

CHISAGO COUNTY DATA PRACTICES POLICY

I. PURPOSE

As a government agency, Chisago County collects, creates, manages and disseminates data in order to conduct government business. The Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes, Chapter 13, sets out certain requirements relating to the public's right to access government data and the rights of individuals who are the subjects of government data. The purpose of this Data Practices Policy is to explain to employees what the MGDPA requires of Chisago County in handling government data practices requests from members of the public, subjects of data and other government units and agencies.

II. POLICY STATEMENT

It is the policy of Chisago County to collect, create, store, maintain, and disseminate government data in accordance with the Minnesota Government Data Practices Act. Under the MGDPA, the County "Responsible Authority" is directed to establish and maintain procedures "*to insure that requests for government data are received and complied with in an appropriate and prompt manner.*" (Minn. Stat. Section 13.03, Subd. 2). This Data Practices Policy provides guidance in complying with those portions of the MGDPA that relate to the public's right to access government data and the rights of individuals who are the subjects of government data. The specific guidelines for compliance with public's right to access government data and the rights of individual subjects of government data are contained in the Data Practices Procedural Guidelines.

County employees and volunteers shall comply with this **Data Practices Policy** and the **Chisago County Data Practices Procedural Guidelines** when performing their work for the County. Employees who violate any provision of the MGDPA are subject to disciplinary actions, up to and including dismissal from public employment; and employees who willfully (knowingly) violate the MGDPA may be charged with a misdemeanor, which could result in up to 90 days in jail and/or a \$1,000 fine.

The Chisago County Data Practices Procedural Guidelines are maintained by the County's Responsible Authority. Periodic updates to these procedural guidelines shall be made by the Responsible Authority in accordance with current regulations and after review by the County Attorney's Office.

Certain areas of the County are also required to comply with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 CFR Parts 160 and 164. The HIPAA rules regulate individually identifiable health information that is created or received by a HIPAA- covered entity. The HIPAA covered departments or units within departments should consider the MGDPA regarding data practices as well as the HIPAA rules in making decisions about whether information may be obtained or disclosed. For a list of the Chisago County HIPAA-covered departments or units within departments, please contact the Chisago County HIPAA Compliance Officer.

The County is required to implement policies and procedures with respect to the HIPAA-covered health care components of Chisago County. HIPAA policies and procedures are maintained by the County's HIPAA Privacy Official. Periodic updates to these policies and procedures are approved by the County Attorney's Office, and issued by the HIPAA Privacy Official.

III. DEFINITIONS

Definitions of terms relating to data practices are set forth in the "Glossary of Terms" section of the Chisago County Data Practices Procedural Guidelines.

IV. AUTHORITY

Minnesota Government Data Practices Act

Requirements for collecting, creating, receiving, maintaining or disseminating government data are found in Minnesota Statutes Chapter 13 (the Minnesota Government Data Practices Act), and Minnesota Rules Chapter 1205 (the Rules). The Rules apply to data on individuals only.

Data Practices Procedures

Authority for establishing and maintaining data practices policies and procedures falls under various citations: Minn. Stat. 13.03, subd. 2; 13.05, subd. 1, subd. 8; Minn. Rules 1205.0300, subpart 3; Minn. Rules 1205.0400, subpart 3; Minn. Rules 1205.0500, subpart 3; Minn. Rules 1205.0600, subpart 3; Minn. Rules 1205.0700, subpart 3, and Minn. Rules 1205.0900.

Official Records

Minn. Stat. § 15.17, subd. 1 requires all officers and agencies of counties, cities and towns to make and keep all records necessary for a full and accurate knowledge of their official activities.

Destruction of Records

The destruction of public records is governed by Minn. Stat. § 138.163 et seq. No disposal of public records may be made except in the manner prescribed by that chapter.

Health Care Records

The management of health-related information is governed by two regulations. The federal Health Insurance Portability and Accountability Act (HIPAA) (45 CFR Parts 160 & 164) is designed to ensure health insurance portability, reduce health care fraud and abuse, enforce standards for interchange of electronic health information, and guarantee security and privacy of protected health information. The Minnesota Medical Records Act (MMRA) (MS 144.335 & 144.651) addresses access to health care records, patients' rights, and confidentiality of medical records.

Other Authorities:

Other requirements for classifying and managing government data may be found in other State and Federal statutes, relating to the various activities of the County.

V. PROCEDURAL GUIDELINES

Guidelines for complying with the laws and rules pertaining to government data are contained in the Chisago County Data Practices Procedural Guidelines.

This Policy and the Procedural Guidelines have been implemented with the intention of assisting department personnel in handling government data that is maintained by their departments, for responding to data practices requests in order to ensure requests are received and complied with in an appropriate and prompt manner, and to notify data subjects about their rights under the MGDPA. Each employee who receives a court order, warrant, or subpoena requesting the employee to provide testimony at a deposition or other legal proceeding regarding government data related to the employee's job duties at Chisago County shall contact their supervisor and the County Attorney's Office before taking any action.

Any questions on the application of the Procedural Guidelines should be referred to the department's Responsible Authority Designee, the County's Responsible Authority, or the County Attorney's Office.