- i. A parent has the right to inspect and obtain copies of public and private data about the parent's minor children (under the age of 18).
- ii. A parent has the right to inspect and obtain copies of public and private data about the parent's adult children under certain circumstances authorized by law.
- iii. Legally appointed guardians have the right to inspect and obtain copies of public and private data about individuals for whom they are the appointed guardians.
- iv. A minor has the right to request that the District not release the minor's data to their parent or guardian. The District will ask the minor to put the request in writing and to include the reasons why the District should deny the parents or guardians access to the data. The District will make the final decision about the minor's request based on the minor's best interests and consistent with applicable state and federal law.

c. When the District Collects Data from a Data Subject

Tennessee Warning -- The District must give a notice when it asks an individual data subject to provide data about the data subject that is not public. This is commonly referred to as a Tennessee warning. This notice controls what the District does with the data it collects. Typically, the District may not collect, store, use, or disseminate private or confidential data for any purpose other than those specified in the Tennessee warning and as authorized by law.

- d. Informed Consent -- The District will ask a data subject for written permission (informed consent) if the District needs to use or release private data about the data subject in a different way not

otherwise permitted by law, or if the data subject asks the District to release the data to another person.

- e. **Protecting Data -- The Minnesota Government Data Practices Act** requires the District to protect private or confidential data on individual data subjects. The District has established appropriate safeguards to ensure that the data are safe.
- f. **When Data are Inaccurate or Incomplete --** Data subjects have the right to challenge the accuracy and/or completeness of public and private data. The data subject maintains the right to appeal the District's decision. If the data subject is a minor, the subject's parent or guardian has the right to challenge the data.

4. How to Make a Data Request

- a. A written request must be made by the data subject. If the data subject is a minor, the parent or legal guardian must make the written request to inspect or request copies of public or private data about the data subject. A written request must be made to the appropriate designee as outlined in Section Six of this procedure. The request must include:
 - i. That the request is for data about the requester under the Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13) as a data subject;
 - ii. Whether the requester would like to inspect the data, obtain copies of the data, or both;
 - iii. A clear description of the data the requester would like to inspect or have copied; and
 - iv. Identifying information that proves the requester is the data subject or the data subject's parent or legal guardian.

5. How the District Responds to a Data Request

- a. Upon receiving a request for data, the District will work to process the request. If the District does not understand the request, the District will ask for clarification.
 - i. If the District does not have the requested data, the District will notify the requester within 10 business days.
 - ii. If the District has the data, but the data are confidential or private data that are not about the data requester, the District will notify the requester within 10 business days and state which specific law states that the data are not accessible.
 - iii. If the District has the data, and the data are public or private data about the data requester, the District will respond to the request within 10 business days by doing one of the following:

1. Arranging a date, time, and place to inspect data, free of charge, if the request is to inspect the data, or
 2. Providing the requester with copies of the data within 10 business days. The requester may choose to pick up the copies or the District will mail or fax them to the requester. The District will provide electronic copies, such as email or CD-ROM, upon request and only if the District keeps the data in electronic format. Prepayment for copies is required before the District will provide copies. Information about copy charges can be found in Section Seven of this procedure.
- b. After the District has provided the data subject with data about himself or herself, the District does not have to show him or her the data again for 6 months unless there is a dispute or the District collects or creates new data about the data subject. Nothing in this procedure limits the frequency of inspection of the education records of a student with a disability by the student's parent or guardian or by the student upon the student reaching the age of majority.
 - c. If a requester does not understand some of the data (technical terminology, abbreviations, or acronyms), the District will provide an explanation upon request.
 - d. The Minnesota Government Data Practice Act does not require the District to create or collect new data in response to a data request if the District does not already have the data, or to provide data in a specific form or arrangement if the data are not already kept in that form or arrangement. If the District agrees to create data in response to a request, the District will work with the requester on the details of the request, provide an estimated response time, and charge for the cost.
 - e. The Minnesota Government Data Practice Act does not require the District to answer questions that are not requests for data.

6. Data Practices Contacts – See Attachment A

Designees of the Responsible Authority handle most data requests. The requestor should direct the data request to the appropriate designee, depending on the type of data requested. In addition, news media organizations should send a copy of their request to the Interim Director of Communications.

- a. Data Practice Designees
 - i. Individual Student Data or Records
 1. Data on current student *and* the requestor is the parent or guardian of the student - Principal of current school or program

2. Data on a former student *or* the requestor is not the parent or guardian of the student (examples include subpoenas, requests from lawyers) – Supervisor of Student Records
 - ii. Summary or Aggregate Student Data – Assistant Director of Research, Evaluation, and Assessment
 - iii. Academic or Curriculum Data – Chief Academic Officer
 - iv. Employee or Personnel Data – Executive Director of Human Resources
 - v. Financial Data including purchasing and/or contracts – Chief Financial Officer
 - vi. Operational data (including transportation, security, facilities, and nutrition services) – Chief Operations Officer
 - vii. All other data requests – Superintendent
- b. The Data Practices Compliance Official – General Counsel
- c. The Responsible Authority – Superintendent

7. Copy Costs and Fees

- a. Minnesota Statutes section 13.04, subdivision 3, authorizes the District to charge data subjects for copies of government data.
- b. A requestor of data may be required to pre-pay for copies before the District will give them to the requestor.
 - i. The charge for 100 or fewer pages of black and white, letter or legal size paper copies is 25¢ for a one-sided copy or 50¢ for a two-sided copy.
 - ii. The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of making and certifying the copies.
- c. In determining the actual cost of making copies, the District factors in the cost of employee time, the cost of the materials onto which the data is copied (paper, CD, DVD, etc.), and mailing costs (if any). If a request is for copies of data that the District cannot reproduce, such as photographs, the District will charge the actual cost the District must pay an outside vendor for the copies.
- d. With respect to education records, the District may charge for making copies unless doing so would effectively prevent the parent or eligible

student from exercising their right to inspect and review the student's education records.

Attachment A

Minnesota Government Data Practices Act Contacts

Title	Name	Address	Telephone Number
DESIGNEES			
School Principals	https://www.spps.org/directory . Then click on School Directory.		
Supervisor of Student Records	Erin Moline	2102 University Ave. W. Saint Paul, MN 55114	651-632-3740
Director of Research, Evaluation, and Assessment	Stacey Gray Akyea	360 Colborne Street Saint Paul, MN 55102	651-767-8361
Chief Academic Officer	Kate Wilcox-Harris	360 Colborne Street Saint Paul, MN 55102	651-767-8139
Executive Director of Human Resources	Kenyatta McCarty	360 Colborne Street Saint Paul, MN 55102	651-767-8202
Chief Financial Officer	Marie Schrul	360 Colborne Street Saint Paul, MN 55102	651-767-8275
Chief Operations Officer	Jackie Turner	360 Colborne Street Saint Paul, MN 55102	651-767-8338
Director, Office of Communications, Marketing & Development	Kevin Burns	360 Colborne Street Saint Paul, MN 55102	651-744-1361
DATA PRACTICES COMPLIANCE OFFICIAL			
General Counsel	Charles Long	360 Colborne Street Saint Paul, MN 55102	651-767-8137
RESPONSIBLE AUTHORITY			
Superintendent	Joe Gothard	360 Colborne Street Saint Paul, MN 55102	651-767-8152