

ALS Data Practices Policy

I. Data Practices Policy for Data Subjects (Note that Data practices for Members of the Public begins on Page 4.)

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:

- **Public Data:** ALS 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 Minnesota government employees

- **Private Data:** ALS cannot give private data to the general public, but you have access when the data are about you. ALS can share your private data with you, with someone who has your permission, with ALS staff who need the data to do their work, and as permitted by law or court order. The following are examples of private data about you:
 - Social Security number of employees;
 - Data that link a Library patron's name with materials requested or borrowed by the patron or that link a patron's name with specific subject about which the patron has requested information or materials, or data in applications for borrower cards, other than the name of the borrower.

- **Confidential Data:** Confidential data have the most protection. Neither the public nor you can get access even when the confidential data are about you. ALS can share confidential data about you with ALS staff who need the data to do their work and to others as permitted by law or court order. ALS 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

II. Your Rights Under the Government Data Practices Act

ALS must keep all government data in a way that makes it easy for you to access data about you. Also, ALS can collect and keep only those data about you that ALS needs 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 ALS keeps about you. You also have the right to get copies of public and private data about you. The Government Data Practices Act allows ALS to charge for copies. You have the right to look at data, free of charge, before deciding to request copies. Also, if you ask, ALS will tell you whether ALS keeps 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 ALS not to give data about them to their parent or guardian. If you are a minor, ALS will tell you that you have this right. ALS may ask you to put your request in writing and to include the reasons that ALS should deny your parents access to the data. ALS 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 ALS Collects Data from You

- When ALS asks you to provide data about yourself that are not public, ALS must give you a notice. The notice is sometimes called a Tennessee warning. The notice controls what ALS does with the data that ALS collects from you. Usually, ALS can use and release the data only in the ways described in the notice.
- ALS will ask for your written permission if ALS needs to use or release private data about you in a different way, or if you ask ALS to release the data to another person. This permission is called informed consent. If you want ALS to release data to another person, you may use the consent form ALS provides.

Protecting Your Data

- The Government Data Practices Act requires ALS to protect your data. ALS has established appropriate safeguards to ensure that your data are safe.
- In the unfortunate event that ALS determines a security breach has occurred and an unauthorized person has gained access to your data, ALS will notify you as required by law.

When Your Data is 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 ALS's decision. If you are a minor, your parent or guardian has the right to challenge data about you.

III. How to Make a Request for Your Data

To look at data, or request copies of data that ALS 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. You may make your request in person, by mail, fax, or email, using the [ALS Data Request Form](#).

If you choose not to use the ALS 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;
- Identifying information that proves you are the data subject, or data subject's parent/guardian; and
- That you are aware of the copy fees in Section V and willing to pay those fees for copies.

ALS requires proof of your identity before ALS 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.

IV. How ALS Responds to a Data Request

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

- If ALS does not have the data, ALS will notify you in writing within 10 business days.
- If ALS has the data, but the data are confidential or private data that are not about you, ALS will notify you within 10 business days and state which specific law says you cannot access the data.
- If ALS has the data, and the data are public or private data about you, ALS 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 ALS will mail or fax them to you. ALS will provide electronic copies (such as email or CD-Rom) upon request if ALS keeps the data in electronic format.

For information about copy charges, see Copy Costs – Data Subjects. ALS also will arrange for you to prepay for the copies. After ALS has provided you with the access to data about you, ALS does not have to show you the data again for 6 months, unless there is a dispute or ALS collects or creates new data about you. If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let ALS know. ALS will give you an explanation if you ask.

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

V. Copy Costs – Data Subjects

ALS 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 ALS will give them to you.

For 100 or Fewer Paper Copies – 25 cents per page

- 100 or fewer pages of black and white, letter or legal size 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, ALS factors in employee time, the cost of the materials onto which ALS is copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that ALS cannot reproduce itself, such as photographs, ALS will charge you the actual cost ALS must pay an outside vendor for the copies. The cost of employee time to search for data, retrieve data, and make copies is \$17.44 per hour.
- If, because of the subject matter of your request, ALS finds it necessary for a higher-paid employee to search for and retrieve the data, ALS will calculate the search and retrieval position of the copy charge at the higher salary/wage.

VI. Data Practices Policy for Members of the Public

Rights 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, the Arrowhead Library System (ALS), 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 ALS keeps. You also have the right to get copies of public data. The Government Data Practices Act allows ALS to charge for copies. You have the right to look at public 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 ALS keeps, make a written request. Make your request for data to the appropriate individual listed in the Data Practices Contacts section of this policy. You may make your request for data in person or by mail, fax, or email, using the [ALS Data Request Form](#).

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;
- A clear description of the data you would like to inspect or have copied; and
- That you are aware of the copy fees in Section V and willing to pay those fees for copies.

ALS 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 ALS to mail you copies of data), ALS may need some information about you. If you choose not to give ALS any identifying information, ALS will provide you with contact information so you may check on the status of your request. In addition, please keep in mind that if ALS does not understand your request and has no way to contact you, ALS will not be able to begin processing your request.

How ALS Responds to a Data Request

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

- If ALS does not have the data, ALS will notify you in writing as soon as reasonably possible.
- If ALS has the data, but the data are not public, ALS will notify you as soon as reasonably possible and state which specific law says the data are not public.
- If ALS has the data, and the data are public, ALS 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 ALS will mail or fax them to you. If you want ALS to send you the copies, you will need to provide ALS with an address or fax number. ALS will provide electronic copies (such as email or CD-Rom) upon request if ALS keeps the data in electronic format.

For information about copy charges, see Copy Costs – Members of the Public. ALS also will arrange for you to prepay for the copies. If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please let ALS know. ALS will give you an explanation if you ask.

The Government Data Practices Act does not require ALS to create or collect new data in response to a data request if ALS does not already have the data, or to provide data in a specific form or arrangement if ALS does not keep the data in that form or arrangement. (For example, if the data you request are on paper only, ALS is not required to create electronic documents to respond to your request.) If ALS agrees to create data in response to your request, ALS 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 ALS 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. ALS will prepare summary data if you make your request in writing and prepay for the cost of creating the data. Upon receiving your written request – you may use the [ALS Data Request Form](#) – ALS will respond within ten business days with the data or details of when the data will be ready and how much ALS will charge.

VII. Copy Costs – Members of the Public

ALS 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 ALS will give them to you.

For 100 or Fewer Paper Copies – 25 cents per page:

- 100 or fewer pages of black and white, letter or legal size 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, ALS factors in employee time, the cost of the materials onto which ALS is copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that ALS cannot reproduce itself, such as photographs, ALS will charge you the actual cost ALS must pay an outside vendor for the copies. The cost of employee time to search for data, retrieve data, and make copies is \$17.44 per hour.
- If, because of the subject matter of your request, ALS finds it necessary for a higher-paid

employee to search for and retrieve the data, ALS will calculate the search and retrieval position of the copy charge at the higher salary/wage.

VIII. Policy for Ensuring the Security of Not Public Data

Legal Requirements:

The adoption of this policy by the Arrowhead Library System (ALS) 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 ALS's Data Inventory (required by Minn. Stat. 13.025 subd. 1), in the individual employee's position description, or both, ALS's policy limits access to not public data to employees whose work assignment reasonably requires access.

Please direct all questions regarding this policy to ALS's Data Practices Compliance Official:

Jim Weikum, Executive Director
5528 Emerald Ave, Mountain Iron, MN 55768
Phone number: 218-741-3840
Fax number: 218-748-2171
Email address: jim.weikum@alslib.info

IX. Data Practices Contacts

Responsible Authority

Jim Weikum, Executive Director
5528 Emerald Ave, Mountain Iron, MN 55768
Phone number: 218-741-3840
Fax number: 218-748-2171
Email address: jim.weikum@alslib.info

Data Practices Compliance Official

Jim Weikum, Executive Director
5528 Emerald Ave, Mountain Iron, MN 55768
Phone number: 218-741-3840
Fax number: 218-748-2171
Email address: jim.weikum@alslib.info

Data Practices Personnel Data Designee

Shari Fisher, Assistant Director
5528 Emerald Ave, Mountain Iron, MN 55768
Phone number: 218-741-3840
Fax number: 218-748-2171

Email address: shari.fisher@alstlib.info

Data Practices Patron Data Designee

Jim Weikum, Executive Director

5528 Emerald Ave, Mountain Iron, MN 55768

Phone number: 218-741-3840

Fax number: 218-748-2171

Email address: jim.weikum@alstlib.info

X. Standards for Verifying Identity Procedure

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 ID, such as:
 - A state driver's license
 - A military ID
 - A passport
 - A Minnesota ID
 - A Minnesota tribal ID
 - A Minnesota school ID
 - A certified copy of birth certificate
- 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.

XI. Procedure for Ensuring the Security of Not Public Data

Data Inventory

Under the requirement in Minn. Stat. 13.025 subd. 1, ALS will prepare a Data Inventory which identifies and describes all not public data on individuals maintained by ALS. To comply with the requirement in Minn. Stat. 13.05 subd. 5, ALS 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 ALS's Data Inventory, the Responsible Authority, the Data Practices Compliance Official, and ALS's Attorney may have access to all not public data maintained by ALS 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 ALS 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 ALS, 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

ALS 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.

Approved by ALS Governing Board: [12/14/2017]



Arrowhead Library System
5528 Emerald Ave
Mountain Iron, MN 55768
(218)741-3840 als@alslib.info

ALS Data Request Form

Date of request

I am requesting access to data in the following way (*check one*) :

Inspection

Copies

Both Inspection and Copies

These are the data that I am requesting:

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

Contact Information:

You are NOT required to provide this information, however, if we are to send copies, it will be needed.

Name: _____

Address: _____

Phone: _____ Email: _____

Under the Government Practices Act, you have the right to inspect all public data, free of charge, however, ALS may charge for any copies provided.