Data practices procedures

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Data subject rights and requesting data about yourself

The Minnesota Government Data Practices Act (Data Practices Act) ensures rights for data subjects when a government entity collects, creates, and keeps data about them. These procedures explain your rights as a data subject when the Metropolitan Council maintains data about you.

The procedures also tell you how you can submit a data request to view or obtain copies of public or private data about you that are collected, created, used, stored, or maintained by the Metropolitan Council. They also explain how we will respond to your data request.

Government data about you

Government data means all recorded information collected, created, received, maintained, or shared by a government entity like the Metropolitan Council. Data can be in any form, including paper or electronic documents, emails, electronic databases, photographs, or videos.

You are the “data subject” when you can be identified from data and the data are about you.

Data about you may be classified by law as public, private, or confidential:

- **Public data** are all government data that the Metropolitan Council collects, creates, receives, maintains, or disseminates that are not classified by state statute or federal law as private or confidential. The Metropolitan Council must give public data to anyone who asks for the data; it does not matter who is asking for the data, or why.
- **Private data** are classified by law as not public. Private data are available to you, to people you authorize to access the data, to Metropolitan Council employees who need access to do their work, to contractors and consultants who need access to perform their services for the Metropolitan Council, and to other individuals or entities authorized by law to access the data.
- **Confidential data** are classified by law as not public. Confidential data are not available to the public or to you as the data subject. Confidential data are only available to Metropolitan Council employees who need access to do their work, and to other individuals or entities authorized by law to access the data.

The Metropolitan Council can only collect and keep data about you when we need it for administering or managing programs that are required or permitted by law. We must keep all government data in a way that makes it easy for you to access data about yourself.

Notice when we collect private or confidential data from you

If the Metropolitan Council asks you to provide private or confidential data about yourself, we must give you a notice. This notice is called a private data collection notice or a Tennessen warning. The notice will tell you:

1. Why we are asking for private or confidential data about you.
2. How we will use the data.
3. If you are required by law to provide the data, or if you can refuse to provide the data.
4. Any known consequences of either providing the data or refusing to provide the data.
5. The identities of other entities or individuals authorized by law to access or use the data.

After the Metropolitan Council gives you a private data collection notice, we usually can only use and release data about you to others as described in the notice unless you give your written consent for a new use or release.

When possible, we will give you the private data collection notice in writing and ask you to sign it. You are not required to sign the notice. Upon request, you may have a copy of the notice that you sign. You can ask the Metropolitan Council to explain the notice to you if you do not understand it or have questions about it.

When a notice is not required. We are not required to provide the private data collection notice when:

1. You give us information we did not ask you to provide.
2. The information we ask you to provide is about someone else.
3. The information we ask you to provide is public data.
4. The information is collected for investigation purposes by a Metro Transit police officer or another law enforcement officer.

Consent to share your private data

The Metropolitan Council will ask for your written permission if we need to use or release private data that we collected from you in ways other than what we described in the private data collection notice. This permission is called informed consent. If we ask for your informed consent, we must explain why we need to use or share data about you in the new way, and we must explain whether there are any consequences of giving your informed consent to the new use. There are a few uncommon exceptions when we do not need to ask you for consent to use or release your private data in a new way. The Data Practices Act lists these exceptions.

We also need your written permission if you want the Metropolitan Council to release private data about you to another person, such as to your legal representative or another organization.

Requesting access to data about yourself

You have the right to look at, free of charge, public and private data that the Metropolitan Council keeps about you. You also have the right to receive copies of public and private data about you. The Data Practices Act allows the Metropolitan Council to charge for some of the costs related to providing copies of data. You may view data free of charge at Metropolitan Council offices before deciding to request copies.

Submit a data request using our data request portal. Data requests must be submitted to the Metropolitan Council through our online data request portal. The data request portal collects information we need to process your data request, including:

1. ***Name***. If you are requesting private data about yourself, you will need to identify yourself.
2. ***Contact information***. We ask for an email address where we can confirm that we have received your data request. We also use this email address to contact you with questions or when we need information about your data request. An email address is required for us to respond to your request. To be sure we can respond, doublecheck that you correctly entered your email address. Other contact information is optional but may help us respond to your request, especially if we have problems with your email address.
3. ***Whether you want to receive your data by viewing it onsite at Metropolitan Council offices or by getting copies sent to you***. Viewing data onsite at our offices — called "inspecting data" in the Data Practices Act — is free. Receiving copies after viewing the data may result in costs to you. Our copy costs procedure has more information about when and how we charge for costs.
4. ***The date range of your request, if applicable***. Keep in mind that longer date ranges will result in longer response times and could result in costs to you.
5. ***A written description of your request***. This information is required for us to respond to your request. Describe your request as clearly as you can.
6. ***Proof of your identity.*** We require proof of your identity before we can respond to your request for private data about yourself because we cannot disclose private data to unauthorized

individuals. You can submit your proof of identity through the secure online portal. This information is required for us to respond to your request for private data about you. If you do not provide proof that you are the data subject, we cannot respond to your request.

If the request portal or form is not accessible, please contact our Data Practices Office by email at datapractices@metc.state.mn.us or by phone at (651) 602-1000.

Additional data request rights

You may view data that responds to your data request at Metropolitan Council offices for free. Under the Data Practices Act, you have the right to view data that responds to your data request — known as "inspecting data" — free of charge. You may view data by scheduling an appointment with data practices staff at our downtown Saint Paul offices during regular business hours, Monday through Friday, 8:00 a.m. to 4:30 p.m. Metropolitan Council offices are not open on Saturdays, Sundays, or holidays. Our offices are located at 390 Robert Street North in downtown Saint Paul. A map, driving directions, transit connection information, and parking options are available at this link.

You can receive copies of data, although we may charge you for those copies. Our copy costs procedure has more information about how we charge for costs and payment procedures.

You may request an explanation of the data's meaning. If you do not understand the data, such as technical terminology, abbreviations, or acronyms, please contact Data Practices Office staff. They will provide an explanation if you ask for one.

How the Metropolitan Council responds to data requests

After you submit your data request using our online data request portal, you will receive an email confirming that your request was submitted and entered in our data request tracking system.

Our Data Practices Office will communicate with you using the email included in your request. Be sure your email is accurate so that we can respond, and consider including another way to reach you, such as a phone number. In addition to responses to your data request, our communications with you may include requests for clarification and cost estimates for copies.

The Metropolitan Council must respond to requests from data subjects immediately if it can, or within 10 business days. Depending on your preferences and our capabilities, we will schedule a time for you to view data in our offices, share data electronically, or mail data to you.

We will make the data available for you to view or provide copies upon request. Because the Metropolitan Council is required by law to preserve records and documents, a Metropolitan Council employee may remain with you while you view the data. If you want copies, Metropolitan Council staff will make copies, and we may charge you if the copies result in costs under our copy costs procedure.

We will provide a cost estimate if your request for copies will result in charges. If your request is likely to result in copy costs, we will provide you with an estimate before we begin the work. Our copy costs procedure contains information about how the Metropolitan Council charges fees for data requested by data subjects. If you do not wish to pay the costs, you can work with our Data Practices Office to find ways to reduce the costs.

We will inform you if we cannot share data with you. If the Metropolitan Council has data you request but cannot share some or all of the data with you because it is classified as confidential under the Data Practices Act or another law, we will tell you why you cannot see or have copies of the data. The Metropolitan Council will tell you the specific statutory section, temporary data classification, or federal law that classifies the data as not public.

We will consider your data request closed if you do not respond when we have questions or tell you that your request is complete. If you do not respond within 15 business days when we ask for clarification about your data request, we will consider your request closed. If you do not arrange to view the data or pay for copies within 5 business days when we tell you that your data request is complete, we will consider your request closed.

We do not need to respond to another request for the same data for six months. After you have seen your private data and been informed of its meaning, the Metropolitan Council is not required to redisclose data to you for six months, unless there is a dispute over the data or if additional data about you have been collected or created.

Copy costs procedure

The Metropolitan Council charges reasonable fees for the actual costs of gathering data and providing copies in response to data requests, consistent with the Data Practices Act. Our copy costs procedure has more information about how we charge for costs. It is available on our data requests webpage.

Protecting your private 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 private data, we will notify you as required by law.

Inaccurate or incomplete data about you

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 the Metropolitan Council's decision in response to your challenge. If you are a minor, your parent or guardian has the right to challenge data about you.

Contact the individuals listed in the data practices contacts section to make a challenge or ask questions. The Data Practices Act outlines the procedures for making a data challenge, and for how we respond to a data challenge, in Minnesota Statutes, section 13.04, subdivision 4.

Minors

Individuals under age 18. If you are not yet 18 years old, you have the rights of an individual described in this document when the Metropolitan Council collects, uses, or keeps data about you.

Your parents or legal guardian have the same rights as you do regarding government data about you. However, if you submit a written request asking the Metropolitan Council to deny them access, we may decide to deny your parents or guardians access to private data about you. You must state the reasons why you want access denied and you must sign the request. If the Metropolitan Council is permitted by law to deny access and if we determine that it is in your best interest to deny access to your parents or guardians, the Metropolitan Council will deny your parent or guardian access to private data about you.

The procedures and considerations for denying a parent access to private data about their minor children are described in Minnesota Rules, part 1205.0500, subpart 3.

Parents of individuals under age 18. As a parent, you have the right to look at and get copies of public and private data about your minor children (under age 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.

If you request data about your minor child, you must show proof that you are the minor's parent. If you are a legal guardian, you must show legal documentation of your guardianship.

In some cases, parents or guardians may not have this right. For example, parents or guardians cannot exercise these rights if there is a court order that takes the right from them. The court order might be about a divorce, separation, custody, or some other matter, or it might take away parental rights. Sometimes state or federal laws do not allow parents to see information about minors.

Data practices contacts

Data requests and data practices questions. To make a valid data request, you must direct your data request to the Data Practices Office using the data request portal on the Metropolitan Council's

website. If you have general data practices questions or concerns you can contact the Data Practices Office by email at datapractices@metc.state.mn.us.

Data practices designee. The Head of Data Practices is the Metropolitan Council's data practices designee. The Head of Data Practices and the Data Practices Office are responsible for receiving and responding to data requests. They also answer questions about data practices at the Metropolitan Council.

Data practices compliance official. If you have worked with the Data Practices Office but still have problems accessing data, you can contact the data practices compliance official. The data practices compliance official is the designated Metropolitan Council employee to whom you may direct problems and concerns related to obtaining access to Council data. The Metropolitan Council's data practices compliance official is the Deputy Regional Administrator. You can reach the data practices compliance official at datapracticescomplaint@metc.state.mn.us.

Responsible authority. The Regional Administrator is the Metropolitan Council's designated responsible authority and is responsible for the collection, use and dissemination of data by the Metropolitan Council. You can reach the Regional Administrator by email at responsibleauthority@metc.state.mn.us.