

City of Marshall

Policy Number: Chapter 1 Section 1 (1-603)

Marshall, Minnesota

Adopted: January 26, 2016

ADMINISTRATIVE POLICY

Revised: July 08, 2025

DATA PRACTICES POLICY FOR DATA SUBJECTS

Data about You

The Government Data Practices Act (Minnesota Statutes, Chapter 13) says that data subjects have certain rights related to a government entity collecting, creating, and keeping government data about them. You are the subject of data when you can be identified from the data. Government data is a term that means all recorded information a government entity has, including paper, email, DVDs, photographs, etc.

Classification of Data about You

The Government Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. Data about you are classified by state law as public, private, or confidential. See below for some examples.

1. **Public data:** We must give public data to anyone who asks; it does not matter who is asking for the data or why.

The following is an example of public data about you:

- *The names of City of Marshall employees.*

2. **Private data:** We cannot give private data to the general public, but you have access when the data are about you. We can share your private data with you, with someone who has your permission, with our government entity staff who need the data to do their work, and as permitted by law or court order.

The following is an example of private data about you:

- *Social Security number*

3. **Confidential data:** Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. We can share confidential data about you with City of Marshall staff who need the data to do their work and to others as permitted by law or court order. We cannot give you access to confidential data.

The following is an example of confidential data about you:

- *The identity of the subject of an active criminal investigation*

Your Rights under the Minnesota Government Data Practices Act

The City of Marshall, as a government entity, must keep all government data in a way that makes it easy for you to access data about you. Also, we can collect and keep only those data about you that we need for administering and managing programs that are permitted by law. As a data subject, you have the following rights.

- **Access to Your Data**

You have the right to look at (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. The Government

Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

Also, if you ask, we will tell you whether we keep data about you and whether the data are public, private, or confidential.

As a parent, you have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask the City of Marshall not to give data about them to their parent(s) or guardian(s). If you are a minor, we will tell you that you have this right. We may ask you to put your request in writing and to include the reasons that we should deny your parent(s) or legally appointed guardian(s) access to the data. We will make the final decision about your request based on your best interests. Note: Minors do not have this right if the data in question are educational data maintained by an educational agency or institution.

- **When We Collect Data from You**

When we ask you to provide data about yourself that are not public, we must give you a notice. The notice is sometimes called a Tennessean warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

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

- **Protecting your Data**

The Government Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe.

In the unfortunate event that we determine a security breach has occurred and an unauthorized person has gained access to your data, we will notify you as required by law.

- **When your Data are Inaccurate and/or Incomplete**

You have the right to challenge the accuracy and/or completeness of public and private data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

How to Make a Request for Your Data

To look at data, or request copies of data that the City of Marshall keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, make a written request. Submit your request for data to the appropriate individual listed under the Data Practices Contacts. You may make your request for data in-person, or by mail, fax, or email, using the City's Data Request Form.

If you choose not to use the City's Data Request Form, your request should include the following:

- State that you are making a request, under the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, as a data subject, for data about you;
- State whether you would like to inspect the data, have copies of the data, or both;
- Include a clear description of the data you would like to inspect or have copied; and

- Provide identifying information that proves you are the data subject, or data subject's parent or guardian.

Standards for Verifying Identity

The City of Marshall requires proof of your identity before we can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a guardian, you must show legal documentation of your guardianship. A valid photo ID will be required to verify proof of identity.

The following constitute proof of identity.

- An **adult individual** must provide a valid photo ID, such as
 - a state driver's license
 - a military ID
 - a passport
 - a Minnesota ID
 - a Minnesota tribal ID
- A **minor individual** must provide a valid photo ID, such as
 - a state driver's license
 - a military ID
 - a passport
 - a Minnesota ID
 - a Minnesota Tribal ID
 - a Minnesota school ID
- The **parent or guardian of a minor** must provide a valid photo ID and either
 - a certified copy of the minor's birth certificate *or*
 - a certified copy of documents that establish the parent or guardian's relationship to the child, such as
 - ❖ a court order relating to divorce, separation, custody, foster care
 - ❖ a foster care contract
 - ❖ an affidavit of parentage
- The **legal guardian for an individual** must provide a valid photo ID and a certified copy of appropriate documentation of formal or informal appointment as guardian, such as
 - court order(s)
 - valid power of attorney

Note: Individuals who do not exercise their data practices rights in person must provide *either* notarized or certified copies of the documents that are required *or* an affidavit of ID.

How the City of Marshall Responds to a Data Request

Once you make your request, we will work to process your request immediately, if possible, and within 10 days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate response is not possible.

- If it is not clear what data you are requesting, we will ask you for clarification.
- If we do not have the requested data, we will notify you in writing.
- If we have the requested data, and the data may lawfully be disclosed to you, we will respond to the request by doing one of the following:
 - arrange a date, time, and place for you to inspect the data without cost to you; or

- provide you with copies of the data. You may choose to pick up the copies, or we will mail or fax copies of the data to you. We will provide electronic copies (such as e-mail), only if we keep the data in electronic format.
- If we have the data, but the data are classified as confidential or private data not about you, we will inform you within 10 business days and state the specific law which says you cannot access the data.

Information about copy charges is provided below. We may also arrange for you to prepay for the copies.

After we have provided you with access to data about you, we do not have to show you the data again for 6 months unless there is a dispute or we collect or create new data about you.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.

The Government Data Practices Act does not require us to create or collect new data in response to a data request if we do not already have the data, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. (For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request.) If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

If data or copies are available for inspection or collection, and the requesting person does not inspect the data or collect the copies within five business days of the notification, the responsible authority may suspend any further response to the request until the requesting person inspects the data that has been made available, or collects and pays for the copies that have been produced.

In addition, the City of Marshall is not required under the Minnesota Government Data Practices Act to respond to questions that are not specific requests for data.

Copy Costs – Data Subjects

The City of Marshall may charge data subjects for copies of government data as authorized under Minnesota Statutes, section 13.04, subdivision 3(c). Charges will be determined upon completion of the data request and payment must be made by the requestor either prior to or upon receipt of the data.

Copy charges are set by the City Council. Reference the Fee Resolution Schedule for a complete listing of fees and charges that may be associated with your request.

Actual Cost of Making the Copies

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that the City of Marshall cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data and make copies is based upon the lowest hourly rate of the appropriate staff member. There is no charge for time spent separating public from not public data. There is also no charge for search and retrieval time if the data subject is the requestor.

Standing Requests

The city does not prohibit or refuse a standing request for data. However, the duration of a standing request is limited to 90 days from the date of the original request. After 90 days, the City will require the requestor to complete a new Data Practices Request Form to initiate a new request.

Data Practices Contacts

Data requests should be sent to:

Email: datarequest@ci.marshall.mn.us Subject line: Data Request

Fax: 507-537-6830 Attn: City Clerk—Data Request

Mail: City of Marshall, Attn: City Clerk—Data Request, 344 West Main Street, Marshall, MN 56258

Responsible Authority

Sharon Hanson, City Administrator

344 West Main Street, Marshall, MN 56258

Office: 507-537-6760

Fax: 507-537-6830

Email: Sharon.Hanson@ci.marshall.mn.us

Data Practices Designee(s)

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Email: Jim.Marshall@ci.marshall.mn.us

Steven Anderson, City Clerk

344 West Main Street, Marshall, MN 56258

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