



# Information access and privacy

This is a guide to your privacy rights under the law. It explains how you can access records kept by agencies of the statewide human services system. It also tells you to how to file a complaint if you believe your rights have been violated.

## Access to government information and protecting information about you

All Minnesota government agencies must: a) protect private information about individuals; and b) help citizens get public information. It is the policy of the Minnesota Department of Human Services (DHS) and the statewide human services system to allow people to have data if the law says they can see it. The statewide human services system is a group of agencies that gives services to people.

The agencies include:

- Minnesota Department of Human Services
- County human services boards and agencies
- Human services center boards
- Community mental health center boards
- Regional treatment centers
- State nursing homes
- Ombudsman for Mental Health and Developmental Disabilities
- Public agency responsible for child support enforcement
- People, agencies, institutions and organizations under contract to any agency listed above.

This brochure tells you how you can get information from those agencies. You have the right to ask any

agency in the statewide human services system whether it has information about you and how that information is classified. You must ask the agency that has the data you want.

## Classification of data

The Minnesota Government Data Practices Act classifies data as follows:

### Data on individuals

**Public**

**Private\***

**Confidential**

### Data not on individuals

**Public**

**Nonpublic**

**Protected nonpublic**

\***Private data** includes data that identifies individuals who receive services from DHS or a county agency. **Protected health information** is governed by the federal Health Information Portability and Accountability Act (HIPAA) that identifies DHS or county clients as private data.

## Release of information

Anyone can ask for public data, but private data on individuals (including protected health information) or nonpublic data can only be given to:

- The person who is the subject of the data (the data subject)
- Others who the law says can see the data. A government agency must tell an individual who can see data about the individual at the time the agency asks for the data.
- Anyone the data subject says can see the data. The data subject may sign a consent for the release of information that says who can see or have copies of private or nonpublic data.

Confidential and protected nonpublic data cannot be given to the data subject. They can be given only to those people or agencies that state or federal law says can have them.

Summary data (such as statistics) come from private or confidential data. They do not have any information from which the data subject can be identified. They are public and anyone can have them.

## Services for researchers

Researchers may look at data if the agency feels that looking at the data will not cause injury to the data subject. However, researchers must follow strict procedures when accessing private data, including agreeing to keep data private. If they don't, they may be subject to legal penalties.

## Responsible authority for enforcing the law

The data practices and HIPAA officials for the following government agencies are responsible for making sure that their agency obeys the law.

The responsible authorities for the following agencies are listed below:

### Commissioner of Human Services for:

- Minnesota Department of Human Services
- Regional treatment centers
- State nursing homes

### County agency director for:

- Local or county human services or community services agencies

### Chairman of the board for:

- County welfare board
- Human services board
- Community mental health center board

### Head of the public authority for:

- Public authority for child support enforcement

### Chief executive officer for:

- Ombudsman for Mental Health and Developmental Disabilities

### Persons named in contract for:

- Contractors or vendors of human services agencies

## Requesting public information

### Government documents

Some data are printed for the public and are free. If an agency does not have what you want, you may ask that a copy be mailed to you when it is available.

Some documents can be obtained from:

Minnesota's Bookstore  
660 Olive St., St. Paul, MN 55155  
651-297-3000 (metro)  
800-657-3757 (nationwide toll-free)  
[www.minnesotasbookstore.com](http://www.minnesotasbookstore.com)

### Other public government data

You may see or get copies of public data during normal working hours, usually between 9 a.m. and 3:30 p.m. Make an appointment with the agency that has the data.

If you do not understand the data you get, the agency will explain it to you.

To get data that is not about you or will take a long time to prepare, contact the responsible authority.

You may see documents that have both public data and nonpublic data about someone else only after the nonpublic data is blacked out.

## The right to be told

When an agency asks you for private or confidential information about you, you have the right to be told:

- Why the agency asks for the information
- If you can refuse to give the information
- What might happen if you give or refuse to give the information
- Who will be able to see the information you give.

This notice should be printed on the forms you fill out, printed in a booklet, written on a separate sheet or given to you orally. If you do not understand something in the notice, you may ask the person who gives it to you.

## The right to look

You have the right to look at public and private data about you. You must generally have a person's written permission before you can see private data about others.

If you wish to see the data an agency has about you, go to the agency during regular working hours, not on weekends and holidays, and ask to look at your data. You must provide your identification and sign to prove you are who you say you are.

It is a good idea to make an appointment with the office you plan to visit. If you make an appointment, the staff will have time to make sure your data are ready. You may take any reasonable amount of time to read the data, but you must see it with agency staff present. The agency may refuse to let you see your data again for six months after you have seen your data, unless there is a case pending or new data have been added.

You may let other people see the data about you by signing a consent for release of information.

## Costs for access

There is no charge to see data. However, you may have to pay for copies you ask for or for summary data. The formula for determining copy costs can depend on whether you request paper or an electronic copy, the amount of data and the amount of work it takes to produce the data. Payment for copies of data must be made in advance. There is no charge for separating public from nonpublic data.

For additional information about costs associated with a data request, contact DHS at the locations listed on the last page of this document, or refer to the following Web pages: [mn.gov/dhs/](http://mn.gov/dhs/)

### Minnesota Department of Administration's information sheet at:

<http://www.ipad.state.mn.us>.

Click on Search and type "Copy Costs" in the search window. Click on "Fees for Copy of Public Data" link.

## The right to challenge accuracy and completeness

All the information we keep about you must be true and complete.

- If you feel the information we have is not true or complete, you must tell the responsible authority in writing why you feel the data are not right. Your letter should be sent to the responsible authority of the agency that maintains the data about you.

- The agency must respond within 30 days of receiving your letter. The responsible authority must either:
  - Correct the data that are not true or complete. It must also try to tell others who got the data about the correction, including those you asked that it be sent to.
  - Tell you that it thinks the data is correct. The data can be given to others only if your statement is included with the data.
- You can appeal if you and the agency cannot agree about the truth or completeness of the data. You have 60 days to file an appeal after you get the agency's decision. You have 180 days to file an appeal if the agency does not inform you of your appeal rights. For more information about filing an appeal contact:

Department of Administration  
50 Sherburne Ave.  
St. Paul, MN 55155  
800-657-3721

## Complaints

You may complain if you believe your privacy rights have been violated. You cannot be denied service or treated badly because you have filed a complaint. If you believe that a county human services agency has violated your rights, contact the director or the HIPAA privacy official for that agency. If you believe that your medical privacy was violated you may send a written complaint either:

- Directly to that organization, *or*
- *For health information only*, to the federal civil rights office at:
  - U.S. Department of Health and Human Services  
Office for Civil Rights, Region V  
233 N. Michigan Avenue, Suite 240  
Chicago, IL 60601  
312-886-2359 (Voice) or,  
800-368-1019/(866) 282-0659 (Toll free)  
312-353-5693 (TTY)  
312-886-1807 (Fax)

If you think that the Minnesota Department of Human Services has violated your privacy rights, you may send a written complaint to the U.S. Department of Health and Human Services, Office for Civil Rights or to the DHS Privacy Official at:

Minnesota Department of Human Services  
Privacy Official  
PO Box 64998  
St. Paul, MN 55164-0998

This brochure does not provide information about complaints other than data privacy. Contact the appropriate agency if you have a complaint about a program.

## Additional rights relating to protected health information

Under HIPAA, the statewide human services system provides you with these additional rights:

- You have the right to ask us to share health information with you in a certain way or in a certain place. For example, you may ask us to send health information to your work address instead of your home address. You must make this request in writing. If we find that your request is reasonable, we will grant it.
- You can ask us to restrict uses or disclosures of your health information. You must explain, in writing, what information you want to restrict from being disclosed and to whom you want these restrictions to apply. DHS is not required to agree to your restrictions.
- You have the right to receive a record of the people or organizations with whom we have shared your health information. We must keep a record of each time we share your health information for six years from the date it was shared. This record started on April 14, 2003. It will **not** include those times when you consented to disclosure or we have shared your information in order to treat you, pay for your health care services or manage our programs.

## More information

This brochure gives you information about some of your rights under state and federal law. It is just a guide. It does not have all your rights and duties explained. For additional information, contact DHS or refer to the following Web pages on the DHS website at [mn.gov/dhs](http://mn.gov/dhs)

Additional copies of this brochure may be obtained by going to: <http://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-2667-ENG>.

Attention. If you need free help interpreting this document, ask your worker or call the number below for your language.

ملاحظة: إذا أردت مساعدة مجانية لترجمة هذه الوثيقة، اطلب ذلك من مشرفك أو اتصل على الرقم 1-800-358-0377.

កំណត់សំគាល់ ។ បើអ្នកត្រូវការជំនួយក្នុងការបកប្រែឯកសារនេះដោយឥតគិតថ្លៃ សូមសួរអ្នកកាន់សំណុំរឿង របស់អ្នក ឬហៅទូរស័ព្ទមកលេខ 1-888-468-3787 ។

Pažnja. Ako vam treba besplatna pomoć za tumačenje ovog dokumenta, pitajte vašeg radnika ili nazovite 1-888-234-3785.

Thov ua twb zoo nyeem. Yog hais tias koj xav tau kev pab txhais lus rau tsab ntaub ntauv no pub dawb, ces nug koj tus neeg lis dej num los sis hu rau 1-888-486-8377.

ໂປຣດຊາບ. ຖ້າທ່ານ ທ່ານຕ້ອງການການຊ່ວຍເຫຼືອໃນການແປເອກະສານນີ້ຟຣີ, ຈົ່ງຖາມພະນັກງານກຳກັບການຊ່ວຍເຫຼືອຂອງທ່ານ ຫຼື ໂທໂທໂປ 1-888-487-8251.

Hubachiisa. Dokumentiin kun bilisa akka siif hiikamu gargaarsa hoo feete, hojjettoota kee gaafadhu ykn afaan ati dubbattuuf bilbilli 1-888-234-3798.

Внимание: если вам нужна бесплатная помощь в устном переводе данного документа, обратитесь к своему социальному работнику или позвоните по телефону 1-888-562-5877.

Digniin. Haddii aad u baahantahay caawimaad lacag-la'aan ah ee tarjumaadda qoraalkan, hawlwadeenkaaga weydiiso ama wac lambarka 1-888-547-8829.

Atención. Si desea recibir asistencia gratuita para interpretar este documento, comuníquese con su trabajador o llame al 1-888-428-3438.

Chú ý. Nếu quý vị cần được giúp đỡ dịch tài liệu này miễn phí, xin gọi nhân viên xã hội của quý vị hoặc gọi số 1-888-554-8759.

LBI-0001 (3-13)

ADA2 (12-12)

**This information is available in accessible formats for individuals with disabilities by calling 651-431-3600. or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.**

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