

## **723 ACCESS TO DATA FOR INDIVIDUAL DATA SUBJECTS**

### **I. PURPOSE**

The purpose of this policy is to explain the process for an employee or other individual to review or obtaining data about that individual or that individual's minor child maintained by the school district and to comply with the Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes Chapter 13.

### **II. DEFINITIONS AND CONSTRUCTION**

This policy must be construed as consistent with the MGDPA and Minnesota Rules Chapter 1205. All terms used herein that are defined by the MGDPA must be given the same definition as listed in the MGDPA and Rules Chapter 1205. This policy does not confer upon an individual the right to access data not otherwise provided in any applicable or other school district policy. Nothing in this policy shall be interpreted to contradict any other school district policy.

### **III. RIGHT TO ACCESS DATA FOR INDIVIDUAL DATA SUBJECTS**

Upon request to a responsible authority or designee, an individual shall be informed whether that individual, the individual's minor child or person for whom the individual has been appointed legal guardian, is the subject of stored data and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data shall be shown that public or private data about themselves without any charge and, if desired, shall be informed of the content and meaning of that data. Except as required by law, after an individual has been shown this data and informed of its meaning, then the school district need not disclose the data to that individual for six (6) months unless additional data on the individual has been collected or created.

### **IV. MAKING A DATA REQUEST**

To review or request copies of data on the individual that are in the school district's possession, the individual should make a written request using the form found in Attachment B and submit this request to the appropriate data practices contact described in Attachment C. The school district reserves the right to accept verbal requests for data or reduce verbal requests to writing, at its sole discretion.

### **V. PROCESSING A DATA REQUEST**

If possible, the school district will respond to a written request submitted pursuant to this policy immediately. If immediate compliance is not possible, then the school

district will respond within ten (10) business days of the written request. If it is unclear what data the individual is requesting, then the school district will seek clarification. If the school district does not have the data requested, then it will notify the individual in writing as soon as reasonably possible.

If the school district has the data requested, and the data may lawfully be disclosed to the individual, then the school district will respond to the request by doing one of the following:

- a. Arrange a date, time, and place for the individual to review the data without cost to the individual; or
- b. Provide the individual with copies of the data. The individual may choose to pick up the copies, or the school district will mail or fax copies of the data to the individual. The school district will provide electronic copies (such as email or CD-ROM) only if the school district keeps the data in electronic format. Prepayment of copies is required unless other arrangements are approved by the responsible authority or designee. Additional information about copy charges is included on Attachment B.

If the school district determines that the requested data is classified so as to deny the requesting individual access, then the school district shall inform the requesting individual of that determination either verbally at the time of the data request, or in writing as soon as reasonably possible.

Upon the request of any individual that has been denied access to data, the responsible authority or designee will certify in writing the denial of the request and cite the specific statutory section, temporary classification, or specific provision of law upon which the denial was based.

## **VI. CREATING NEW DATA OR RESPONDING TO QUESTIONS**

Nothing in this policy or the MGDPA requires the school district to create data in response to a data request, collect new data in response to a data request, or to provide data in a specific form or arrangement if the school district does not keep the data in that form or arrangement.

Nothing in this policy or the MGDPA requires the school district to respond to questions that are not requests for data.

## **VII. IDENTIFICATION**

The school district reserves the right to require an individual requesting private data on the individual or the individual's minor child to provide valid and sufficient photo identification at the time that the data is requested or provided.

The school district will not disclose private data on anyone other than the individual requesting the data or that individual's minor child without receiving a valid release signed by the subject of the data.

## **VIII. RIGHTS OF DATA SUBJECTS**

### **A. Challenging Inaccurate or Incomplete Data**

Consistent with the MGDPA, any individual who believes that information contained in the school district's records regarding that individual, the individual's minor child or person for whom the individual has been appointed legal guardian, is inaccurate or incomplete may request that the school district amend those records. To exercise this right, the individual must notify the responsible authority or designee described in Attachment C in writing of the nature of the disagreement. Upon receiving such notification, the school district will take action as required by the MGDPA. Please note that the submission of a challenge to data does not guarantee that the school district will amend its records.

### **B. Information Provided When Data is Requested by the School District**

Consistent with the MGDPA and other applicable law, certain circumstances may require the school district to notify an individual who is asked to provide the school district with private or confidential data concerning that individual of the ways in which the school district can use the data collected.

### **C. Other Rights of Data Subjects**

Nothing in this policy shall be construed as limiting the rights provided by the MGDPA. Individuals that are the subject of data in the school district's possession have all of the rights afforded by Minnesota Statutes Section 13.04.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 13.02 (Definitions)  
Minn. Stat. § 13.025 (Public Data Access Policy; Data Subject Rights and Access Policy; Availability of Public Data Access Policies)  
Minn. Stat. § 13.03 (Access to Government Data; Costs for Providing Copies of Data)  
Minn. Stat. § 13.37 (General Nonpublic Data)  
Minn. Stat. § 13.43 (Civil Investigative Data)  
Minn. Stat. § 122A.20, subd. 2 (Mandatory Reporting)  
Minn. Rules Part 1205.1200, subpart 2 (Duty of Responsible Authority to Inform Public Where to Direct Inquiries)  
Minn. Rules Parts 1205.0100-1205.2000 (Data Practices)  
Minnesota Department of Administration Advisory Opinion 13-007  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)

**Cross References:** MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
Waconia Public Schools Records Retention Schedule

Policy Adopted: April 2015  
Renumbered: Nov 2020  
Waconia Public Schools  
Waconia, MN

**Attachment A**  
**Copy Costs – Requests for Data on Individuals**

The school district charges individuals for copies as authorized under Minnesota Statutes Section 13.03, subdivision 3(c). An individual must pay for the copies before the school district will provide the copies requested.

**For 100 or Fewer Paper Black and White Copies -- \$0.25 per Page**

The charge for 100 or fewer pages of black and white, letter or legal size paper copies is \$0.25 for a one-sided copy and \$0.50 for a two-sided copy.

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

The charge for more than 100 pages of black and white copies, or other types of copies, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data.

In determining the actual cost, the school district includes the cost of the employee time, the cost of the materials, and any mailing costs. If the request is for copies of data that the school district cannot reproduce itself, such as photographs, then it will charge the requester the actual cost it must pay an outside vendor for the copies.

The cost of employee time to search for the requested data, retrieve the requested data, and make copies of the requested data is based upon the lowest hourly rate of the appropriate school district employee. If, because of the subject matter of your request, the school district finds it necessary for a higher-paid employee to search for and retrieve the data, then the search and retrieval portion of the copy charge will be charged at the higher salary/wage. There is no charge for time spent separating public from not public data.

**Discretionary Copy Charge Waivers**

In some cases, whether the school district charges an individual a copy charge will depend on the costs to the department for providing the copies compared to the costs for collecting and recording a copy charge payment from an individual. If the cost of providing the copies is outweighed by the costs to the school district for collecting and recording payment, then the school district may waive a copy charge.

If the school district determines that it is in the best interests of the public and the school district to release data without copy charges, then the school district may waive such copy charges.

**Attachment B**  
**Data Request Form – Requests for Data on Individuals**

**Date of Request:** \_\_\_\_\_

**Method of Access to Data:**

In-Person Review  Copies  Both (in-person review and copies)

*(Note: In-person review is free, but there is a charge for copies)*

**Description of Requested Public Data:**

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*(Note:*  
*Describe the data you are requesting as specifically as possible. If you need more space, please use*  
*the back of this form or additional pages.)*

**Contact Information for Individual Requesting Data:**

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

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

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Verification of Identity:**

Driver's License  Personal Knowledge  Other Form of Identification  \_\_\_\_\_

**Return Completed Form To:**

Sonya Sailer, Data Practices Compliance Official  
Waconia Public Schools  
512 Industrial Boulevard  
Waconia, Minnesota 55387  
[ssailer@isd110.org](mailto:ssailer@isd110.org)

You may also direct your data request to one of the school district's other data practices contacts as listed on Attachment C.

**Attachment C**  
**Data Practices Contacts**

The employees listed below are available to assist you with data practices requests and concerns:

**Responsible Authority**

Patrick Devine, Superintendent  
512 Industrial Boulevard  
Waconia, Minnesota 55387  
Telephone: (952) 442-0600; [pdevine@isd110.org](mailto:pdevine@isd110.org)

**Data Practices Compliance Official**

Sonya Sailer, Data Practices Compliance Official  
512 Industrial Boulevard  
Waconia, Minnesota 55387  
Telephone: (952) 442-0600; [ssailer@isd110.org](mailto:ssailer@isd110.org)

**Data Practices Designees**

<b>Type of Data Requested</b>	<b>Name</b>	<b>Position</b>	<b>Email Address</b>	<b>Telephone Number</b>
Personnel Data	Sonya Sailer	Director of Human Resources	<a href="mailto:ssailer@isd110.org">ssailer@isd110.org</a>	952-442-0600
Student Special Education Records	Paul Tordoff	Director of Special Education	<a href="mailto:ptordoff@isd110.org">ptordoff@isd110.org</a>	952-442-0600
Student Educational Data Southview Elementary	Khuzana DeVaan	Building Principal	<a href="mailto:kdevaan@isd110.org">kdevaan@isd110.org</a>	952-442-0620
Student Educational Data Bayview Elementary	Ann Swanson	Building Principal	<a href="mailto:aswanson@isd110.org">aswanson@isd110.org</a>	952-442-0630
Student Educational Data Laketown Elementary	Nancy Wittman	Building Principal	<a href="mailto:nwittman@isd110.org">nwittman@isd110.org</a>	952-442-0690
Student Educational Data Clearwater Middle School	Shane Clausen	Building Principal	<a href="mailto:sclausen@isd110.org">sclausen@isd110.org</a>	952-442-0650
Student Educational Data High School and WALC	Mark Fredericksen	Building Principal	<a href="mailto:mfredericksen@isd110.org">mfredericksen@isd110.org</a>	952-442-0670

