

# Anoka County's Master Data Privacy Policy

## **Introduction:**

Anoka County's Data Privacy Policy provides a single location for answers on the policies adopted by the Anoka County Board of Commissioners regarding compliance with Minnesota Chapter 13, the Government Data Practices Act, specifically Minn. Stat. §13.03 and other applicable laws. The Policy will be reviewed annually, in conjunction with the Information Security Policy and other Anoka County Policies.

Anoka County must keep private and confidential data private and confidential while ensuring transparency and public access to all public data. Anoka County requires that its elected officials, appointed officials, employees and agents only access the minimum amount of non-public data necessary to complete their assigned tasks. Permitted access to private data shall be restricted to a business need. Where available, audits and inspection may be utilized to ensure that data is only accessed for a business need. Unnecessary access to private data by elected officials, appointed officials, employees and agents may result in discipline and or criminal penalties. See the Anoka County Personnel Rules and Regulations.

## **Anoka County Data Practices Policy Pursuant to the Minnesota Government Data Practices Act**

The Minnesota Government Data Practices Act at § 13.03 subd. 1 presumes that all government data collected, created, received, maintained or disseminated by a government entity is public unless classified by statute, or temporary classification pursuant § 13.06, or federal law, as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential. Minnesota law requires Anoka County to establish procedures to ensure that requests for government data are received and complied with in an appropriate and prompt manner. Anoka County has adopted the Data Privacy Policy for Data Subjects and Data Privacy Policy for Public Data which are incorporated in this master policy. The County has identified responsible authorities for each governmental unit. The following information complies with the requirements of Minn. Stat. §13.03.

### Anoka County Data Practices Officials

#### **Responsible Authority**

Anoka County Deputy Administrator  
Anoka County Government Center  
2100 Third Ave.  
Anoka, MN 55303  
763-324-4707

#### **Alternate Responsible Authority & Compliance Official**

HIPAA Privacy Official  
Anoka County Government Center  
2100 Third Ave.  
Anoka, MN 55303  
763-324-1813

#### **Anoka County Sheriff's Office Responsible Authority & Compliance Official**

Brad Wise, Anoka County Sheriff

Anoka County Public Safety Campus  
13301 Hanson Blvd. NW  
Andover, MN 55304  
763-324-5010

**Anoka County Attorney's Office Responsible Authority & Compliance Official**  
Brad Johnson, Anoka County Attorney  
Anoka County Government Center  
2100 Third Ave.  
Anoka, MN 55303  
763-324-5381

Responsible Authorities and Compliance officials may appoint designees to assist in processing requests. The list of designees will be posted on Anoka County's public website. Designees may be updated without revision to this Policy.

## **Data Requests**

Anoka County will comply with Minnesota Statutes Chapter 13 in responding to all data requests. To ensure coordination and timely response, all data requests shall be made utilizing the GovQA platform available on the Anoka County public website, unless an individual requires a legal accommodation. All data requests must be made in writing. Please see below for specific policies relating to requesting private data and public data.

### **Public Data Request**

The Government Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public unless a state or federal law says the data are private, confidential or not-public. Government data includes all recorded information of a government entity, including paper, email, CD's, DVDs and photographs.

Anoka County must store all government data so it is easy for members of the public to access public data. The public has the right to look at (inspect), free of charge, all public data that we keep. The public also has the right to get copies of public data but may be required to pay for that data. See Costs below. .

### **How to Request Public Data**

A request for public data must be made in writing. Anoka County utilizes an electronic service to manage and assist with all data requests. All requests must be made through the [Anoka County Data Request Center](#). All communication regarding data requests are to be done within the center. If you have a legitimate barrier that prohibits you from utilizing the electronic center, Anoka County will make accommodations for you to request your data. Please contact the Responsible Authority identified in this Policy.

If Anoka County grants an accommodation for you to request data outside of GovQA, your request must be in writing and include the following data:

- that you, as a member of the public, are making a request for data under the Government Data Practices Act, Minnesota Statutes, Chapter 13;
- whether you would like to look at the data, get copies of the data, or both; and
- a clear description of the data you would like to inspect or have copied.

Anoka County cannot require you, as a member of the public, to identify yourself or explain the reason for your data request. Our data request center allows anonymous communication. 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 identifying information about you.

There may be a fee associated with providing the data. Prepayment of all or a portion of the fee before we begin processing your request may be required. Payments are handled through a secure online payment processor.

## Private Data Requests

The Government Data Practices Act (Minnesota Statutes, Chapter 13) gives data subjects certain rights related to the collection, creation of and storage of data about them. You are the subject of data when you can be identified from the data and the data is about you. Government data is a term that means all recorded information a government entity has, including paper, email, CD's, DVDs, and photographs.

Anoka County's elected officials, appointed officials, employees and agents may only access the minimum amount of data necessary to do their assigned tasks. Permitted access to private data is restricted to a business need and regular audits and inspection are utilized to ensure that data is only accessed for a business need. Unnecessary access to private data by elected officials, appointed officials, employees and agents may result in discipline and criminal penalties.

### Classification of Data about You

Data about you are classified by state law as public, private, or confidential. See below for some examples.

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

The following is an example of public data about you: *if you are an employee of Anoka County, the fact that you work for Anoka County, your job title, pay and your bargaining unit are public.*

2. **Private data:** We cannot give private data to the public, but you have access when the data are about you (or another for whom you are legally authorized to see their data, such as your children). We can share your private data with you, with someone who has your permission, with our government entity 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 about you: *your social security number.*

3. **Confidential data:** Neither the public nor you can get access to confidential, even when the confidential data are about you. We can share confidential data about you with our government entity 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: *if you file a report alleging child abuse against a third party, your identity is confidential.*

## **Your Rights under the Government Data Practices Act**

Anoka County must maintain all your data so it easy for you to access that data. We may only collect and keep data about you that is permitted by law. 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 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. 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, in most cases, 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 Anoka County to withhold 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 access to the data. We will make the final decision about your request based on your best interests. **Note:** Minors do not have this right if the data in question are educational data maintained by an educational agency or institution.

- **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 may use the consent form we provide.

- **Protecting your Data**

The Government Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe.

- **When your Data are Inaccurate and/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 Request Private Data**

To request data that Anoka County keeps about you, your minor children, or an individual for whom you have been appointed legal guardian, you must make a written request.

All written requests must be made through the [Anoka County Data Request Center](#). All communication regarding data requests are to be done within the center. If you have a legitimate barrier that prohibits you from utilizing the electronic center, Anoka County will make accommodations for you to request your data. Please contact the Responsible Authority identified in this Policy.

If Anoka County grants an accommodation for you to request data outside of the electronic center, your request must 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 (your children or person for whom you have guardianship);
- whether you would like to inspect the data, have copies of the data, or both;
- a clear description of the data you are requesting; and
- identifying information that proves you are the data subject, or data subject's parent/guardian.

Anoka County requires proof of your identity before we can respond to your request for data. Proof of identity may be requested at the time of submission or after the request is made.

- 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.
- In all other circumstances you must provide legal authority for you to access private data.

### **How We Respond to a Request for Public or Private Data**

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

- If the request is for **public data**, we will respond to your request appropriately and promptly, within a reasonable amount of time by doing one of the following:
  - 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 via the center, as soon as reasonably possible.
  - If we have the data, but we are not legally permitted to share the data, we will notify you as soon as reasonably possible and tell you why the data cannot be released.
  - We will provide electronic copies through the center upon receipt of payment if required.
  - If inspection is requested, arrange a date, time, and place to inspect data.
  - If you request physical copies of the data, upon receipt of any required payment we will provide copies which you can pick up or we will mail or fax them to you.
  - Notify you we are working on the request and provide you an anticipated date of completion if the request is very large or requires extensive redaction.
- If the request is for **private data**, we will make every effort to provide eligible data to you within ten business days, but some requests are large and require additional time.
  - 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 within ten business days.
  - If we have the data, but we are not legally permitted to share the data, we will notify you within 10 business days and tell you why the data cannot be released.
  - If we have the data and you are authorized to see it, we will provide electronic copies through the center upon receipt of payment if payment is required.
  - If you request to inspect the data, we will arrange a date, time and place to inspect.
  - If you request physical copies of the data, upon receipt of payment if required, we will provide copies which you can pick up or we will mail or fax them to you.
  - If the request cannot be completed within ten days, we will notify you we are working on the request and provide an anticipated date of completion.

- All requests submitted through the center will provide the responsive data through the center.
- If you are not able to or do not want to access the data through the center you must provide contact information telling us where to send the data.
- If you do not understand the data (technical terminology, abbreviations, or acronyms), please let us know. We will give you an explanation if you ask.
- Anoka County may require that you prepay for the cost of the data as outlined below.
- All data prepared for inspection or provided in a form other than through the center will be maintained for fourteen (14) days. Unless otherwise agreed, you must inspect the data within that time, pay the fee for requested copies, or make other arrangements to view it. If no response is made within fourteen days, the responsive data will no longer be maintained for you and will require a new request.
- The Government Data Practices Act does not require Anoka County to create or collect new data in response to a data request. For example, if the data you request is 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. If you request us to create summary data, Anoka County will charge a fee which must be paid before the data is created.

The Government Data Practices Act does not require us to answer questions that are not requests for data.

## Summary Data Requests:

Summary data are statistical records or reports that are prepared by removing all information that would identify private or confidential data on individuals or in creating a summary document from other public information available within the County. Anoka County is not required to create data to comply with a summary data request. Anoka County will prepare summary data, if possible, if the request is made in writing and the cost of creating the data is pre-paid.

## Copy Costs

- Anoka County charges to respond to a data request pursuant to Minnesota Statutes § 13.03 subd. 3 and § 13.04 subd. 3.
- For public data requests Anoka County may charge:
  - \$.25 per page for black and white copies (two sided documents count as two pages) for fewer than 100 paper copies;
  - \$1.00 per page for color copies.
  - For public data requests for 100 or more pages, the actual cost of making copies which includes employee time to search for, gather the data, make the copies, the cost of the materials onto which we are copying the data (CD, DVD, etc.), and mailing costs (if any). The cost does NOT include the time used to redact data from the documents.
  - Electronically disclosed data, including through the center, shall be charged at the actual cost of making electronic copies which includes employee time to search for, gather the data, make the copies, the cost of the materials onto which we are copying the data (CD,

DVD, etc.), and mailing costs (if any). The cost does NOT include the time to redact data from the documents.

- Data subjects who request copies of the data may be charged for the actual costs of making and certifying the copies, regardless of the number of pages.
- Anoka County requires payment for the copies before release and may require prepayment before collecting the data.

## Data Inventory

Pursuant to Minnesota Statute §13.025 Anoka County maintains an inventory that contains a description of each category of record, file or process relating to private or confidential data on individuals maintained by Anoka County. The specific description is included in Anoka County Data Retention Policy which is available by contacting the Records Services Coordinator for Anoka County. As Anoka County updates the Data Retention Policy, electronic versions of the policy will be available at its electronic record retention schedule.

## Data Retention Policies

In accordance with Minn. Stat. §15.17 and §138.17 subd. 7, Anoka County has adopted retention policies that govern all data possessed by Anoka County. The record retention policies constitute the Anoka County Data Inventory. The retention policies for each division are available upon request or through Anoka County's electronic record retention schedule.

## Electronic Mail and Messages

Data and information contained in or attached to electronic messages is not an official transaction of the County. The County's electronic communication systems are meant to be a temporary medium for the transmission of data. All official records required to be maintained pursuant to any applicable statute or regulation will be maintained in an appropriate official record keeping system.

## Data Breach

Definitions:

Private Data – is data on an individual that is made private by statute or law and is accessible to the subject of the data.

Confidential Data – is data on individuals that is made not-public by statute or law and is not available to the subject of the data

Breach of the security of the data – means unauthorized access or acquisition of private or confidential county data when the person accessing or acquiring the private or confidential data has the intent to use the data for nongovernmental purposes that compromises the security and classification of the data. Good faith acquisition of or access to government data by an employee, contractor or agent of a government entity for the purposes of the entity is not a breach of the security of the data.

**Minn. Stat. § 13.055 subd. 2 requires that Anoka County must adopt a Data Breach Process. Anoka County has adopted the following Process:**

...disclose any breach of the security of the data following discovery or notification of the breach. Written notification must be made to any individual who is the subject of the data and whose private or confidential data was, or is reasonably believed to have been, acquired by an unauthorized person and must inform the individual that a report will be prepared under paragraph (b), how the individual may obtain access to the report, and that the individual may request delivery of the report by mail or e-mail. The disclosure must be made in the most expedient time possible and without unreasonable delay.

Upon notification to an employee, public official, or agent that there may have been a breach of the security of private or confidential data, the responsible county employee will follow protocols established by the Responsible Authority.

## **Anoka County Information Security Policy**

Anoka County has adopted the Information Security Policy to comply with the terms and requirements of Minn. Stat. § 13.05 subd. 6 and 325E.61. The terms and conditions of the Information Security Policy apply to all data created, collected, maintained and disseminated by Anoka County. At least annually, pursuant to Minnesota Statutes §13.055 subd. 6, Anoka County Information Technology shall conduct a comprehensive security assessment of any personal information maintained by Anoka County.

The Anoka County Information Security Policy has been adopted to protect against unauthorized, accidental or intentional access, disclosure, modification or destruction of County information through safeguards.

## **Anoka County's Personnel Rules and Regulations**

### **Employee Access to Data Pursuant to Minn. Stat. § 13.05**

Pursuant to Minnesota Statute Section 13.05 subd. 5 and Administrative Rule 1205.044 subpart 2, Anoka County employees may not access private, confidential or not-public records or information unless their work assignments reasonably require access to such records. The ability of authorized individuals to enter, update, or access data is limited by role-based access that corresponds to the official duties or training level of the individual as assigned by that employee's supervisor. Regular training and strict personnel consequences in conjunction with random audits relating to an employee's access to data pursuant to the Anoka County Information Security Policy provide additional protection for the private and confidential data on individuals. Unauthorized access may result in discipline up to and including termination as well as potential criminal sanctions.

Each Anoka County employee shall, complete required training relating to Data Privacy and Security. Each employee is notified that they may only access the private, confidential and not-public data that the employee's job duties reasonably require access

## **Anoka County HIPAA Policies**

Anoka County is a Hybrid Entity meaning that some parts of Anoka County are included as a covered entity and subject to the requirements of HIPAA. Anoka County has adopted a HIPAA Policy in compliance with federal requirements which is regularly reviewed and updated. Anoka County complies with the restrictions that govern the Security, Administration and Privacy of HIPAA covered data.

### **Security**

The federal law relating to security of health information can be fully reviewed at [eCFR — Code of Federal Regulations](#).

### **Privacy**

The HIPAA Privacy Rule sets national privacy protections for individuals and obligations for health care providers and health plans. In general, the privacy rule pertains to all individually identifiable health information, whether electronic, oral, or on paper. HIPAA sets a National minimum for protecting an individual's health information, but the rules allow more stringent state laws to supersede the minimum standard.

Anoka County complies with the requirements of the Federal Government's HIPAA and HITECH requirements. Accordingly, Anoka County has adopted privacy policies that comply with the directives of the legislation. A full list of the privacy policies may be found in the Anoka County HIPAA Policies and Procedures.

### **Administrative**

The HIPAA Administrative Requirements can be found at: [eCFR — Code of Federal Regulations](#). Anoka County's Administrative HIPAA policies may be found in the Anoka County HIPAA Policies and Procedures.

### **Conclusion**

This Master Policy complies with requirements of Minnesota Statutes for government entities. Anoka County is passionate about protecting data entrusted to us and strives to honor its commitment to transparency. We remain committed to utilizing all available resources to protect the integrity of data we hold and welcome questions or suggestions.

## **Exhibit A - Anoka County Data Practices Officials & Designees**

### **Responsible Authority/ Compliance Official**

Dee Guthman, Deputy County Administrator  
Anoka County Government Center  
2100 Third Ave.  
Anoka, MN 55303  
763-324-4707  
[Dee.Guthman@anokacountymn.gov](mailto:Dee.Guthman@anokacountymn.gov)

### **Alternate Responsible Authority & Compliance Official**

Tracy Schirmers, HIPAA Privacy Official Designee  
Anoka County Government Center  
2100 Third Ave.  
Anoka, MN 55303  
763-324-1813  
[Tracy.Schirmers@anokacountymn.gov](mailto:Tracy.Schirmers@anokacountymn.gov)

### **Anoka County Sheriff's Office Responsible Authority**

Brad Wise, Sheriff  
Anoka County Public Safety Campus  
13301 Hanson Blvd. NW  
Andover, MN 55304  
763-324-5010  
[sheriff@anokacountymn.gov](mailto:sheriff@anokacountymn.gov)

### **Anoka County Attorney's Office Responsible Authority**

Brad Johnson, County Attorney  
Anoka County Government Center  
2100 Third Ave.  
Anoka, MN 55303  
763-324-5381  
[Brad.Johnson@anokacountymn.gov](mailto:Brad.Johnson@anokacountymn.gov)

### **Data Practices Official for Welfare Data:**

Kate Heffernan, Human Services Chief Officer  
Anoka County Government Center  
2100 Third Ave.  
Anoka, MN 55303  
763-324-1205 [Kate.Heffernan@anokacountymn.gov](mailto:Kate.Heffernan@anokacountymn.gov)

### **Data Practices Official for Veterans Service Records:**

John Kriesel, Veteran Services Office Director  
Anoka County Government Center  
2100 Third Ave.  
Anoka, MN 55303  
763-324-4502  
[John.Kriesel@anokacountymn.gov](mailto:John.Kriesel@anokacountymn.gov)

## Anoka County Designees

As authorized by Minn. Stat. §13.03 subd. 2, Dee Guthman, the Anoka County Responsible Authority shall maintain a current list of Anoka County Designees to receive and comply with requests for government data in their respective divisions, units, or departments.

County Administration	Dee Guthman
Community and Governmental Relations	Tonja West-Hafner
Communications	Erik Thorson
Compliance & Risk Manager	Bill Keller
Emergency Communications	Kari Morrissey
Facilities Management and Construction	Andrew Dykstra
Finance	Cory Kampf
Human Resources	Steph Beito-Ziemer
Information Technology	Vijay Naravane
Internal Audit	Chuck Denninger
Library	Colleen Haubner
License and Passport Services	John Lenarz
Parks Department	Jeff Perry

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Medical Examiner	Dr. Angelique Quinn Piper
Medical Examiner's Office	Shane Sheets

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Property Records and Taxation Division/Land Commissioner	Pam LeBlanc
Elections and Voter Registration	Tom Hunt
Property Assessment and Taxation	Alex Guggenberger
Vital Statistics	Kristie Olson

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Transportation Division	Joe MacPherson
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Human Services Division	Kate Heffernan
Community Social Services and Behavioral Health	George Borrell
Community Corrections	Dylan Warkentin
Public Health and Environmental Services	Jonelle Hubbard
Job Training Center	Nicole Swanson
Economic Assistance	Jessica Leth