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Fair Information Practices  
Access by Data Subjects

Chapter 105  
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Rev. 4/79

SECTION

105.000

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105.010: Public Inquiry

Where an individual has reason to believe that personal data relating to him is held, but where the specific agency which holds such data is unknown to him, the individual may request, in writing, that the Secretary of Human Services or his designee locate all personal data held in personal data systems by all agencies under the Secretary of Human Services. Said Secretary or his designee shall make a reasonable effort to locate all such personal data. Said Secretary shall respond to such request within twenty (20) days.

105.020: Request of Individual for Notification of Holding

The department shall inform any individual in writing, within twenty (20) days of receipt of a request, whether it maintains in a personal data system any personal data concerning such individual.

105.030: Right of Data Subject to Access

Unless access by a data subject is prohibited by statute, the department shall, as promptly as possible, but in any event within twenty (20) days of receipt of a request, grant access to any data subject to any personal data concerning him which it holds in a personal data system. In addition, such data subject shall have the right to inspect and to copy any personal data to which he has access, subject to any rules established under section 100.060.

If a data subject is otherwise entitled to access to personal data pursuant to these regulations, the department shall not deny such data subject access to such data solely because such data are not public records as defined in section 101.090.

105.040: Release of Personal Data Pursuant to Request of Data Subject

As promptly as possible, but in any event within twenty (20) days of receipt of a request, the department shall, if practicable, release personal data to a third party designated by a data subject, subject to any rules established under section 100.060.

105.050: Removal of Third Party Identifiers From Data Released to Data Subjects

The department shall remove from any personal data to which access is granted pursuant to section 105.030 or which is released by the department pursuant to section 105.040, any personal identifiers relating to a third person, except where such third person is an officer or employee of government acting as such and the data subject is not.

105.060: Withholding Information Which is Under Investigation

The department may deny access to a data subject to personal data which is at the time of the request for access the subject of an investigation if such access would probably so prejudice the possibility of effective law enforcement that such access would not be in the public interest; provided, that such denial of access shall not in any way affect a data subject's rights under administrative or judicial discovery procedures. Such access may be denied until such investigation has been completed and any resultant administrative or judicial proceeding commenced or one year from the commencement of such investigation, whichever is sooner.

105.070: Notification of Denial of Access to Data

The department shall, within twenty (20) days of receipt of a request, notify in writing any individual, in terms comprehensible to him, of its denial of his request for access, the reasons therefor, and the rights of appeal set forth in Chapter 107.

105.080: Rights of Minors

Unless otherwise provided by law, rights and powers granted to a data subject under these regulations shall apply:

- (A) exclusively to a data subject if he has attained the age of 18;
- (B) to both the data subject and his parents, parent or guardians or either one acting alone, if the data subject has attained the age of 14 but not the age of 18; and
- (C) exclusively to the data subject's parents, parent or guardian if the data subject has not yet attained the age of 14;

provided, however, that in any situation where in the reasonable judgment of the department the interests of a parent or guardian are substantially adverse to those of a child about whom personal data are held, the department may deny exercise of any right or power to such parent or guardian and effectuate alternative means for safeguarding the exercise of such right and power for, or on behalf of, such child.

Any parent or guardian denied pursuant to this section the exercise of any right or power may appeal such denial under Chapter 107 of these regulations.