

## **Tennesen Notice Requirements (August 8, 2013)**

After school district staff questioned a student about a vandalism incident, the parent of the student contacted the Minnesota Department of Administration and requested an opinion as to whether the school district had complied with the Minnesota Government Data Practices Act (MGDPA). The parent claimed that the school district did not give the student a Tennesen notice prior to questioning the student and the student was subsequently disciplined based in part on information obtained during the student interview.

The Commissioner determined that the school district *did not* comply with the MGDPA because it did not provide a full Tennesen notice to the student. In this regard, the Commissioner opined that the oral notice did not clearly state the possible consequences of the student providing or not providing the requested information, and did not identify those persons outside of the school district to whom the school district was authorized to disseminate the data, regardless of its intention to do so. The Commissioner noted that an entity should document the Tennesen notice given in some manner and suggested that the documentation could be accomplished by providing the notice in writing and requiring the subject to sign and date the notice.

*If you would like assistance in developing a Tennesen notice that fully complies with the MGDPA, please contact us.*