

Data Practices Checklist for Contractors

This checklist is to inform you, as a Contractor providing services to the Minnesota Department of Health (MDH), of the responsibilities you have regarding data practices. Your responsibilities regarding data practices are extremely important to MDH's work.

These responsibilities apply whenever dealing with MDH data on- or off-site or when accessing State information technology resources to perform your State contract duties. The responsibilities stated in this checklist are minimum requirements; your State contract or your business procedures as submitted to MDH may provide for additional data practices responsibilities. If you have any questions about which responsibilities apply in performing your State contract duties, it is your responsibility to seek clarification from the contract manager of your State contract.

The Minnesota Government Data Practices Act (Minnesota Statutes chapter 13) governs how MDH collects, receives, uses, maintains, and disseminates data. The Minnesota Government Data Practices Act requires MDH to:

1. Safeguard the privacy rights of data subjects and
2. Provide access to government data that must be legally disclosed.

All MDH data are public unless otherwise classified by law or temporary classification. Data may be classified as "private" or "nonpublic" (data accessible only to the subject of the data and certain other persons or entities authorized by law) or data may be classified as "confidential" or "protected nonpublic" (data not accessible to the public or the subject of the data). All data that are classified to restrict public access will be referred to in this document as "not public" data.

Understanding of Data Practices Responsibilities

As a Contractor providing services under a State contract using MDH data, I acknowledge my responsibilities in dealing with MDH data as follows, and I further acknowledge that I am responsible for training all of my employees and subcontractors in carrying out these responsibilities:

A. "Not Public" Data Responsibilities

I will protect "not public" data that I collect, receive, use, or maintain in performing my State contract duties.

I will protect "not public" data I access through computer-related media or other media such as paper files, faxes, written reports, and oral reports.

B. Contact MDH Contract Manager

When I have any questions or doubts as to classification of, access to, or use or release of MDH data, I will contact the contract manager for my State contract as soon as possible.

C. Access To "Not Public" MDH Data

If I receive any request to release or disclose "not public" MDH data, I will immediately direct the request to the contract manager for my State contract. I will not release any MDH "not public" data to the requesting party or to anyone outside MDH.

I will protect "not public" data and share "not public" data with MDH staff only if they need the data for their job.

I will contact the contract manager for my State contract if I have any questions about the release of "not public" data.

If I receive any requests for MDH personnel data, or any questions about the release of MDH personnel data, I will direct the requests and questions to the MDH Human Resources Management Division.

D. Access to Public Data

I will maintain public data in a manner easily accessible for convenient public use.

I will contact the contract manager for my State contract if I have questions regarding any public data and how I should handle the data.

E. Maintain Documents in A Secure Manner

I will physically maintain documents containing "not public" data in a manner that complies with MDH security safeguards. Possible safeguards for documents that include "not public" data are, turning documents face down or putting them away when visitors come to my desk or when I am away from my desk during the day and storing documents in a locked area overnight.

I will not leave "not public" documents in common areas such as neighborhood centers or reception areas or on a copy machine, fax machine, or printer.

I will secure "not public" data while working at an off-site location.

I will maintain electronic files containing "not public" data as advised by the MDH Chief Information Security Officer.

F. Safeguards for Protecting "Not Public" Data

I will consult with the contract manager for my State contract to learn about appropriate safeguards for the "not public" data with which I work.

I will not share "not public" data with any unauthorized person while performing duties during the term of my State contract or after the contract term ends.

I will use professional judgment in the treatment of all private health data that I may have access to as part of my work for MDH. Occasionally, some private health data will be about my co-workers, my personal acquaintances or relatives, or famous persons. As with all MDH data, I will use and access the data only as necessary to perform my duties and not allow my knowledge of these private health data to affect my personal or professional relationships with any individual.

G. Dispose of Documents in A Secure Manner

I will dispose of documents containing "not public" data in a manner that complies with MDH security safeguards and MDH records retention schedules.

When it is appropriate to discard paper documents, such as draft documents containing "not public" data, I will deposit the documents in a secure shredding bins or, if I do not have access to a secure shredding bin, I will shred the documents as directed by the contract manager for my State contract.

I will contact the contract manager for my State contract about how to dispose properly of electronic documents and media.

H. MDH Data Incident Reporting

I will inform the contract manager for my State contract immediately if I suspect a possible threat to, unauthorized access to, or the release of "not public" MDH data.

If I experience or become aware of a breach, potential breach, or other data vulnerability, as soon as possible, I will notify the MN.ITS @MDH Service Desk at 651-201-5555 and the contract manager for my State contract. If it is after business hours, I will notify MN.ITS Central.

If the breach, potential breach, or other data vulnerability may involve "not public" data, I will also notify the MDH Data Practices Coordinator no later than the next business day after I experience or become aware of it.

I will work with the contract manager for my State contract, the manager or supervisor for the MDH program that is responsible for the data, the MDH Data Practices Coordinator, and the MDH Chief Information Security Officer, as assigned, to investigate the incident and contain or mitigate any problems caused by the data incident.

I. Opportunity to Ask Questions

I have had the opportunity to ask any questions about the data practices information above and I have had all my questions answered.

DATA PRACTICES CHECKLIST FOR CONTRACTORS

This Acknowledgement page should be signed by the Contractor and detached and provided to the contract manager for the State contract under which the Contractor is performing duties for MDH. The contract manager should then forward the completed page to the assistant division director (or comparable manager) for the MDH division for which the Contractor is performing contract duties. The assistant division director should retain the original page with division administrative files.

Data Practices Checklist for Contractors Acknowledgement

I acknowledge that I have been informed of and understand my responsibilities contained in this Minnesota Department of Health Data Practices Checklist for Contractors, and I have had the opportunity to have my questions answered. I also acknowledge my responsibility to comply with the Minnesota Government Data Practices Act. A willful violation of the act is a misdemeanor and grounds for termination of a State contract for cause.

Contractor Name _____ Date _____

Name of Person Signing Acknowledgement _____

MDH Division & Program Assignment _____

Title of Person Signing Acknowledgement _____

Signature _____

Contract Manager (Check one of the following):

I have explained the items contained in this checklist to this Contractor and I have provided answers to any questions, **or**

I verify that this Contractor attended training that covered the items in this checklist.

Contractor Manager Name _____ Date _____

Position _____ Program _____

Signature _____

Send to the MDH assistant division director for division administrative files.

Minnesota Department of Health
Environmental Laboratory Accreditation
Program (MNELAP)
651-201-5324
health.mnelap@state.mn.us
www.health.state.mn.us

Last edited May 18, 2018

The format of this form is changed from the last edited version May 18, 2018, but the content remains the same. The edited May 18, 2018 document is located on the MDH SharePoint and is available upon request.

To obtain this information in a different format, call: 651-201-5324.