

State subrecipients and their local subrecipients must comply with the requirements of the Minnesota Government Data Practices Act (MGDPA) and the Federal Privacy Act of 1974. These two Acts mandate certain disclosures to applicants for assistance.

THE TENNESSEN WARNING NOTICE

Individuals who apply for NSP assistance must be provided the MGDPA-required "Tennessee Warning Notice" (Notice). The table below provides guidance on when a Notice is required and its contents. You will need to develop a Notice in accordance with MGDPA (Minnesota Statutes Section 13.04). The Notice should be approved by your legal counsel and/or your "Responsible Authority," see M.S. 13.02.

Minnesota Statutes Section 13.04, subdivision 2

The notice must be given when:	<ol style="list-style-type: none"> 1. An individual 2. Is asked to supply 3. Private or confidential data 4. Concerning self <p>All four conditions must be present to trigger the notice requirement.</p>
The notice does not need to be given when:	<ul style="list-style-type: none"> • the data subject is not an individual • the subject offers information that has not been requested by the entity • the information requested from the subject is about someone else • the agency requests or receives information about the subject from someone else, or • the information requested from the subject is public data about that subject.
Statements must be included that inform the individual:	<ul style="list-style-type: none"> • Why the data are being collected from the individual and how the agency intends to use the data; • Whether the individual may refuse or is legally required to supply the data; • Any consequences to the individual of either supplying or refusing to supply the data; and • The identity of other persons or entities authorized by law to receive the data.
Consequences of giving the notice are:	Private or confidential data on individuals may be collected, stored, used and released as described in the notice without liability to the agency.
Consequences of giving an incomplete notice, or <i>not</i> giving the notice at all, are:	<p>Private or confidential data on individuals cannot be collected, stored, used or released for any purposes other than those stated in the notice unless:</p> <ul style="list-style-type: none"> • The individual subject of the data gives informed consent; • The Commissioner of Administration gives approval; or • A state or federal law subsequently authorizes or requires the new use or release.

The Privacy Act of 1974

The Privacy Act of 1974 requires that a disclosure be made to applicants for assistance regarding whether they must provide their Social Security Number (SSN) and how the SSN will be used.

Sec. 7(a) (1) of the Privacy Act of 1974, 5 U.S.C. §552a reads:
"It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

(2) the provisions of paragraph (1) of this subsection shall not apply with respect to:
(A) any disclosure which is required by Federal statute, or
(B) any disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

Sec. 7(b) Any Federal, State or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it."

Title 42, Chapter 7, Subchapter II 405(c)(2)(C)(i) specifies the federally-authorized uses of SSNs:
"It is the policy of the United States that any State (or political subdivision thereof) may, in the administration of any tax, general public assistance, driver's license, or motor vehicle registration law within its jurisdiction, utilize the social security account numbers issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is or appears to be so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if he has more than one such number) issued to him by the Commissioner of Social Security."

The Privacy Act Notice may be given as a separate notice, or in combination with the Tennessean Warning Notice. You should seek legal counsel to determine whether your particular NSP program permits you to collect SSNs.

You must document that you provided the required notices to the applicants.