

Policy Procedure Guideline

TYPE: University

TITLE: Data Practices

ORIGINALLY APPROVED: 4/1/15

CURRENT VERSION EFFECTIVE: 4/1/15

RESPONSIBLE UNIVERSITY OFFICER: President

OWNER: Data Practices Compliance Official (DPCO)

CONTACT: Data Practices Compliance Official (DPCO)

REASON FOR POLICY:

As part of SCSU's compliance to the Government Data Practices Act ([Minnesota Statutes, Chapter 13](#)), this policy and associated procedure are designed to inform about the rights, regulations, and processes involved in accessing data.

POLICY:

Each individual, as a data subject, has certain rights related to the collection and retrieval of government data about them. Each member of the public also has rights to retrieving information that is not about them, but is considered public Government data. These data include recorded information including paper, email, DVDs, photographs, etc. Data is classified by state law as public, private, or confidential. The Government Data Practices Act presumes that all government data are public unless a state or federal law dictates otherwise.

- **Public data:** We must give public data to anyone who asks; it does not matter who is asking for the data or why. An example of public data would be [directory information](#) such as a student's name or major. State employee salary would also be considered public data.
- **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 staff who need the data to do their work, and as permitted by law or court order. A social security number or what life insurance coverage an employee selected for their benefits package would be examples of private data.
- **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 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. Revealing the identity of the subject of an active criminal investigation, for example, would be prohibited under this protection.

SCSU must keep all government data in a way that is easy to access and may only collect and keep those data that are needed for administering and managing programs that are permitted by law.

Data Subject: If the data or information identifies you or is about you, then you are the data subject. Data subjects have the right to:

- **Access your data:** You have the right to be informed about what types of data we keep about you and be given access to look at and/or be provided with copies of these data upon request. You may also request that the information be provided to someone else by using the [Data Release Consent Form](#). If you are a student attending SCSU, even if still a minor, you must sign a Data Release Consent Form if you wish for your parent or legal guardian to access your data. If you are under the age of 18 and not attending SCSU, a parent or legally appointed guardian may look at or get copies of these data without consent. Charges for copies may apply.
- **Be given notice:** When you are asked to provide data about yourself that is not public you will be provided with a notice that is sometimes called a Tennessee warning. This notice controls how we are able to use and release the data you provide. We will obtain your written informed consent if the data needs to be used or released in a different way, or if you wish for us to release the data to another person.
- **Have your data safeguarded:** SCSU has 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.
- **Challenge your public and private data:** You may challenge data that you believe is incorrect or incomplete and also have the right to appeal decisions that we have made about your data.

Member of the Public: If the data or information is not about you, then you have the right to:

- **Access public data:** A member of the public may look at or request copies of any public data that we have. SCSU has, however, designated student email addresses, mailing addresses, and telephone numbers as [Limited Directory Data as allowed by FERPA](#), and will only release this information to the SCSU Foundation and/or to parties contractually affiliated with SCSU. Charges for research and copies may apply.
- **Request 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 prepay for the cost of researching and creating the summary data.

PROCEDURE:

How to make a data request:

To look at data, or request copies of data that St. Cloud State University keeps, you must make a written request. Refer to the [Data Practices Contacts](#) document to determine whom to direct your

written inquiry to. You may make your written request using the preferred method of completing the [Data Request Form](#).

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

1. State whether you are a member of the public requesting general public data, or whether you are the data subject and the data is about you (or a minor child);
 - **Data Subject:** if requesting information on yourself, you must provide 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. (See [Identity Verification Guide](#); or if you are unable to present the identity verification in person, see the [Notary Identity Verification Guide](#)) If your minor child is attending SCSU as a student, then you must also get their consent using the [Data Release Consent Form](#) before SCSU can release the information.
 - **Member of the Public:** you do not need to identify who you are 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.
2. State that you are making a request, under the Data Practices Act ([Minnesota Statutes, Chapter 13](#));
3. State whether you would like to inspect the data, have copies of the data, or both; and
4. Include a clear description of the data you would like to inspect or have copied.

Costs:

SCSU may charge fees as authorized under statute sections 13.03 and 13.04. If it is determined that a fee is due, you will be informed of the estimated amount prior to data being presented or delivered. The fee must be paid in advance of receiving the requested materials. SCSU does not charge if the total fee is less than \$10.00. A request shall not be broken in to smaller individual requests in an attempt to avoid charges. Multiple requests that are received consecutively and are connected will be considered as one request when determining costs.

- **Data Subject:** If you are requesting information that is about you, you may view the materials **free of charge**, but we may charge for:
 - the actual cost of the copies. Actual cost for a data subject include:
 - employee time to make the copies;
 - the cost of the materials onto which the copies are made (paper, CD, DVD, etc.);
 - mailing costs (if any); and
 - for data that we cannot reproduce ourselves, such as photographs, the actual cost we must pay an outside vendor for the copies.
- **Member of the Public:** If you are requesting public information that is not about you, you may view the materials **free of charge**, but we may charge for:

- Cost to research, retrieve, and transmit information via email or other electronic transmittal.
- 100 or fewer pages of black and white, letter or legal paper copies at a flat rate of \$.25 for single sided or \$.50 for double sided copies. This flat rate includes paper and mailing costs.
- the actual cost for all other request including for more than 100 pages of copies, color copies, or copies of data stored on another medium such as photograph, CD, flash drive, email, etc., Actual costs for a member of the public include:
 - employee time to research the data, retrieve the data, and/or copy the data. The hourly wage of the lowest paid employee who has the authority to search, access, and prepare the data will be used to calculate this charge;
 - the cost of the materials onto which the copies are made (paper, CD, DVD, etc.);
 - mailing costs (if any); and
 - for data that we cannot reproduce ourselves, such as photographs, the actual cost we must pay an outside vendor for the copies.

How SCSU will respond to a data request:

SCSU is not required under the Government Data Practices Act to respond to questions that are not specific requests for data. For all written requests that are specifically for data:

- If we do not have the data, we will notify you in writing.
- If we have the data, but you are not permitted to access the data, our Data Practices Act Compliance Officer will notify you and state which specific law(s) applies.
- If we have the data, and you are permitted to access the data we will
 - arrange a date, time, and place for you to inspect data, for free, if your request is to look at the data, or
 - provide copies, if your request is for copies. We will notify you of any costs involved.
 - When possible, we will provide electronic copies by email or secure sharing site. If you specifically request paper or another medium, you may choose to pick up your data, or have it mailed or faxed to you.

Communications or notices provided in writing may be done by email. For requests by the data subject, we will respond within 10 business days. After we have provided you with access to your data, we do not have to show you the data again for 6 months unless there is a dispute or we gain new data about you. For requests by members of the public, we will respond as soon as reasonably possible.

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.

RELATED DOCUMENTS: [FERPA](#); [Student Handbook Data Privacy](#); [MnSCU Data Privacy Tutorial](#); [Minn. Statute 13](#); [Directory Data List](#); [Ensuring Security of Not Public Data Policy](#)

SUPPORTING DOCUMENTS: [Data Request Form](#); [Data Practices Contact Information](#); [Identity Verification Guide](#); [Notary Identity Verification Form](#); [Data Release Consent Form](#)

Questions regarding this policy should be directed to SCSU's Data Practices Compliance Official (DPCO):

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St. Cloud State University
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