

City of Mendota Heights: Data Practices Policy for Subject Data

Policy Number: 2.03
Adopted: 12/16/2016
Revised: 07/02/2025

1. PURPOSE

This policy outlines how data subjects are able to access data managed by the City of Mendota Heights. The city collects and keeps data about individual people only when there is a legal purpose to have the data. The City of Mendota Heights must also keep all government data in a way that makes it easy for individuals to access data about themselves.

2. DATA CLASSIFICATIONS

Government data about an individual has one of three classifications. These classifications determine who is legally allowed to see the data. Data about individuals are classified by state law as public, private, or confidential.

I. Public Data

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. The city must give public data to anyone who asks. Example: Employee name and salary information.

II. Private Data

The city is not allowed to give private data to the general public. The city is only allowed to share private data with the data subject or with someone who has provided the city with written consent from the data subject to access the data. City staff may access private data only when required to perform their official duties. Private data can also be shared as permitted by a law or court order. Example: Employee social security number

III. Confidential Data

Neither the public nor the data subject can access confidential data even when the confidential data are about the data subject. The city can share confidential data about a data subject with city staff who have a work assignment to see the data, and to others as permitted by law or court order. Example: Data related to ongoing investigations.

3. DATA SUBJECT RIGHTS

Data subjects have the following rights to government data.

I. Data on Self

Data subjects have the right to inspect, free of charge, public and private data that the city keeps about themselves. Data subjects also have the right to receive copies of public and private data about themselves. The Data Practices Act allows the city to charge a fee for copies of data records. Data subjects have the right to look at data, free of charge, before deciding to request copies. The city will confirm whether data on data subjects is public, private or confidential upon request.

Data subjects have the right to challenge the accuracy and/or completeness of public and private data about themselves. Data subjects have the right to appeal the city's decision. Parent(s) or legal guardian(s) have the right to challenge data about their children or minors they are legally responsible for.

II. Data on Minor Children

Parents of minor children are able to inspect or receive copies of public and private data about their minor children (under the age of 18). Legal guardians have the right to look at and get copies of public and private data about an individual for whom they are appointed guardian.

Minors may request that the city withhold their private data from a parent or guardian. Minors requesting to deny access to their personal data to either a parent or a legal guardian should submit a written request to the city. The city will grant the request unless appealed by a parent or guardian, at which time the City Administrator will determine the city's response.

III. Data Collection

The city will supply a Tennessee Warning when asking to collect private data from data subjects. This notice will explain why the city is collecting the data, what the city will do with the data, whether the data subject may refuse or is legally required to supply the requested data, and who the city will share the data with. The notice controls what the city does with the data that is collected. The city will only use and release the data in ways described in the notice.

If another person requests access to private data, the city will require written informed consent from the data subject. This permission is called informed consent and data subjects should complete the informed consent form provided by the city.

IV. Data Protection

The Data Practices Act requires the city to protect private data. The city has established policies and procedures including appropriate safeguards to ensure the protection of private data. In the event that the city determines that there is a security breach, and an unauthorized person has gained access to private or confidential data, the city will notify data subjects as required by law.

4. DATA REQUESTS

Data subjects may submit a written data request for data about themselves or their minor child, or an individual for whom they have been appointed legal guardian. Questions regarding data practices requests should be directed to the responsible authority.

Data requests for private data will require proof of identity before the city is able to fulfill the data request. If the request is for private data on a minor, the city will require proof that the requester is the child's parent or legal guardian.

5. DATA REQUEST PROCEDURE

Data requests will be reviewed promptly upon receipt. The city will confirm any data subject's identity prior to fulfilling a data request with private information. It is recommended that requesters complete a data request form to streamline the fulfillment of data requests. Requests of data on minors require the requestor to provide legal documentation showing parent status or guardianship. Failure to provide sufficient documentation will result in the cancellation of the data request.

City staff may ask the requester to clarify what data they are requesting. If the city does not have the data, the city will notify the requester in writing, responding within 10 business days. If the city has the data, but the data are confidential or not public data, the city will notify the requester within 10 business days and identify the law that prevents the city from providing the data.

If the city has the data, and the data are public or private data about the data subject, the city will respond to the request by doing one of the following:

1. Arrange a date, time, and place for the requester to inspect the data in person, providing sufficient opportunity to inspect data within 10 business days of the request, at no charge.
2. Inform the requester how much the copies will cost, confirm continued interest in the data, and then fulfill the request within 10 business days and upon payment of charges for the copies. The requester may choose to pick up copies or have the city mail or email them (to the requester). The requester will be responsible for the cost of postage for mailed copies. The city will provide electronic copies upon request, if the City keeps the data in electronic format and can reasonably make a copy.
3. If the requester does not make arrangements within 10 business days to inspect the data or pay for the copies, the city will conclude that data request is no longer needed and the request is closed.
4. The city will not supply the same data to the data subject within six months of a completed request unless there is a dispute about the data or if there is new data that has been collected on the data subject.

Data requesters can request clarification of technical terminology, abbreviations or acronyms included within public data of the staff person who provided the data for additional explanation and clarification.

The Data Practices Act does not require the city to create or collect new data in response to a data request, or to provide data in a specific form or arrangement if the city does not keep the data in that form or arrangement.

If the city agrees to create data in response to a data request, the city will work with the requester on the details of the request, including cost and response time.

6. DATA PRACTICES CONTACTS

I. **Responsible Authority**

Nancy Bauer, City Clerk

1101 Victoria Curve, Mendota Heights, MN 55118

Phone: 651-452-1850

Fax: 651-452-8940

Email: nbauer@mendotaheightsmn.gov

As Responsible Authority, the *City Clerk* orders the following individuals as Data Practices Compliance Official and Designees:

Data Practices Compliance Official

Nancy Bauer, City Clerk

1101 Victoria Curve, Mendota Heights, MN 55118

Phone: 651-452-1850

Fax: 651-452-8940

Email: nbauer@mendotaheightsmn.gov

Data Practices Designee(s)

Trista Miller, Police Support Specialist

1101 Victoria Curve, Mendota Heights, MN 55118

Phone: 651-452-1366

Fax: 651-452-8940

Email: pdrecords@mendotaheightsmn.gov

7. COSTS

Minnesota Statutes, section 13.04, subdivision 3 allows the city to charge for copies. These charges are authorized under Minn. Stat. § 13.04, Subd. 3 and set according to Minnesota Statutes and the city's current fee schedule. The City of Mendota Heights requires payment for copies before copies of the data are distributed.

The city will charge the actual cost of making copies for data about data subjects. In determining the actual cost, the city will include the employee-time to create and send the copies, the cost of the materials onto which staff are copying the data (paper, CD, DVD, etc.), and mailing costs such as postage (if any) as set forth in the city's current fee schedule.

If a request is for copies of data that staff cannot copy internally, such as photographs, the city will charge the actual cost the city pays an outside vendor for the copies.

8. IDENTITY VERIFICATION

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

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.

9. DELEGATION OF AUTHORITY

The City Administrator, or their designee, is authorized to make amendments and changes to this policy.