



Minnesota Historical Society - Library
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Application and use agreement for access to
restricted records on individuals in the Minnesota State Archives

Name on Record _____

Date of birth _____ Date of death _____

Admission date _____ Discharge date _____

Record group _____

Subgroup/Series _____

Box number/Location _____

My purpose in using these records is:

Family history, genealogy. My relationship to that person(s) is: _____

Professional genealogist, attorney, or other authorized representative of another party. Evidence of authorization may be required.

To see "private" information about myself.

To gain access to the record of the individual described above, I agree:

1. to supply the necessary and sufficient documentation to identify myself, the individual, the individual's date of birth/death and my relationship to the individual;
2. to research only information pertaining to that individual;
3. to observe all rules regarding the use of materials in the Library; and
4. to respect the privacy and confidentiality rights of all individuals recorded in the documents I use

I further understand that I may be personally liable for legal action if I violate this agreement; if I disclose any data described in M.S. 138.17, subd. 1c(a); or if I otherwise violate any laws regarding libel, slander and copyright. I may appeal an adverse decision on access within 30 days of notification.

My Name (please print) _____

Address _____

Daytime telephone _____ E-mail _____

Signature _____ Date _____

FOR MHS USE ONLY

Access approved/denied

Photocopying approved/denied

Verifications attached:

Date of death Proof of identity

Signature _____ Date _____

MINNESOTA HISTORICAL SOCIETY - LIBRARY

Access to restricted records

In general, access to records in the State Archives is defined by Minn. Stat. § 138.17 subd. 1c; state and local government agencies are subject to the more complex Data Practices Act. While not bound by that statute (see Minn. Stat. § 13.03 subd. 7), the State Archives respects the classifications and restrictions it establishes. Its primary goal, though, is to arrange for the simplest and most efficient means of satisfying legitimate research requests.

Records of deceased individuals

Restrictions on access to the records of decedents lapse after a set amount of time. They become accessible to the public 10 years after the actual or presumed death of the individuals and 30 years after the creation of the data. An individual is presumed dead if either 90 years have elapsed since the creation of the data or 90 years have elapsed since the individual's birth.

Certain privacy interests do not lapse with time, so certain records do not become readily available to the public. These exceptions are described below.

Access to records by the subjects of those records or their immediate family

Individuals have the right to review their own records, so long as the privacy interests of others are not affected. But individuals must prove their identity in order to gain access. Additionally, they may allow others to view their own records; an authorization is demonstrated by a signed statement that is written in plain language and dated, with specific designation of the parties, specific designation of the data, specific designation of the purposes for which the information may be used and specific designation of an expiration date for the authorization [Minn. Stat. § 13.05(d)].

A surviving spouse, children, or if there are no surviving children or spouse, then the parents of a deceased individual are considered to "inherit" the individual's rights to access to private records as well as the right to allow access to others in the manner described above.

Access to records by those unrelated to the subjects of those records

Even if 10 years have passed since the death of an individual and 30 since the creation of the data, some records may not be accessible to the general public. The continuing privacy interests of individuals determine whether researchers may see records of subjects unrelated to them. But they may still request access. They need to demonstrate, though, that the public interest served by disclosure outweighs the pertinent privacy interests. For such requests, researchers must submit the appropriate form to the State Archives along with a detailed, written request describing their project, their rationale and any products that will result.

Privacy interests

Minn. Stat § 138.17 subd. 1c states that all records transferred to the State Archives are accessible to the public unless the Archives determines that they contain certain types of information. In this context, the pertinent determination is whether "disclosure would constitute a clearly unwarranted invasion of personal privacy. Disclosure of an individually identifiable record does not constitute a clearly unwarranted invasion of personal privacy if the public interest in disclosure outweighs the privacy interest of the individual."

Following the definitions in the Minnesota Statutes, the State Archives has determined that access to records containing references to adoptions or to illegitimate births clearly constitute an unwarranted invasion of privacy. Records about adoptions are available with a court order or 100 years after the date of the decree. Records of illegitimate births become public 100 years after the birth or 10 years after the death of the individual and 30 years after the creation of the record. In addition, specific provisions on access may apply to particular types of records; please see the pertinent finding aids for details.