

## **1205.1500 DUTIES OF RESPONSIBLE AUTHORITY IN ADMINISTERING ALL ENTITY DATA.**

Subpart 1. **Plan to review and analyze data administration.** Pursuant to Minnesota Statutes, section 13.05, subdivision 3, the responsible authority shall, by March 1, 1983, formulate a plan that will provide for the review and analysis of the data administration practices of the entity.

Subp. 2. **Definitions.** In the formulation of the plan described in subpart 3, the responsible authority shall provide for the establishment of administrative mechanisms and procedures that comply with Minnesota Statutes, section 13.05, subdivision 5. For purposes of this part:

A. "Accurate" means that the data in question is reasonably correct and free from error.

B. "Complete" means that the data in question reasonably reflects the history of an individual's transactions with the particular entity. Omissions in an individual's history that place the individual in a false light shall not be permitted.

C. "Current" means that the data in question must be logically related to the entity's required and actual use of the data in its day to day operations.

Subp. 3. **List or index.** In the formulation of this plan, the responsible authority shall at least provide for the preparation of a list of or index to all data or types of data currently collected, stored, used, or disseminated by the entity. The list or index developed shall include the identification of the state statute(s), federal law(s), or local ordinance(s) that authorize(s) the programs or functions for which data or types of data are collected, or which authorize(s) the actual collection, storage, use, or dissemination of data or types of data. The plan shall further provide for the list or index to be updated when new or different data collection, storage, use, or dissemination is authorized. This list or index shall be available to members of the general public, upon request.

Subp. 4. **Determining need for data.** The responsible authority shall use this plan and the list or index developed to aid in the determination of whether collection and storage of data and use and dissemination of private or confidential data is necessary. For purposes of this part, data is necessary if:

A. the particular data is both required to carry out programs and functions that are expressly or impliedly authorized by a provision of state statute, federal law, or a local ordinance; and periodically examined, updated, modified, or referred to by the entity; or

B. the entity would be unable to fulfill its duties without undue or increased burden or expense, if the particular data were not collected, stored, used, or disseminated; or

C. retention of the particular data is required in the event that a legal action is brought against or by the entity; or

D. retention of the particular data is essential to comply with a state or federal requirement that data be retained for a specified period for the purposes of auditing, records retention, historical interest, and other similar purposes.

Subp. 5. **Treating unnecessary data.** For any data determined to be not necessary pursuant to subpart 4, the responsible authority shall provide for the following activities in the entity's plan:

A. Taking all actions, including modification of the entity's data collection forms and data collection procedures, to assure that all unnecessary data is no longer collected and stored and all private and confidential data determined to be not necessary is no longer used and disseminated. Private data shall continue to be disseminated upon request by the data subject.

B. Disposing of data determined to be not necessary pursuant to the procedures of the Records Management Act. Inquiries concerning procedures for disposition of data may be directed to the Records Management Division, Department of Administration, Saint Paul, Minnesota 55155.

**Statutory Authority:** *MS s 13.07*

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