


Formal Breach Determination Request

MDE parent verification and prior disclosure determination

Date submitted	June 25, 2026
Response violation date	July 10, 2026
Deadline basis	MGDPA data-subject access deadline: 10 business days
Sender	
Recipient	MDE Responsible Authority / Data Practices Designee
Scope	MDE parent verification and prior disclosure determination

This cover page is an index aid. The formal request body follows on the next page and controls the specific scope, authorities invoked, and requested action.

1 **Formal Breach and Security Determination Request: Parent Verification and Prior MDE Disclosures**

3 Dear Responsible Authority / Data Practices Designee:

5 This is a formal request that MDE make, preserve, and provide its written breach/security/unauthorized-disclosure determination concerning MDE's prior disclosure of student-specific complaint data to me before MDE completed the identity and parent/guardian validation it later required. This request also seeks access to existing government data, private data, education records, classification records, access/disclosure records, audit logs, and determination records under the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13, including sections 13.04, 13.05, and 13.055. To the extent the records are education records or student personally identifiable information, this request also invokes FERPA, 20 U.S.C. section 1232g and 34 CFR part 99. To the extent the records were collected, maintained, reviewed, transmitted, or used under IDEA Part B or MDE's [REDACTED] [REDACTED] complaint process, this request also invokes the IDEA Part B confidentiality and access provisions, including 34 CFR 300.613, 300.614, and 300.622.

7 I am [REDACTED] [REDACTED]. As of this request, MDE has received identity and parent/guardian validation sufficient to communicate with me about the minor student/data subject and the complaint files identified below.

9 This request follows separately from my preservation and accounting demand. I am asking MDE to make and provide a formal determination, not merely to process this as an ordinary access request. If MDE's position is that the prior disclosures were authorized, please say so and identify the maintained factual and legal basis. If MDE's position is that any prior disclosure was not authorized, was a breach, was a security incident, required notice, required internal reporting, required mitigation, or required no further action, please say so and identify the maintained factual and legal basis for that determination.

11 **Determination Requested**

13 Please make and provide MDE's written determination for each prior MDE-to [REDACTED] transmission of student-specific complaint data, complaint-file data, private child data, education-record data, complaint-status data, complaint-rationale data, or complaint attachment data in or related to complaints 26-226C and 26-240C, including:

- 15 - the May 4, 2026 MDE complaint-received communication for complaint 26-226C;
- 16 - the May 15, 2026 MDE dismissal-letter communication for complaint 26-226C;
- 17 - the May 18, 2026 MDE complaint-received communication for complaint 26-240C, including the attached complaint payload;
- 18 - the June 1, 2026 MDE protected-message or dismissal-rationale communication concerning complaint 26-240C;
- 19 - the June 2, 2026 MDE closure letter for complaint 26-240C;
- 20 - any related protected-message, attachment, closure, reconsideration, data-challenge, supplement, access-request, or response communication before MDE completed the identity and parent/guardian validation it later required.

22 For each transmission, please determine and state:

- 24 - whether the transmission contained private data about the minor student, education-record data, IDEA Part B records, or personally identifiable information from education records;
- 25 - whether the transmission contained [REDACTED] student data or other sensitive student safety data;
- 26 - whether MDE had verified my identity before the transmission;

- 27 - whether MDE had verified my parent/guardian relationship or legal authority to receive private child data before the transmission;
- 28 - if MDE had verified parent/guardian authority, what record, system, procedure, complaint-file data, enrollment/contact data, legal document, consent, or other basis supplied that verification;
- 29 - if MDE had not verified parent/guardian authority, what legal authority MDE relied on to transmit the data anyway;
- 30 - whether complaint-filer status alone was treated as sufficient authority to receive the private student data or complaint attachment, and the authority for that treatment;
- 31 - whether the transmission was an authorized disclosure, an unauthorized disclosure, a breach under Minnesota Statutes section 13.055, a security incident, a privacy incident, or another category MDE uses for this type of event;
- 32 - whether notice, internal reporting, supervisory review, legal review, risk analysis, mitigation, access revocation, recipient instruction, log review, or corrective action was required;
- 33 - if MDE determines no breach/security/unauthorized-disclosure issue occurred, the specific factual and legal basis for that conclusion.

35 **Special Sensitivity of the 26-240C Complaint Payload**

- 37 The May 18, 2026 complaint 26-240C communication is the central transmission for this determination request because MDE's message stated that a copy of the complaint was attached. The complaint payload contained student-specific [REDACTED] school-access, safety, [REDACTED] educational-impact, and [REDACTED] material. Please make a specific determination for that May 18 transmission rather than treating it only as generic complaint correspondence or complaint metadata.
- 39 The issue is not whether I am now authorized to communicate with MDE as the student's parent. MDE now has identity and parent/guardian validation. The issue is what MDE knew and relied on at the time of the earlier disclosures, why MDE later required external notarized proof before releasing private child data, and how MDE reconciles those positions under the child-protective purpose of Minnesota and federal student-data privacy laws.

41 **Records Requested**

- 43 Please provide all existing records documenting, supporting, contradicting, or reflecting MDE's determination, including:
 - 45 - breach/security/privacy/unauthorized-disclosure incident records, tickets, reports, memoranda, emails, notes, reviews, approvals, and closure records;
 - 46 - legal-review, supervisory-review, data-practices-review, FERPA/IDEA-review, classification, and complaint-administration records concerning whether the prior disclosures were authorized;
 - 47 - records showing MDE's application of Minnesota Statutes sections 13.04, 13.05, 13.055, and 13.32; Minnesota Rules parts 1205.0400 and 1205.0500; FERPA; and IDEA Part B confidentiality/access provisions to the prior disclosures;
 - 48 - records showing any decision not to treat the prior disclosures as a breach, security incident, unauthorized disclosure, reportable event, notice event, or corrective-action event;
 - 49 - records showing any recipient-notification, access-revocation, secure-message expiration, link expiration, mitigation, audit-log review, or no-action determination;
 - 50 - records showing who was consulted, notified, assigned, or responsible for the determination;

51 - records showing MDE's current written procedures or criteria for deciding whether a disclosure of private student data to a person whose parent/guardian status has not yet been verified is authorized, unauthorized, a breach, a security incident, or not reportable.

53 If MDE has not yet made the requested determination, please preserve all relevant records and identify the office, role, responsible authority, data-practices designee, supervisor, privacy official, legal reviewer, or other decision-maker responsible for making it.

55 **Required Response Format**

57 Please provide the written determination and responsive records electronically by email attachment or secure download. For emails, secure messages, structured logs, and audit trails, please produce native or ordinary exports where available, including metadata fields. For PDFs and letters, please produce searchable PDFs where available.

59 This request seeks existing government data, education records, and a formal MDE determination concerning MDE's own disclosure/security handling. To the extent any subpart seeks records, it seeks records in the form or program in which MDE maintains them. It does not request a newly authored narrative for ordinary access purposes, except that this letter expressly requests MDE's official breach/security/unauthorized-disclosure determination.

61 If any responsive data is withheld or redacted, please identify the record, date, custodian if known, responsive category, classification asserted, and the specific statutory section, temporary classification, or federal-law provision relied on. Please produce public, [REDACTED] subject, parent-accessible, and segregable data without waiting on any disputed child-private-data portion.

63 For the data-access portions of this request, Minnesota Statutes section 13.04, subdivision 3 requires compliance immediately if possible, or no later than ten days excluding Saturdays, Sundays, and legal holidays. Because this request is submitted on June 25, 2026, I understand the ten-business-day response date to be July 10, 2026. Please provide the formal determination as promptly as possible and no later than that same response date unless MDE identifies a specific contrary authority.

65 Respectfully,

67 [REDACTED]
68 [REDACTED]