

Minnesota Department of Natural Resources

Electronic License System Data Privacy-Deputy Registrar Training

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Welcome to the training on Electronic License System data privacy.



Instructions:

Click on the arrow(s) at the bottom of the page to move between pages, or the left navigation links to go to the beginning of a section.

At the end of the training, please enter your information.



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Introduction

All government data is classified as public unless a specific state statute or federal law classifies the data as private or confidential, or nonpublic or protected nonpublic.

On **August 1st, 2012**, the release of **Electronic Licensing System (ELS) data** was subject to a recent change in Minnesota Statutes, section 84.0874, classifying personal information as **PRIVATE** data.



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84.0874 ELECTRONIC LICENSING SYSTEM DATA.

The following data created, collected, stored, or maintained by the department for purposes of obtaining a noncommercial game and fish license, cross-country ski pass, horse trail pass, or snowmobile trail sticker; registering a recreational motor vehicle; or any other electronic licensing transaction are private data on individuals as defined in [section 13.02, subdivision 12](#): **name, addresses, driver's license number, and date of birth.**

The data may be disclosed for law enforcement purposes. (All inquires shall be forwarded to the MN DNR license center).

The data, other than the driver's license number, may be disclosed to a government entity and for natural resources management purposes, including recruitment, retention, and training certification and verification.

Social Security Numbers shall never be public data.



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Learning objectives

- Know staff responsibility
- Define “Private” classification
- List data on individuals that are considered private
- List who can have access to private data
- Protection, Security and Ethical use of private data
- Identify procedure for data release



All data requests must go through the DNR



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Deputy Registrar's Responsibility

Deputy Registrar Staff is responsible for:

- Complying with Data Practices Act
- Protect the release of non public data
- Secure handling
- Storage and disposal of documents containing, personal, private, confidential or restricted information.



The [Minnesota Government Data Practices Act](#) (MGDPA), Minnesota Statutes, [Chapter 13](#) regulates the handling of all government data that is created, collected, received, maintained, or disseminated by a state agency, political subdivision, or statewide system no matter what form the data is in, or how it is stored, or how it is used.



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Classification

Almost all government data is either *data on individuals* or *data not on individuals*. Data on individuals is classified as public, private, or confidential.

Data on Individuals	Access
Public	Available to anyone for any reason
PRIVATE	Available only to the data subject and to anyone authorized by the data subject or by law
Confidential	Not available to the public or the data subject Available only to authorized government representatives



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ELS data protected under the PRIVATE classification

Name of Data File or Record	Description
Social Security Number	Social security numbers collected when applying for a DNR license.
Electronic License Data	Name, addresses, driver's license number, date of birth, and any other personal information related to purchasing licenses or <u>registering recreational vehicles</u> .



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Access

Private data on individuals is data on individuals that is not accessible to the public but is accessible to the individual subject of the data.

In addition, it is accessible to the subject of the data's authorized representative, a minor's parent or guardian, those given expressed authority by the data subject, individuals within the entity whose work assignments reasonably require access, and to those as authorized by law.



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Private data is accessible only by:

- The data subject
- DNR License Center Staff (staff whose work responsibilities reasonably require access)
 - All data
- Enforcement (DNR enforcement, police, sheriff, FBI, DEA)
 - All data
- DNR (for recruitment, retention, training certification, or verification purposes)
 - All data, except Driver's License
- Government entities (county, state, federal agencies)
 - All data, except Driver's License
- A court order
- **Deputy Registrars contracted with the DNR – Deputy Registrars must direct all other requests for ELS data to the DNR.**
- Anyone with the written consent of the data subject



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Permissible uses of private data:

1. For use in by any government agency, including a court or law enforcement agency, in carry out its functions , or any private person or entity acting on behalf of a federal, state, or local agency in carrying out its functions.
2. For use in connection for matters of vehicle or operator safety and theft, emissions, product alterations, recalls or advisories, and performance monitoring.
3. For use in the normal course of business by a legitimate business or its agents, employees, or contractors, in order to verify the accuracy of personal information submitted by an individual. If the information as submitted is not correct or is no longer correct, correct information maybe obtained only for the purpose of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual. If the person requesting access is acting as the agent of lien holder, the request must submit proof of a contract with the lien holder.
4. For use in connection with any civil, criminal, administrative, or arbitration proceedings in any federal, state, or local court or agency or before any self-regulatory body, including service of process, investigation in anticipation or litigation, and the execution or enforcement of judgments and order, or pursuant to an order of a federal, state, or local court, provided that the requestor provides a copy of the court order.



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Permissible uses of private data cont:

5. For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities or antifraud activities. If the person requesting access is an agent of the an insurance company, the request must provide the insurance company's name.
6. For use in providing notice to the owner of towed or impounded recreational vehicles or watercraft. The person requesting access must provide the name, address, and telephone number of the entity that request that the recreational vehicle or watercraft be towed.
7. For use by any licensed private investigative agency or licensed security service for any purpose permitted under this section, provided that the person provides a copy of a valid license.
8. Where the use is related to the physical safety or security of operators, vehicles, pedestrians or property.

All requests for Private Data must be sent through to the DNR License Center



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Security, Protection and Ethical use of Private Data:

Authorized personal who have access to ELS private data shall take all reasonable precautions to prevent the unauthorized use and disclosure of this data whether it is printed or in electronic form.

- Always shield private data (whether in electronic or printed form) from view of others that are authorized.
 - Cover up documents that contain private data.
- Secure equipment and property containing private data (computers, files, files cabinets, etc..) when they are unattended.
 - Log off and lock your computer.
- Do not tell others of your login codes and/or passwords or use others' login names or passwords.
 - Secure login credentials from others and regularly change logins and passwords to gain access to private data.



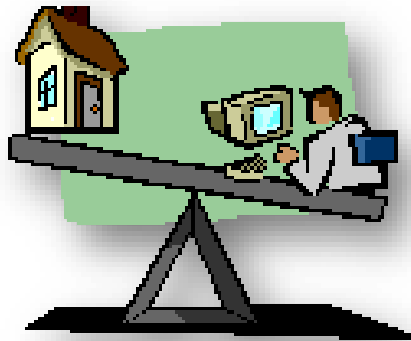
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Security, Protection and Ethical use of Private Data cont.:

- Avoid making print or electronic copies of private data unless it is completely necessary to complete the task at hand.
 - Destroy private data copies by shredding, obliteration or other secure methods.
- Never transmit private data via email unless the network you are using is secured and the email is encrypted.
- Do not look-up or view the records of friends, relatives, or other employees.
- Do not accept gifts or favors, or use information for profit or gain.



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Scenario Examples

Situations that do not require a written consent form from the data subject:

An individual calls in to verify data (address, contact information) on his/her profile.

- Do not provide the data. They must tell you what it should be.

An individual requesting data on self.

- Individual will need to provide: name, address, and DOB before any data can be released.

A person provides all the personal public data on a individual and questions if they have a hunting license or registered vehicle.

- Any public data that is tied to private data is still considered private.



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Situations that do require a consent form from the data subject:

Requests from anyone that does not fall under the eight permissible uses of private data.

- Data can not be released. Will need to obtain a written consent or a court order.

Questions, concerns, or if unsure if data can be released? The best policy is to ask first before releasing any data!



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Release of Private Data

When requesting access to private data, the requestor must provide identification verifying that they are the data subject or other person who by law is entitled to access. Reasonable measures might include a personal appearance, notarized signature or other accepted form of identification. **Deputy Registrar employees must direct all request to the Minnesota License Center.**

Under certain circumstances, data about a minor data subject may be withheld from a parent or guardian. Upon the receipt of a request, the responsible authority must determine whether honoring the request is in the best interests of the minor. If you receive a request from a minor to deny parental access to private data regarding a minor who is the subject of the data, contact the **Data Compliance Official** at 651-259-5345.

[Access to Electronic License Data](#)

[Electronic License System Data Request Form](#)



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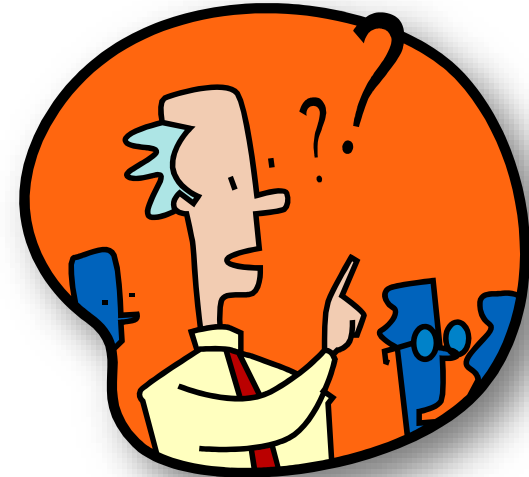
Where to direct requests/questions

Requests from any law enforcement department/agency:

- Patty Holt
DNR Enforcement
Arrest and Confiscation Supervisor
patty.holt@state.mn.us
651-355-0162

All other requests:

- John Nordby
DNR License Center
ELS Program Specialist
john.nordby@state.mn.us
651-355-0151



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Additional information and consent form can also be found on the DNR web site at

http://www.dnr.state.mn.us/licenses/els_data.html

Questions, concerns, or if unsure if data can be released? The best policy is to **ask first** before releasing any data!



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Summary

ELS individual personal data is classified as “PRIVATE”. This includes both registration/titling and game and fish data.

When a customer wants to “verify” their address, he/she must provide the information first.

- Ask them what it should be.
- If it’s not the same, explain that it is not what we have on record.
- If it’s incorrect and you identified the customer (customer should be able to provide the old address information), you may update the address with the new information provided by the customer.

If a customer is requesting help with their own customer record, they must identify themselves by providing their name, DOB, and address before you can help them with their record.

The parent/guardian must provide the name, DOB, and address of the child before you can help them.



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If someone is requesting data about another person, they must provide a completed consent form from the individual stating they can have the information. If someone wants to know if a person has a license/registration, you cannot provide the information unless they have consent from that person.

Any enforcement type requests (police, sheriff, FBI, DEA) for individual personal information should be forwarded to the division of enforcement contact, Patty Holt.

Government agency requests for private data or anyone requesting further information about ELS data should be forwarded to unit designee, John Nordby – john.nordby@state.mn.us

The previous data request form (DNR ELS Records Request) will no longer be used. New form: [Consent to Release Private Data](#)



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You are done!

Please fill out the ELS Web Access Agreement for Deputy Registrar employees. Supervisors please submit them to John Nordby – john.nordby@state.mn.us upon completion along with the Deputy Registrar Data Privacy Training Archive.

