

DATA REQUEST AND COPY COSTS

Minnesota Sex Offender Program

Issue Date: 10/3/23 Effective Date: 11/7/23 Policy Number: 135-5170

POLICY: The Minnesota Sex Offender Program (MSOP) responds to all requests for information and data in a timely manner. MSOP allows inspection of such data and charges for copies consistent with statutory requirements and Minnesota Department of Human Services (DHS) policy.

AUTHORITY: Minn. Stat. §§ [13.025](#); [13.03](#); [13.04](#); [13.46](#); [246.014](#), subd. (d)
Minn. Rule [1205.0300](#)

APPLICABILITY: MSOP, program-wide

PURPOSE: To provide consistent practices for evaluating and responding to requests for information and data, and ensure compliance with Minnesota Statutes and Minnesota Rules regarding data practices.

DEFINITIONS:

Client record – see [MSOP Division Policy 135-5300, "Health Information Record Designation."](#)

Copied page – one side of a piece of paper with copied information. A two-sided copy counts as two pages.

Data Request – request for data or information compiled, stored and maintained by MSOP.

Government data – all existing government data collected, created, received, maintained or disseminated by a government entity.

Gratis – copies of a document given to the client free of charge as determined by the Minnesota Statutes and MSOP policies.

Other private data – private data on individuals collected, maintained, used, or disseminated by the welfare system, including private data outside of the client record.

Public data – data accessible to the public as outlined in Minn. Stat. § [13.03](#).

Research request – request for data or information requiring summary data or compilation.

Summary data – statistical records and reports derived from data on individuals in which individuals are not identified and from which neither their identities nor any other characteristics that could uniquely identify an individual are ascertainable.

PROCEDURES:

A. Clients Inspecting or Requesting Copies of Private Data in the Client Record

1. Inspection

- a) A client may request inspection of the client's treatment or Health Services record by forwarding a [Request to Review Client Record \(135-5170a-6010\)](#) to Health Information Management Services (HIMS).
- b) HIMS staff:

- (1) review the requested file to ensure an accurate and complete record;
 - (2) load the requested documents on a laptop designed for client record review;
 - (3) schedule a 30-minute appointment with the primary therapist or Health Services staff (for clients at Moose Lake) or Operations office administrative specialist (OAS) (for clients at St. Peter) to review the record; and
 - (4) notify the client of the appointment using the [Appointment and Inspection Letter \(135-5170d\)](#).
- c) The primary therapist/assigned clinical staff or Health Services staff/designee:
- (1) remains with the client and monitors the inspection;
 - (2) responds to [Client Requests \(420-5099a\)](#) for clarification of the information;
 - (3) when necessary, schedules additional 30-minute appointments to facilitate completion of the review within 30 days or within a reasonable time frame as appropriate for the size of the record;
 - (4) documents on the Request to Review Client Record the request date, time and signature for completion of the request; and
 - (5) forwards the completed Request to Review Client Record to HIMS for filing in the client record.

2. Copies

- a) A client may request copies from the Client Record by submitting a [Client Request \(420-5099a\)](#) to HIMS, identifying the specific name(s) and date of the documents requested.
- b) HIMS staff:
 - (1) estimate a cost for private data (see section H below);
 - (2) inform the client of the summary of charges through a [Data Request Copy Cost Form \(135-5170b\)](#) along with the original client request;
 - (3) allow 30 days for the return of the signed Data Request Copy Cost Form (the client must submit a new request if HIMS does not receive the signed Data Request Copy Cost Form within 30 days);
 - (4) receive the approved/signed Data Request Copy Cost Form, make a copy of the Data Request Copy Cost Form for the client and send the original to Direct Care and Treatment (DCT) Financial Services for processing (DCT Financial Services staff keep the original for their records and inform HIMS of payment received); and
 - (5) copy the requested document(s) and send the copies to the client with the duplicate of the Data Request for Copy Costs Form.

B. Data Requests

1. Individuals may request to inspect or obtain copies of information or data maintained and stored by MSOP by submitting a written request or the [Request for Records \(135-5170g\)](#) to records production services staff. Individuals, who are not the data subject, are required to submit a

written request or email to MSOP-InfoRequest@state.mn.us for releasing the information including a client-signed Authorization to Release Information (DHS-1161) or court order (refer to MSOP Division Policy 135-5150, "Authorization for Release of Information"). Written request must include:

- a) document title or description of data;
 - b) date range;
 - c) date information is needed (if known); and
 - d) who the data is regarding (if applicable).
2. Records production services staff:
 - a) receive and document the data request in the data request log (SharePoint);.
 - b) review the data request for record, information, or research request;
 - c) ensure authorization to release the requested data; and
 - d) calculate any applicable fees or charges.
 3. Authorization to Release the Requested Data - if the request is for data and the category of data is unclear, the records production services staff consults with the MSOP Records Manager or MSOP Legal and Records Director to determine if the information requested is releasable.
 4. Records production services staff redact any data not releasable to the requestor, and sends the redacted document(s) to a different records production services staff for review of the redaction.
 5. The records production services staff notifies the requestor of the availability of the data.
 6. When a client requests to review public data and/or private data, not included in the client record, the records production services staff may send the documents to the MNIT@DHS staff for posting on the individual client's legal network space. MSOP makes the documents available for 30 days. The client may print the documents as set forth in MSOP Division Policy 120-5600, "Client Computer Network." In consultation with the MSOP Legal and Records Director, the records production services staff may provide the documents for review in alternative format instead of on the client network. Once the deadline has passed for documents to be available on the client network, records production staff charge the client for any requested copies at the general copy rate (see section H below).
 7. The records production services staff log the release of information into the data request log (SharePoint) and/or the Release of Information (ROI) Log (135-5170c) for protected health information according to MSOP Division Policy 135-5150, "Authorization for Release of Information."

C. Research Requests

1. Individuals may request to inspect or obtain copies of research information or data from MSOP by submitting a request via email to the MSOP Program Evaluation and Research Director.
2. The MSOP Program Evaluation and Research Director/designee reviews the data or research request for:
 - a) request type:

- (1) data request (see Section B, above); or
- (2) research request;

- b) authorization to release the requested data; and
- c) estimation of time to complete for billing purposes, if applicable.

4. Authorization to Release the Requested Data - if the request involves data and the category of the data is unclear, the MSOP Program Evaluation and Research director/designee forwards a copy of the request to the MSOP Records Manager or the MSOP Legal and Records Director to determine if the information requested is releasable.
5. If the requested information is releasable outside of MSOP, the MSOP Program Evaluation and Research Director/designee routes the request to the records production staff for processing and completion (see section B above).

D. Frequency of Review

1. An individual shown private data and informed of its meaning may request to review the data every six months. An individual may request a more frequent review if there is a pending dispute or action pursuant to Minn. Stat. § 13.04, subd. 3, or if new data is collected or created on the individual since the last request.
2. An individual shown public data may request to review the data every six months. An individual may request a more frequent review if there is additional data collected or created since the last request.

E. Denial of Inspection or Copies - upon the request of any person denied access to data, records production services staff:

1. notify the requestor in writing that the request has been denied; and
2. cite the specific reason such as a policy, statutory section, temporary classification or specific provision of law upon which the denial was based.

F. General Copies

1. Clients may request copies of documents in their possession by submitting a Client Request (420-5099a) to HIMS staff.
2. HIMS staff do not copy copyrighted material or documents considered contraband according to MSOP Division Policy 415-5030, "Contraband," or MSOP Division Policy 225-5310, "CPS Contraband." HIMS staff return original items to the requestor or secure the item as contraband.
3. A client may request copies of documents stored in the client's personal documents file as outlined in section G.2 of MSOP Division Policy, "Client Mail."
4. HIMS staff charge a client for any requested copies at the general copy rate (including, but not limited to, any reduced or enlarged copies or copies utilizing the client's personal paper) (see section H below).

G. Gratis Copies

1. Treatment Material - clinical staff provide copies of documents developed by clinicians for individual client or group use such as assignments or worksheets. These documents are not part of the client's record.

2. Health Services Materials - Health Services staff may provide clients with reports or documents for the purpose of providing appropriate follow-up medical care.
3. Client Banking - Finance staff print and send clients their vocational compensation earnings statements and a monthly client banking statement. See MSOP Division Policy 125-5300, "Client Social Welfare."
4. Social Security Administration - HIMS staff print and send a current certified medical order to the client when the client requests a copy for the purpose of obtaining a social security card.
5. General or Medical Assistance – a client resource coordinator may make copies of client-provided documents only when required for obtaining or maintaining General Assistance or Medical Assistance.
6. Clinical staff, in consultation with the clinical supervisor, may provide one copy of completed or modified clinical documentation to the client deemed appropriate for the client. The staff forward completed original documents to HIMS for filing.
7. The author or designee provides one copy to the client of the following completed or modified documents and forwards completed original documents to HIMS for filing.
 - a) Administrative Restriction Status and Protective Isolation Status documents (copies are provided to the clients per MSOP Division Policy 415-5085, "Protective Isolation Status" and MSOP Division Policy 415-5084, "Administrative Restriction Status");
 - b) Client Incompatibility documents per MSOP Division Policy 210-5120, "Client Incompatibility;"
 - c) Treatment Memos;
 - d) Vocational Treatment Notices;
 - e) Individual Program Plans;
 - f) Sex Offender Assessments;
 - g) Assessments of Sexual Arousal and/or Sexual Interest;
 - h) Psychological Assessments;
 - i) Individual Treatment Plans;
 - j) Quarterly Treatment Progress Reports; and
 - k) Annual Treatment Progress Reports.
8. Civil Commit Attorney: Records Production staff may send a client's record to the client's designated civil commitment attorney as described in MSOP Division Policy 135-5300, "Health Information Record Designation" upon documentation of a civil commitment proceeding under Minn. Stat. §§ 253D.20 or 253B.07.

- H. Copy Costs (per DHS Privacy and Practices) – MSOP staff process completed Data Request for Copy Costs forms.
1. Cost for staff time - Refer to DHS Privacy and Practices
 2. Private Data
 - a) MSOP charges the subject of the data:
 - (1) the cost of staff time required to copy, certify, and mail the data; and
 - (2) when applicable, \$0.08 per copied page, or the actual cost of an encrypted flash drive.
 - b) MSOP charges a requestor who is not the data subject:
 - (1) the cost of staff time required to search, retrieve, copy, certify, and mail the data or electronically transmit; and
 - (2) when applicable, \$0.08 per copied page, or the actual cost of an encrypted flash drive.
 - c) Social Security Disability Appeals - MSOP does not charge a fee to provide copies of records requested by a client or the client's authorized representative if the request for copies of records is for purposes of appealing a denial of Social Security Disability income or Social Security Disability benefits under Title II or Title XVI of the Social Security Act. For the purpose of further appeals, a client may receive no more than two medical record updates without charge, but only for medical record information not previously provided.
 3. Public Data, General Copy Cost
 - a) For Requests of 100 Pages or Fewer - MSOP charges a flat fee of no more than \$.25 per copied page if the request is 100 pages or fewer.
 - b) For Requests Totaling More Than 100 Pages - MSOP charges the “actual costs” for producing the data, plus a per-copied-page cost.
 - (1) Actual Costs for More Than 100 Pages - costs of staff time for the time required for searching and retrieving data, copying, certifying, and electronically transmitting or mailing the data.
 - (2) When applicable, \$0.08 per copied page, \$0.59 per compact disc, or the actual cost of a flash drive.
 4. Summary Data - MSOP charges the “actual costs” for producing the data, plus a per-copied-page cost:
 - a) actual cost of staff time for the time required for searching and retrieving data, compiling, making, certifying, and electronically transmitting or mailing the data; and
 - b) When applicable, \$0.08 per copied page, \$0.59 per compact disc, or the actual cost of a flash drive.

REVIEW: Biennially

REFERENCES: DHS Data Practices Manual.
DHS Guide to Responding to Data Requests,” April 2019
MSOP Division Policy 415-5085, “Protective Isolation Status”

MSOP Division Policy 415-5084, "Administrative Restriction Status"
Health Insurance Portability and Accountability Act 45 §164.524
Minnesota Government Data Practices Act Minn. Stat. Chapter 3
MSOP Division Policy 120-5600, "Client Computer Network"
MSOP Division Policy 125-5300, "Client Social Welfare"
MSOP Division Policy 210-5120, "Client Incompatibility"
MSOP Division Policy 225-5310, "CPS Contraband"
MSOP Division Policy 135-5150, "Authorization for Release of Information"
MSOP Division Policy, "Client Mail"
MSOP Division Policy 135-5300, "Health Information Record Designation"
Minn. Stat. §§ 253D.20 or 253B.07

ATTACHMENTS: Request to Review Client Record (135-5170a-6010)
Data Request Copy Cost Form (135-5170b)
Release of Information (ROI) Log (135-5170c)
Appointment and Inspection Letter (135-5170d)
Appointment and Inspection Letter – Client Network Version (135-5170f)
Request for Records (135-5170g)
Client Request (420-5099a)
Authorization to Release Information (DHS-1161)

SUPERSESSION: MSOP Division Policy 135-5170, "Data Request and Copy Costs," 12/7/21.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

/s/
Nancy A. Johnston, Executive Director
Minnesota Sex Offender Program