

## DATA PRIVACY ACT

Minnesota's Data Practices Act (Minnesota Statutes, Chapter 13) gives you the right to be informed about the information maintained by this agency. This act relates to the collection, security and dissemination of data on individuals by the state and its political subdivisions of which Fraser is included.

Data on individuals includes all records, files and processes which contain any data in which an individual is or can be identified and which is kept or intended to be kept on a permanent or temporary basis. It includes that collected, stored and disseminated by manual, mechanical, electronic or any other means. Data on individuals includes data classified as public, private or confidential.

Three categories of records are maintained at Fraser. They are: 1) Employee Personnel Records classified as private, 2) Client Records classified as private (in some instances, client medical records may be classified as confidential by medical personnel. In general, medical records are usually classified private), and 3) Social Services Statements for parents and their children which are classified as private.

Public data on individuals means data which is open to the individual as well as to the general public. Private data on individuals means data which is not public but which by law is accessible to the individual subject of that data. Private information is not available without the written permission of the individual or as otherwise specifically authorized by law.

Confidential data on individuals means data which is not public but which is a) expressly made confidential by law as to the individual subject of that data; b) data which supplies that basis for the diagnosis of the medical or psychiatric condition of an individual as determined by a licensed physician.

No private or confidential data on individuals, or summary of same, shall be used or disseminated outside of Fraser unless such a request for information is made in writing and has the approval of the individual (family/legal guardian) and the responsible authority of an administrative staff member.

### **Your Right to Know**

When you are asked by Fraser to give information about yourself, you will be told how and by whom it is going to be used. You also will have the right to know whether Fraser has information about you and how it is classified. In addition:

1. You will be told the purpose and use of the information.
2. You will be told if the data is required, or if you may refuse to give it.
3. You will be told the consequences of giving or not giving information.
4. You will be told what other persons or agencies will use the information.

### **Your Right to See**

The Data Practices Act gives you the right to see any information that is not confidential and to have its meaning explained to you if you wish. You may request the following:

1. To show you any information about you that is public or private.
2. To explain the information to you if necessary.
3. To make any copies of papers in your file that you want. (You may be required to pay copying costs. Fraser has five working days to furnish copies or to explain why it needs additional timeup to five more working days).

### **Your Right to Challenge**

If you feel any information in a file about you is not accurate, correct or complete, notify Fraser in writing. Within 30 days, Fraser must correct the information and attempt to notify anyone who has gotten wrong or incomplete information in the past, including anyone you name. Or, if Fraser thinks the data is correct, you must be notified. Thereafter, to use any data you challenge, Fraser must attach your explanation.

Any person who willfully violates the provisions of this act is guilty of a misdemeanor.

### **Your Right to Control Disclosure**

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Any information about you classified as private may be shown to persons outside Fraser, which collected it. You should be told who else will see information about you when it is originally requested. However, if you were not fully informed about who would have access to information (see section on 'Your Right to Know'), then your written permission is required before that information may be shared. Such permission will:

- be expressed in plain language;
- be dated;
- say exactly who is authorized to give out the information;
- say exactly what information can be given;
- say how the information will be used, now or later, and
- say when permission to give out information ends.