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March 03, 2014

Kenneth Parsons, Esq.  
Department of Human Services  
PO Box 64998  
St. Paul, MN 55164-0998

RE: Question regarding data production

Dear Mr. Parsons,

Thank you for your letter of January 29, 2014, which responded to my Data Practices Act request of February 7, 2013, and also served to describe certain data responsive to that request. Your letter (and the document batch that accompanied it) responded to the following items of my request, as they were originally numbered:

3. All documents related to the mandatory compliance plan for the Integrity Program required by section 9.15.1 of DHS contract B06778.
5. All documents related to internal auditing under the Integrity Program required by section 9.15.1 of DHS contract B06778.
6. Any documentation of corrective actions undertaken by the MCO as part of the Integrity Program required by section 9.15.1 of DHS contract B06778.
7. The annual report on the Integrity Program required by section 9.15.1 of DHS contract B06778, for the calendar year 2008.

My original request also included additional items, which are listed below as originally numbered:

1. All manner of financial data required to be disclosed to the Commissioner of DHS pursuant to Minn. Stat. 256B.69 subd. 9c(b) related to public health care programs administered by Blue Plus for the calendar year 2008.
2. Any correspondence between Blue Plus and DHS that relates to audits (or requests for audits) regarding alleged overpayments or underpayments by the

State that may have occurred during the calendar year 2008. Such audit requests are allowed pursuant to section 4.6.1 of DHS contract B06778.

8. The certification letter related to the 2008 Blue Plus financial filing (and all other correspondence related to this certification), as required by section 9.16.2 of DHS contract B06778.

Documents responsive to these items are not included within the batch of data disclosed by your agency on January 29, 2014. Please confirm whether your agency holds such data, or whether such data is held by Blue Plus.

To the extent that responsive data is held by Blue Plus, Minn. Stat. 13.05 Subd. 11(a) states that:

"If a government entity contracts with a private person to perform any of its functions, the government entity shall include in the contract terms that make it clear that all of the data created, collected, received, stored, used, maintained, or disseminated by the private person in performing those functions is subject to the requirements (of Chapter 13) and that the private person must comply with those requirements as if it were a government entity."

Minn. Stat. 13.05 Subd. 11(b) further states that the subdivision does "not create a duty on the part of a private person to provide access to public data to the public if the public data are available from the government entity, except as required by the terms of the contract."

If your agency does not hold data responsive to Items 1, 2, and 8 of my request, please notify me about whether the data is held by Blue Plus, the contracted entity in this case. If your agency does hold the responsive data, please disclose the public portions of that data to me.

Sincerely,



Matt Ehling  
Public Record Media, LLC