

**CITY OF ROCKVILLE**  
**MUNICIPAL POLICY NUMBER 3000**  
**DATA PRACTICES POLICY FOR DATA SUBJECT**

**SUBJECT:** Providing procedures Releasing Data on to the Subject of Government  
Data

**DATE COUNCIL APPROVED:** March 13, 2019

**City of Rockville**  
**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:

*Your name on an application for a City permit.*

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:

*Your 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 our government entity 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 Government Data Practices Act**

This 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 this government entity not to give data about them to their parent or guardian. 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 parents 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 this government entity keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, make a written request. Make your request for data to the appropriate individual listed in the Data Practices Contacts on page 5. You may make your request by mail, fax, or email, using the data request form on page 7 or 8.

If you choose not use to use the data request form, your request should include:

- that you are making a request, under the Government Data Practices Act (Minnesota Statutes, Chapter 13), as a data subject, for data about you;
- whether you would like to inspect the data, have copies of the data, or both;
- a clear description of the data you would like to inspect or have copied; and
- identifying information that proves you are the data subject, or data subject's parent/guardian.

This government entity 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. Please see the Standards for Verifying Identity located on page 9.

### **How We Respond to a Data Request**

Once you make your request, we will work to process your request. If it is not clear what data you are requesting, we will ask you for clarification.

- If we do not have the data, we will notify you in writing within 10 business days.
- If we have the data, but the data are confidential or private data that are not about you, we will notify you within 10 business days and state which specific law says you cannot access the data.
- If we have the data, and the data are public or private data about you, we will respond to your request within 10 business days, by doing one of the following:
  - arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
  - provide you with copies of the data within 10 business days. You may choose to pick up your copies, or we will mail or fax them to you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format.

Information about copy charges is on page 7. We also will 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.

In addition, we are not required under the Government Data Practices Act to respond to questions that are not specific requests for data.

## **Data Practices Contacts**

### **Responsible Authority**

***Martin M. Bode***

City Administrator

City of Rockville

P.O. Box 93

229 Broadway Street East

Rockville, MN 56369-0093

320.251.5836

cityhall@rockvillecity.org

### **Data Practices Compliance Official**

***Martin M. Bode***

City Administrator

City of Rockville

P.O. Box 93

229 Broadway Street East

Rockville, MN 56369-0093

320.251.5836

cityhall@rockvillecity.org

### **Data Practices Designee**

**(Police Department Data)**

Stearns County Sheriff's Department

## Copy Costs – Data Subjects

This government entity charges data subjects for copies of government data. These charges are authorized under Minnesota Statutes, section 13.04, subdivision 3.

You must pay for the copies before we will give them to you.

We may waive the charge for copies if the cost is less than \$10.00.

### **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 we 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 make copies is per City Fee Schedule.

Alternatively, we may charge you copy charges set forth by state statute or rule.

## Data Request Form – Data Subjects

Date of request: \_\_\_\_\_

To request data as a data subject, you must show a valid state ID, such as a driver’s license, military ID, or passport as proof of identity.

I am requesting access to data in the following way:

Inspection

Copies

Both inspection and copies

Note: inspection is free but you will be charged for copies. See page 6 of the Data Practices Policy for Subjects of Data.

**These are the data I am requesting:**

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

### Contact Information

Data subject name \_\_\_\_\_

Parent/Guardian name (if applicable) \_\_\_\_\_

Address \_\_\_\_\_

Phone number \_\_\_\_\_ Email address \_\_\_\_\_

### Staff Verification

Identification provided \_\_\_\_\_

We will respond to your request within 10 business days.

## Data Request Form

**TO BE COMPLETED BY REQUESTER:**

**Date:** \_\_\_\_\_

**Description of data requested:**

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**Note:** *You will be required to identify yourself and verify your identity if the data you request is classified as Private.*

**TO BE COMPLETED BY DEPARTMENT:**

**Department Name:** \_\_\_\_\_ **Handled By:** \_\_\_\_\_

**Information classified as:**

- PUBLIC
- PRIVATE
- NONPUBLIC
- CONFIDENTIAL
- PROTECTED NONPUBLIC

**Verification:** For Private Data, identification must be verified using a driver's license or state ID ( ), comparison of requester's signature on file ( ), or personal knowledge of identity ( ).  
Attach a copy if applicable.

**Action:**

- APPROVED
- APPROVED IN PART (explain below)
- DENIED (explain below)

Basis for denial or partial approval, including statutory section where applicable:

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**Fees:** See Data Practices Policy Section V.c for appropriate charges.

Total Charges: \_\_\_\_\_ Prepayment Required? Yes ( ) No ( )

**Authorized Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Standards for Verifying 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.

**CITY OF ROCKVILLE**  
**MUNICIPAL POLICY NUMBER 3100**  
**DATA PRACTICES POLICY FOR DATA SUBJECT**

**SUBJECT:** Providing Procedures Releasing Government Data to The Public

**DATE COUNCIL APPROVED:** March 13, 2019

**City of Rockville**  
**Data Practices Policy for Members of the Public**

**Right to Access Public Data**

The Government Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public unless a state or federal law says the data are not public. Government data is a term that means all recorded information a government entity has, including paper, email, DVDs, photographs, etc.

The Government Data Practices Act also provides that this government entity must keep all government data in a way that makes it easy for you, as a member of the public, to access public data. You have the right to look at (inspect), free of charge, all public data that we keep. You also have the right to get copies of public data. 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.

**How to Make a Data Request**

To look at data or request copies of data that this government entity keeps, make a written request. Make your request for data to the appropriate individual listed in the Data Practices Contacts on page 3. You may make your request for data by mail, fax, or email, using the data request form on page 5 or 6.

If you choose not to use the data request form, your request should include:

- that you, as a member of the public, are making a request for data under the Government Data Practices Act, Minnesota Statutes, Chapter 13;
- whether you would like to look at the data, get copies of the data, or both; and
- a clear description of the data you would like to inspect or have copied.

This government entity cannot require you, as a member of the public, to identify yourself or explain the reason for your data request. However, depending on how you want us to process your request (if, for example, you want us to mail you copies of data), we may need some information about you. If you choose not to give us any identifying information, we will provide you with contact information so you may check on the status of your request. In addition, please keep in mind that if we do not understand your request and have no way to contact you, we will not be able to begin processing your request.

## How We Respond to a Data Request

Upon receiving your request, we will work to process it.

- If it is not clear what data you are requesting, we will ask you for clarification.
- If we do not have the data, we will notify you in writing as soon as reasonably possible.
- If we have the data, but the data are not public, we will notify you as soon as reasonably possible and state which specific law says the data are not public.
- If we have the data, and the data are public, we will respond to your request appropriately and promptly, within a reasonable amount of time by doing one of the following:
  - arrange a date, time, and place to inspect data, for free, if your request is to look at the data, or
  - provide you with copies of the data as soon as reasonably possible. You may choose to pick up your copies, or we will mail or fax them to you. If you want us to send you the copies, you will need to provide us with an address or fax number. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format.

Information about copy charges is on page 5.

We also will arrange for you to pre-pay for the copies.

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.

In addition, the Government Data Practices Act does not require us to answer questions that are not requests for data.

## Requests for Summary Data

Summary data are statistical records or reports that are prepared by removing all identifiers from private or confidential data on individuals. The preparation of summary data is not a means to gain access to private or confidential data. We will prepare summary data if you make your request in writing and pre-pay for the cost of creating the data. Upon receiving your written request – you may use the data request form on page 5 – we will respond within ten business days with the data or details of when the data will be ready and how much we will charge.

## Data Practices Contacts

### Responsible Authority

***Martin M. Bode***

City Administrator

City of Rockville

P.O. Box 93

229 Broadway Street East

Rockville, MN 56369-0093

320.251.5836

cityhall@rockvillecity.org

### Data Practices Compliance Official

***Martin M. Bode***

City Administrator

City of Rockville

P.O. Box 93

229 Broadway Street East

Rockville, MN 56369-0093

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cityhall@rockvillecity.org

### Data Practices Designee

**(Police Department Data)**

Stearns County Sheriff's Department

## **Copy Costs – Members of the Public**

This government entity charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c).

You must pay for the copies before we will give them to you.

We may waive the charge for copies if the cost is less than \$10.

### **For 100 or Fewer Paper Copies – 25 cents per page**

100 or fewer pages of black and white, letter or legal sized paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy.

### **Most Other Types of Copies – Actual Cost**

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email).

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 we 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 per City Fee Schedule.

If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.

Alternatively, we may charge you copy charges set forth by state statute or rule.

## Data Request Form – Members of the Public

Date of request: \_\_\_\_\_

I am requesting access to data in the following way:

Inspection

Copies

Both inspection and copies

Note: inspection is free but you will be charged for copies. See page 4 of the Data Practices Policy for Members of the Public.

**These are the data I am requesting:**

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form.

### Contact Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email address: \_\_\_\_\_

You do not have to provide any of the above contact information. However, if you want us to mail/email you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information we will not be able to begin processing your request until you contact us.

We will respond to your request as soon as reasonably possible.

## Data Request Form

**TO BE COMPLETED BY REQUESTER:**

**Date:** \_\_\_\_\_

**Description of data requested:**

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**Note:** *You will be required to identify yourself and verify your identity if the data you request is classified as Private.*

**TO BE COMPLETED BY DEPARTMENT:**

**Department Name:** \_\_\_\_\_ **Handled By:** \_\_\_\_\_

**Information classified as:**

- \_\_\_ PUBLIC
- \_\_\_ PRIVATE
- \_\_\_ NONPUBLIC
- \_\_\_ CONFIDENTIAL
- \_\_\_ PROTECTED NONPUBLIC

**Verification:** For Private Data, identification must be verified using a driver's license or state ID ( ), comparison of requester's signature on file ( ), or personal knowledge of identity ( ).  
Attach a copy if applicable.

**Action:**

- \_\_\_ APPROVED
- \_\_\_ APPROVED IN PART (explain below)
- \_\_\_ DENIED (explain below)

Basis for denial or partial approval, including statutory section where applicable:

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**Fees:** See Data Practices Policy Section V.c for appropriate charges.

Total Charges: \_\_\_\_\_ Prepayment Required? Yes ( ) No ( )

**Authorized Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**CITY OF ROCKVILLE**  
**MUNICIPAL POLICY NUMBER 3200**  
**DATA PRACTICES POLICY FOR DATA SUBJECT**  
**SUBJECT: Policy on Establishing Procedures to Protect Not Public Data**  
**DATE COUNCIL APPROVED: March 13, 2019**

**City of Rockville**

**Policy for Ensuring the Security of Not Public Data**

**Legal requirement:**

The adoption of this policy by the City of Rockville satisfies the requirement in Minn. Stat. 13.05 subd. 5 to establish procedures ensuring the appropriate access to not public data. By incorporating employee access to not public data into the City’s Data Inventory (required by Minn. Stat. 13.025 subd. 1), in the individual employee’s position description, or both, the City’s policy limits access to not public data to employees whose work assignment reasonably requires access.

Please direct all questions regarding this policy to the City of Rockville’s Data Practices Compliance Official:

***Martin M. Bode***  
City Administrator  
City of Rockville  
P.O. Box 93  
229 Broadway Street East  
Rockville, MN 56369-0093  
320.251.5836  
cityhall@rockvillecity.org

**Procedures implementing this policy:**

**Data inventory**

Under the requirement in Minn. Stat. 13.025 subd. 1, the City will prepare a Data Inventory which identifies and describes all not public data on individuals maintained by the City. To comply with the requirement in Minn. Stat. 13.05 subd. 5, the City will also include in its Data Inventory the position titles of the employees who have access to not public data.

In the event of a temporary duty as assigned by a manager or supervisor, an employee may access certain not public data for as long as the work is assigned to the employee.

In addition to the employees listed in the City's Data Inventory, the Responsible Authority, the Data Practices Compliance Official, and the City Attorney may have access to all not public data maintained by the City if necessary for specified duties. Any access to not public data will be strictly limited to the data necessary to complete the work assignment.

#### **Employee position descriptions**

Position descriptions may contain provisions identifying any not public data accessible to the employee when a work assignment reasonably requires access.

#### **Data sharing with authorized entities or individuals**

Federal or state law may authorize the sharing of not public data in specific circumstances. Not public data may be shared with another entity if a federal or state law allows or mandates it. Individuals will have notice of any sharing in applicable Tennessee warnings or the City will obtain the individual's informed consent. Any sharing of not public data will be strictly limited to the data necessary or required to comply with the applicable law.

#### **Ensuring that not public data are not accessed without a work assignment**

Within the City, departments may assign tasks by employee or by job classification. If a department maintains not public data that all employees within its division do not have a work assignment allowing access to the data, the department will ensure that the not public data are secure.

Recommended actions for ensuring appropriate access include:

- Assigning appropriate security roles, limiting access to appropriate shared network drives, and implementing password protections for not public electronic data.
- Password protecting employee computers and locking computers before leaving workstations.
- Securing not public data within locked work spaces and in locked file cabinets.
- Shredding not public documents before disposing of them.

#### **Penalties for unlawfully accessing not public data**

The City will utilize the penalties for unlawful access to not public data as provided for in Minnesota Statutes section 13.09, if necessary. Penalties include suspension, dismissal or referring the matter to the appropriate prosecutorial authority who may also pursue a criminal misdemeanor charge.