

City of Wayzata

Data Practices Policy for Data Subjects

Data about You

The Government Data Practices Act (Minnesota Statutes, Chapter 13) gives data subjects certain rights related to the data that a government entity collects, creates, and keeps government data about them. You are the “data subject” when you can be identified from the data. Government data is a term that means all information a government entity has, regardless of physical form or storage media or location, including paper and electronic documents and records, email, and photographs.

Classification of Data about You

The Government Data Practices Act creates a presumption 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”. Below are some rules and examples for each classification.

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

The following is an example of public data we might have about you:

Your name on an application for a license from the City

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 City of Wayzata 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 we might have about you:

Your social security number on a background check form

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 Wayzata 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:

Your identity as a witness in an active criminal investigation

Your Rights under the Government Data Practices Act

- **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.

If you are 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). If you are 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 Wayzata 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.

- **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 Tennessee 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 must use the consent form we provide, or a similar form.

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

You have the right to contest the accuracy and/or completeness of public and private data about you by following the procedures in Minn. Stat. Sec. 13.04, subd. 4.

How to Make a Request for Your Data

To look at data, or request copies of data that the City of Wayzata keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, you need to make a written request for data to the appropriate individual listed in the Data Practices Contacts on page 5 of this Policy. You may send your request by mail, fax or email, using the data request form on page 7. To look at data or request copies of data from the City of Wayzata Police Department, make a written request for data by using the data request form on page 9.

If you choose not use to use the data request forms in this policy, 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 confirms you are the data subject, or data subject's parent/guardian.

The City of Wayzata requires proof of your identity before we can respond to your request for data about you. 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 8.

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 as soon as reasonably possible.
- If we have the data, but the data are confidential or private data that are not about you, we will notify you as soon as reasonably possible 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 as soon as reasonably possible, 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. We will provide electronic copies upon request if we keep the data in electronic format.

Information about copy charges is on page 7.

After we have provided you with access to data about you, we may withhold further access to 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, and we will explain.

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 will not respond to requests for answers to questions that are not specific requests for data.

Data Practices Contacts

Responsible Authority

City Clerk

600 Rice Street E.
Wayzata, MN 55391
Phone: 952-404-5303
Fax: 952-404-5318

Data Practices Compliance Official

City Clerk

600 Rice Street E.
Wayzata, MN 55391
Phone: 952-404-5303
Fax: 952-404-5318

Data Practices Designee(s)

Official City Records/
Electronic Data Storage

City Clerk

600 Rice Street E.
Wayzata, MN 55391
Phone: 952-404-5303

Police Records

Chief of Police

Wayzata Police Department
600 Rice Street E.
Wayzata, MN 55391
Phone: 952-404-5340

Copy Costs – Data Subjects

The City of Wayzata charges data subjects the actual cost for an employee to make and certify paper copies or to print copies of electronically stored data. We may not charge a data subject any fee for searching for and retrieving data. These charges are authorized under Minnesota Statutes, section 13.04, subdivision 3.

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

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 approximately \$40.50 per hour.

Data Request Form – Data Subjects

Date of request: _____

Contact Information

Data subject name _____

Parent/Guardian name (if applicable) _____

Address _____

Phone number _____ Email address _____

Staff Verification

Identification provided _____

Note: To request data about you, where you are the data subject, you must provide us with one of the forms of ID listed below so that we can confirm your identity.

I am requesting access to data in the following way:

Inspection

Copies

Both inspection and copies

Note: Inspection is free but copy costs will be based on the rates shown on page 6 of this policy.

These are the data I am requesting:

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

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

Acceptable IDs 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.

Wayzata Police Department Data Request Form

Description of data requested:

- State Crash Report
- Type of Incident or Case Number _____

Date of incident: _____

Location of incident: _____

If the data you are seeking is about an individual, please provide to the extent you know:

Name: _____
Last First Middle

Other Names (including aliases, birth name, nicknames, maiden name, etc.): _____

Date of birth: _____
Month Day Year

Optional Contact Information

The Wayzata Police Department cannot require you to provide identifying information when making your request. However, if you do not provide a way to reach you, we cannot ask any follow-up questions about your request or let you know when the data is ready. Please provide any optional contact information below:

Name: _____
Last First Middle

Address: _____
Street Apt./Suite #
City State Zip Code

Email: _____

Telephone: (____) _____

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

- If we do not have the data, we will notify you as soon as reasonably possible.
- If we have the data, but the data is not public, we will notify you as soon as reasonably possible and state which specific law(s) state the data is not public.
- If we have the data, and the data is public, we will respond to your request appropriately, within a reasonable amount of time.

Please mail or bring this form to Wayzata Police Department, 600 Rice St E, Wayzata, MN 55391 or email to wayzatapd@wayzata.org.

Revised 7/2018