



**Data Practices Policy:
Requesting Data About You and Your Rights as
a Data Subject**

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**Kelly K. Geistler
City Clerk**



What is a “Data Subject”?

When government has information recorded in any form (paper, hard-drive, voicemail, video, email, etc.), that information is called “government data” under the MN Government Data Practices Act (MGDPA), Minnesota Statutes, Chapter 13. When we can identify you in government data, you are the “data subject” of that data. The Data Practices Act gives you, as a data subject, certain rights. This policy explains your rights as a data subject, and tells you how to request data about you, your minor child, or someone for whom you are the legal guardian.

When the City Has Data About You

The City of Rochester (the City) has data on many people, such as employees, job applicants, vendors, etc. We can only collect and keep data about you when we have a legal purpose to have the data. The City must also keep all government data in a way that makes it easy for you to access data.

Government data about an individual have one of three “classifications.” These classifications determine who is legally allowed to see the data. Data about you are classified by state law as public, private, or confidential. Here are some examples:

Public Data

The Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. We must give public data to anyone who asks. It does not matter who is asking for the data or why the person wants the data. The following are examples of public data about you that we might have:

Your name on an application for a business license from the city

Private data

We cannot give private data to the general public. We can share your private data with you, with someone who has your permission, with City staff whose job requires or permits them to see the data, and with others as allowed by law or court order. The following are examples of private data about you that we might have:

Your Social Security Number

Confidential Data

Confidential data have the most protection. Neither the public nor you can access confidential data even when the confidential data are about you. We can share confidential data about you with City staff who have a work assignment to see the data, and to others as allowed by law or court order. The following is an example of confidential data about you:

Your identity as mandated reporter of child abuse or neglect

Your Rights Under the Government Data Practices Act

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 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 us 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 will 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 called a Tennessen 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 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 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

You can ask to look at (inspect) data at our office, or ask for copies of data that we have about you, your minor child, or an individual for whom you have been appointed legal guardian.

Submit a request for government records using the [Public Records Center](#)

Or

Make a written request in-person at the Office of City Clerk during normal business hours

Requests for Police Reports must be made by visiting the Rochester Police Law Enforcement Center or by calling the Rochester Police Records Unit at (507) 328-6811

If you do not use the [Public Records Center](#), you may use the Data Request Form – Data Subject on page 8 of this policy.

We require 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 child's parent. If you are a legal guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity on page 9. If you do not provide proof that you are the data subject, we cannot respond to your request.

How We Respond to a Data Request

Upon receiving your request, we will review it.

- We will ask you to confirm your identity as the data subject.
- We may ask you to clarify what data you are requesting.

If we do not have the data, we'll notify you in writing within 10 business days.

- If we have the data, but the data are confidential or not public data about someone else, we will notify you within 10 business days and identify the law that prevents us from providing 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 in our office, for free, or
 - Provide you with the data within 10 business days. You may choose to pick up your copies, or we will upload them into the secure [Public Records Center](#) for you. We will provide electronic copies (such as email or CD-ROM) upon request if we keep the data in electronic format

We will provide notice to you about our requirement to prepay for copies.

Following our response, if you do not make arrangements within 30 business days to inspect the data or pay for the copies, we will conclude that you no longer want the data and will consider your request closed.

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

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please tell the person who provided the data to you. We will give you an explanation if you ask.

The Data Practices Act does not require us to create or collect new data in response to a data request, 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.

The City is not required to respond to questions, if not related to a request for government records.

Data Practices Contacts

Responsible Authority

Kelly K. Geistler
City Clerk
201 4th Street S.E. Room 135
Rochester, MN 55904
507-328-2900
Records@rochestermn.gov

Data Practices Compliance Official

Michael Spindler-Krage
City Attorney
201 4th Street SE
Room 247, City Hall
Rochester, Mn 55904
Phone: 507-328-2100
[City Attorney Contact List](#)

Data Practices City Records Manager

Jennifer Kellogg
City Records Manager
201 4th Street SE
Room 135, City Hall
Rochester, MN 55904-3742
Phone: 507-328-2909
Jkellogg@rochestermn.gov

Department Data Practices Designees:

COR Department	Responsible Authority	Data Practices Designee
311	Kelly K. Geistler	Leslie Durhman
Administration	Kelly K. Geistler	Aaron Parrish
City Attorney	Kelly K. Geistler	Jody Houghton
City Clerk	Kelly K. Geistler	Jennifer Kellogg
Community Development/ Building Safety	Kelly K. Geistler	Maribeth Cooper
Finance	Kelly K. Geistler	Brian Anderson
Human Resources	Kelly K. Geistler	Tim Comstock
Mayo Civic Center	Kelly K. Geistler	Deanna Meyer
Mayor's Office	Kelly K. Geistler	Michon Rogers
Parking and Transit	Kelly K. Geistler	Ia Xiong
Public Works	Kelly K. Geistler	Maribeth Cooper Heather Peterson
Rochester Public Library	Kelly K. Geistler	Purna Gurung
Rochester Police Department	Kelly K. Geistler	Rachel Lehman
Rochester Fire Department	Kelly K. Geistler	Julie Ladage
Rochester Airport Company	Kelly K. Geistler	Kurt Claussen Jason Stini
Rochester Parks & Rec	Kelly K. Geistler	Mike Nigbur
Rochester Civic Music	Kelly K. Geistler	Mary Fuhrmeister
Rochester Public Utilities	Kelly K. Geistler	Peter Hogan
Water Reclamation Plant	Kelly K. Geistler	Matt Baker

Copy Costs – Data Subjects

Minnesota Statutes, section 13.04, subdivision 3, allows us to charge for copies.

Actual Cost of Making the Copies

We will charge the actual cost of making copies for data about you. In determining the actual cost, we include the employee-time to create and send the copies, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs such as postage (if any). If your request is for copies of data that we cannot copy ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

If possible and upon request, we will provide you with an estimation of the total cost of supplying copies.

Pursuant to [Minn. Stat. §13.04, subd. 3](#) Government may not charge a data subject any fee for searching for and retrieving data (Note that the .25 cents per page per 100 copies or fewer does not apply to data subject requesters unless that is the actual cost to make copies.).

The process of separating public from not public data is never charged. Actual costs shall be calculated based on the current hourly wage of the lowest-paid employee who could complete the task.

Fees totaling \$50.00 or more shall be collected before releasing copies, unless prior arrangements have been made.

Minnesota Statutes, sections 13.025 and 13.03 require this policy.

Data Request Form

Request date:

Contact information:

Data Subject Name:

Parent/Guardian Name (if applicable):

phone number/email address:

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

The data I am requesting:

Describe the data you are requesting as specifically as possible. _____

Authorized signature

I am requesting access to data in the following way:

- Inspection
- Copies
- Both inspection and copies

Note: Inspection is always free. We charge for the actual cost to make copies if the subject or their representative wishes to purchase the data.

We will respond to your request within 10 business days

To be completed by staff member responding to data request:

Identity Confirmed: Y or N

Date:

Staff Name:

City of Rochester Standards For Verifying Identity

The following constitute proof of identity:

- An adult individual must provide a valid photo ID, such as
 - a driver's license
 - a state-issued ID
 - a tribal ID
 - a military ID
 - a passport
 - the foreign equivalent of any of the above
- A minor individual must provide a valid photo ID, such as
 - a driver's license
 - a state-issued ID (including a school/student ID)
 - a tribal ID
 - a military ID
 - a passport
 - the foreign equivalent of any of the above
- 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 inspect data or pick up copies of data in person may be required to provide either notarized or certified copies of the documents that are required or an affidavit of ID.