

CITY OF BIG FALLS

POLICY AND PROCEDURES

FOR THE

**MINNESOTA GOVERNMENT
DATA PRACTICES ACT**

Adopted: November 8, 2010

CITY OF BIG FALLS
DATA PRACTICES PROCEDURES
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I. Introduction.

These procedures are adopted to comply with the requirements of the Minnesota Data Practices Act (the “Act”), specifically Minn. Stat. Sec. 13.03, Subd. 2 and 13.05, Subd. 5 and 8.

II. Responsible Authority.

The person who is the responsible authority for compliance with the Act is the City Clerk/Treasurer. The responsible authority may designate certain other City employees to assist in complying with the Act. These designees, if any, shall be listed on attached Exhibit 1.

III. Access to Public Data.

All information maintained by the City is public unless there is a specific statutory designation which gives it a different classification. Categories of classification are as follows:

| DATA ON INDIVIDUALS* MS §13.02, SUBDIVISION 5 | DATA ON DECEDENTS MS §13.10, SUBDIVISION 1 | DATA NOT ON INDIVIDUALS * MS §13.02, SUBDIVISION 4 |
|--|---|--|
| PUBLIC Accessible to anyone for any reason MS §13.02, SUBDIVISION 15 | PUBLIC Accessible to anyone for any reason MS §13.02, SUBDIVISION 15 | PUBLIC Accessible to anyone for any reason MS §13.02, SUBDIVISION 14 |
| PRIVATE Accessible to the data subject and to government officials whose duties reasonably require access; Not accessible to the public MS §13.02, SUBDIVISION 12 | PRIVATE ** Accessible to the representative of the decedent; Not accessible to the public MS §13.10, SUBDIVISION 1B. | NONPUBLIC Accessible to the subject of the data, if any, and to government officials whose duties reasonably require access; Not accessible to the public MS §13.02, SUBDIVISION 9 |
| CONFIDENTIAL Not accessible to the data subject; Accessible only to government officials whose duties reasonably require access Not accessible to the public MS §13.02, SUBDIVISION 3 | CONFIDENTIAL** Not accessible to the representative of the decedent; Not accessible to the public MS §13.10, SUBDIVISION 1A | PROTECTED NONPUBLIC Not accessible to the data subject; Accessible only to government officials whose duties reasonably require access Not accessible to the public MS §13.02, SUBDIVISION 13 |

* Individual is defined at MS §13.02, subdivision 8. Individual means a living human being. It does not mean any type of entity created by law, such as a corporation.

** Private and confidential data on decedents become public data ten years after the death of the data subject *and* 30 years after the creation of the data.

Private & Confidential Data Maintained by the City (see Appendix A)

- A. People Entitled to Access.** Any person has the right to inspect and copy public data. The person also has the right to have an explanation of the meaning of the data. The person does not need to state his or her name or give the reason for the request.
- B. Form of Request.** The request for public data may be verbal or written. A request form (Exhibit 4) will be provided to requestor for record management purposes, but the application is not mandatory for public data request.
- C. Time Limits.**

Requests. Requests will be received and processed only during normal business hours.

Response. If copies cannot be made at the time of the request, copies must be supplied as soon as reasonably possible.

- D. Fees.** Fees may be charged only if the requesting person asks for a copy or electronic transmittal of the data. Fees will be charged according to the City's standard photocopying policy, attached as Exhibit 2, unless significant time is required. In that case, the fee will include the actual cost of searching for, retrieving, and copying or electronically transmitting the data. The fee may not include time necessary to separate public from non-public data.

The responsible authority may also charge an additional fee if the copies have commercial value and are a substantial and discrete portion of a formula, compilation, program, process, or system developed with significant expenditure of public funds. This additional fee must relate to the actual development costs of the information.

IV. Access to Data on Individuals.

Information about individual people is classified by law as public, private, or confidential. A list of the private and confidential information maintained by the City is contained in Appendix A.

A. People Entitled to Access.

- ◆ *Public* information about an individual may be shown or given to anyone.
- ◆ *Private* information about an individual may be shown or given to:
 - The individual, but only once every six months, unless a dispute has arisen or additional data has been collected.

- A person who has been given access by the express written consent of the data subject. This consent must be on the form attached as Exhibit 3, a form reasonably similar, or written request similar in nature.
 - People who are authorized access by the federal, state, or local law or court order.
 - People about whom the individual was advised at the time the data was collected. The identity of those people must be part of the *Tennessean* warning described below.
 - People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.
- ◆ *Confidential information may not be given to the subject of the data, but may be shown or given to:*
- People who are authorized access by federal, state, or local law or court order.
 - People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

B. Form of Request. Any individual may request verbally or in writing if the City has stored data about that individual and whether the data is classified as public, private, or confidential.

All requests to see or copy private or confidential information must be in writing. An *Information Disclosure Request*, attached as Exhibit 4, must be completed to document who requests and who receives this information. The responsible authority or designee must complete the relevant portions of the form. The responsible authority or designee may waive the use of this form if there is other documentation of the requesting party's identity, the information requested, and the City's response.

C. Identification of Requesting Party. The responsible authority or designee must verify the identity of the requesting party as a person entitled to access. This can be through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.

D. Time Limits.

- ◆ **Requests.** Requests will be received and processed only during normal business hours.

- ◆ **Response.** The response must be immediate, if possible, or within 5 working days if an immediate response is not possible. The City may have an additional 5 working days to respond if it notifies the requesting person that it cannot comply within 5 days.

E. Fees. Fees may be charged in the same manner as for public information.

F. Summary Data. Summary data is statistical records and reports derived from data on individuals but which does not identify an individual by name or any other characteristic that could uniquely identify an individual. Summary data derived from private or confidential data is public. The responsible authority or designee will prepare summary data upon request, if the request is in writing and the requesting party pays for the cost of preparation. The responsible authority or designee must notify the requesting party about the estimated costs and collect those costs before preparing or supplying the summary data. This should be done within 10 days after receiving the request. If the summary data cannot be prepared within 10 days, the responsible authority must notify the requester of the anticipated time schedule and the reasons for the delay.

Summary data may be prepared by “blacking out” personal identifiers, cutting out portions of the records that contain personal identifiers, programming computers to delete personal identifiers, or other reasonable means.

The responsible authority may ask an outside agency or person to prepare the summary data if (1) the specific purpose is given in writing, (2) the agency or person agrees not to disclose the private or confidential data, and (3) the responsible authority determines that access by this outside agency or person will not compromise the privacy of the private or confidential data. The responsible authority may use the form attached as Exhibit 5.

G. Juvenile Records. The following applies to *private* (not confidential) data about people under the age of 18.

- ◆ **Parental Access.** In addition to the people listed above who may have access to private data, a parent may have access to private information about a juvenile data subject. “Parent” means the parent or legal guardian of a juvenile data subject, or individual acting as a parent or guardian in the absence of a parent or legal guardian. The parent is presumed to have this right unless the responsible authority or designee has been given evidence that there is a state law, court order, or other legally binding document which prohibits this right.
- ◆ **Notice to Juvenile.** Before requesting private data from juveniles, city personnel must notify the juveniles that they may request that the information not be given to their parent(s) or guardian(s). This notice should be in the form attached as Exhibit 6.
- ◆ **Denial of Parental Access.** The responsible authority or designee may deny parental access to private data when the juvenile requests this denial

and the responsible authority or designee determines that withholding the data would be in the best interest of the juvenile. The request from the juvenile must be in writing stating the reasons for the request. In determining the best interest of the juvenile, the responsible authority or designee will consider:

- Whether the juvenile is of sufficient age and maturity to explain the reasons and understand the consequences,
- Whether denying access may protect the juvenile from physical or emotional harm,
- Whether there is reasonable grounds to support the juvenile's reasons, and
- Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes Sections 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize the health of the minor.

The responsible authority or designee may also deny parental access without a request from the juvenile under Minnesota Statutes Section 144.335.

V. Denial of Access.

If the responsible authority or designee determines that the requested data is not accessible to the requesting party, the responsible authority or designee must inform the requesting party orally at the time of the request or in writing as soon after it has been determined inaccessible. The responsible authority or designee must give the specific legal authority, including statutory section, for withholding the data. The responsible authority or designee must place an oral denial in writing upon request. This must also include the specific legal authority for the denial.

VI. Collection of Data on Individuals.

The collection and storage of information about individuals will be limited to that necessary for the administration and management of programs specifically authorized by the state legislature, city council, or federal government.

When an individual is asked to supply private or confidential information about the individual, the City employee requesting the information must give the individual a *Tennessee* warning. This warning must contain the following:

- ◆ the purpose and intended use of the requested data,
- ◆ whether the individual may refuse or is legally required to supply the requested data,

- ◆ any known consequences from supplying or refusing to supply the information, and
- ◆ the identity of other persons or entities authorized by state or federal law to receive the data.

A *Tennessee* warning is not required when an individual is requested to supply investigative data to a law enforcement officer.

A *Tennessee* warning may be on a separate form or may be incorporated into the form which requests the private or confidential data. See attached Exhibit 7.

VII. Challenge to Data Accuracy.

An individual who is the subject of public or private data may contest the accuracy or completeness of that data maintained by the City. The individual must notify the City's responsible authority in writing describing the nature of the disagreement. Within 30 days, the responsible authority or designee must respond and either (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual, or (2) notify the individual that the authority believes the data to be correct and the reason(s) why.

An individual who is dissatisfied with the responsible authority's action may appeal to the Commissioner of the Minnesota Department of Administration, using the contested case procedures under Minnesota Statutes Chapter 14. The responsible authority will correct any data if so ordered by the Commissioner.

VIII. Data Protection.

A. Accuracy and Currency of Data.

- ◆ All employees will be requested, and given appropriate forms, to provide updated personnel information to the appropriate supervisor or City Clerk which is necessary for tax, insurance, emergency notification, and other personnel purposes. Other people who provide private or confidential information will also be encouraged to provide updated information when appropriate.
- ◆ City Clerk should periodically review forms used to collect data on individuals to delete items that are not necessary and to clarify items that may be ambiguous.
- ◆ All records must be disposed of according to the City's records retention schedule.

B. Data Safeguards.

- ◆ Private and confidential information will be stored in files or databases which are not readily accessible to individuals who do not have authorized access and which will be secured during hours when the offices are closed.
- ◆ Private and confidential data must be kept only in City offices, except when necessary for City business.
- ◆ Only those employees whose job responsibilities require them to have access will be allowed access to files and records that contain private or confidential information. These employees will be instructed to:
 - not discuss, disclose, or otherwise release private or confidential data to City employees whose job responsibilities do not require access to the data,
 - not leave private or confidential data where non-authorized individuals might see it, and
 - shred private or confidential data before discarding.
- ◆ When a contract with an outside party requires access to private or confidential information, the contracting party will be required to use and disseminate the information consistent with the Act. The City may include in a written contract the language contained in Exhibit 8.

Exhibit 1

LIST OF DESIGNEES

The Minnesota Data Practices Act establishes a system for compilation and distribution of data gathered by government agencies. All data collected and maintained by the City of Big Falls ("City") is presumed public and is accessible to the public for both inspection and copying, unless classified as Private, Confidential, Nonpublic or Protected Nonpublic in accordance with federal law, state statute or a temporary classification. (Minn. Stat. 13.01).

The City of Big Falls has appointed the following position to administer this system.

| | |
|-----------------------|--|
| Responsible Authority | City Clerk/Treasurer 410 2 nd Street NW PO Box 196 Big Falls, MN 56627 (218) 276-2282 |
|-----------------------|--|

| | |
|-------------------------|--|
| Data Compliance Officer | City Clerk/Treasurer 410 2 nd Street NW PO Box 196 Big Falls, MN 56627 (218) 276-2282 |
|-------------------------|--|

Positions appointed as Designees assisting in system administration are as follows:

n/a

Other positions responsible for maintenance of City records
are as apparent or assigned.

Exhibit 2

**CITY OF BIG FALLS
DATA REQUEST COST CALCULATION FORM**

Fees charged are in accordance with Minn Statutes Section 13.03 (3).

Date of Request: _____

Description of Information Requested: (please be specific) _____

Costs for duplication of standard materials are included at the bottom. Please use this section to calculate fees for other data requests.

| | | | Estimated Cost | Actual Cost |
|----|----------------|---|-------------------|-------------------|
| A. | LABOR | <u> </u> x <u> </u> # hours Hourly rate | <u> </u> | <u> </u> |
| | | <u> </u> x <u> </u> # hours Hourly rate | <u> </u> | <u> </u> |
| B. | PHOTOCOPY | <u> </u> x <u> </u> rate # pages | <u> </u> | <u> </u> |
| C. | MAILING | <u> </u> | <u> </u> | <u> </u> |
| D. | PRINTING COSTS | <u> </u> | <u> </u> | <u> </u> |
| E. | OTHER COSTS | (May include computer time, programming, terminal access microfilming and any other costs not listed above) | | |
| | 1. | <u> </u> | <u> </u> | <u> </u> |
| | 2. | <u> </u> | <u> </u> | <u> </u> |
| | 3. | <u> </u> | <u> </u> | <u> </u> |
| | 4. | <u> </u> | <u> </u> | <u> </u> |
| | 5. | <u> </u> | <u> </u> | <u> </u> |

TOTAL CHARGES _____

AMOUNT TO BE PREPAID _____
(50% of Est. total if exceeds \$50)

AMOUNT DUE UPON
COMPLETION _____

PREPARED BY: _____
DEPARTMENT: _____
DATE: _____

STANDARD MATERIAL COPY FEES

The following rates as adopted by City Council resolution shall apply for requests of standard materials:

COPIES

| | |
|------------------------|---|
| Letter Size (8.5 x 11) | \$.25 black & white/per page |
| Legal Size (8.5 x 14) | \$.25 black & white/per page |
| Audio Tape Copy | \$5.00 per tape |
| Color Copies | actual cost of obtaining from outsource |

Exhibit 3

CONSENT TO RELEASE PRIVATE DATA

I, _____, authorize the City of Big Falls to release the following private data about me:

to the following person or people:

The person or people receiving the private data may use it only for the following purpose or purposes:

This authorization is dated _____ and expires on _____

The expiration cannot exceed one year from the date of the authorization, except in the case of authorizations given in connection with applications for life insurance or non-cancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy.

I agree to give up and waive all claims that I might have against the City of Big Falls, its agents and employees for releasing data pursuant to this request.

Signature

IDENTITY VERIFIED BY:

- Witness: X _____
- Identification: Driver's License, State ID, Passport, other: _____
- Comparison with signature on file
- Other: _____

Responsible Authority/Designee: _____

Exhibit 4

**CITY OF BIG FALLS
INFORMATION DISCLOSURE REQUEST
Minnesota Government Data Practices Act**

(all requests for private or confidential information must be in writing)

A. Completed by Requester

| | |
|---|------------------|
| REQUESTER NAME (Last, First, MI): | DATE OF REQUEST: |
| STREET ADDRESS: | PHONE NUMBER: |
| CITY, STATE, ZIP CODE: | SIGNATURE: |
| DESCRIPTION OF THE INFORMATION REQUESTED: (attach additional sheets if necessary) | |
| | |

B. Completed by Department

| | |
|---|---|
| DEPARTMENT NAME: | HANDLED BY: |
| INFORMATION CLASSIFIED AS: <input type="checkbox"/> PUBLIC <input type="checkbox"/> NON-PUBLIC <input type="checkbox"/> PRIVATE <input type="checkbox"/> PROTECTED NON-PUBLIC <input type="checkbox"/> CONFIDENTIAL | ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED IN PART (Explain Below) <input type="checkbox"/> DENIED (Explain Below) |
| REMARKS OR BASIS FOR DENIAL INCLUDING STATUTE SECTION: | |
| CHARGES: <input type="checkbox"/> NONE <input type="checkbox"/> Photocopy: _____ Pages x _____ cents = _____ <input type="checkbox"/> Special Rate: _____ (attach explanation) <input type="checkbox"/> Other: _____ (attach explanation) | IDENTITY VERIFIED FOR PRIVATE INFORMATION: <input type="checkbox"/> IDENTIFICATION: DRIVER'S LICENSE, STATE ID, Etc. <input type="checkbox"/> COMPARISON WITH SIGNATURE ON FILE <input type="checkbox"/> PERSONAL KNOWLEDGE <input type="checkbox"/> OTHER: _____ |
| AUTHORIZED SIGNATURE: | DATE: |

C. Acknowledgement by Requester

I hereby acknowledge receipt of data requested:

 Signature of Requester

 Date

Exhibit 5

GOVERNMENT DATA ACCESS AND NONDISCLOSURE AGREEMENT

1. **AUTHORIZATION.** City of Big Falls (“City”) hereby authorizes _____, (“Authorized Party”) access to the following government data:

2. **PURPOSE.** Access to this government data is limited to the objective of creating summary data for the following purpose: _____

3. **COST.** (Check which applies):

The authorized Party is the person who requested the summary data and agrees to bear the city’s costs associated with the preparation of the data which has been determined to be \$_____.

The Authorized Party has been requested by the City to prepare summary data and will be paid in accordance with attached Exhibit _____.

4. **SECURITY.** The Authorized party agrees that it and any employees or agents under its control must protect the privacy interests of individual data subjects in accordance with the terms of this Agreement.

The Authorized party agrees to remove all unique personal identifiers which could be used to identify any individual from data classified by state or federal law as not public which is obtained from City records and incorporated into reports, summaries, compilations, articles, or any document or series of documents.

Data contained in files, records, microfilm, or other storage media maintained by the City are the City’s property and are not to leave the City’s custody. The Authorized Party agrees not to make reproductions of any data or remove any data from the site where it is provided, if the data can in any way identify an individual.

No data which is not public and which is irrelevant to the purpose stated above will ever be disclosed or communicated to anyone by any means.

The Authorized Party warrants that the following named individual(s) will be the only person(s) to participate in the collection of the data described above: _____

5. **LIABILITY FOR DISCLOSURE.** The Authorized Party is liable for any unlawful use or disclosure of government data collected, used and maintained in the exercise of this Agreement and is classified as not public under state or federal law. The Authorized Party understands that it may be subject to civil or criminal penalties under those laws.

The Authorized Party agrees to defend, indemnify; and hold the City, its officers and employees harmless from any liability, claims, damages, costs, judgments, or expenses, including reasonable attorneys' fees, resulting directly or indirectly from an act or omission of the Authorized Party, its agents, employees or assignees under this Agreement and against all loss by reason of the Authorize Party's failure to fully perform in any respect all obligations under this Agreement.

6. **INSURANCE.** In order to protect itself as well as the city, the Authorized Party agrees at all times during the term of this Agreement to maintain insurance covering the Authorized Party's activities under this Agreement. The insurance will cover \$1,000,000 per claimant for personal injuries and/or damages and \$1,000,000 per occurrence. The policy must cover the indemnification obligation specified above.

7. **ACCESS PERIOD.** The Authorized Party may have access to the information described above from _____ to _____.

8. **SURVEY RESULTS.** (Check which applies):

If the Authorized Party is the requester, a copy of all reports, summaries, compilations, articles, publications or any document or series of documents which are created from the information provided under this Agreement must be made available to The city in its entirety.

If the Authorized Party is a contractor of the City, all copies of reports, summaries, compilations, articles, publications or any document or series of documents which are created from the information provided under this Agreement must be provided to the City. The Authorized Party may retain one copy for its own records but may not disclose it without City permission, except in defense of claims brought against it.

AUTHORIZED PARTY:

By: _____

Date: _____

Title (if applicable): _____

CITY OF BIG FALLS:

By: _____

Date: _____

Its: _____

Exhibit 6

NOTICE TO PERSONS UNDER AGE 18

Some of the information you are asked to provide is classified as private under State law. You have the right to request that some or all of the information not be given to one or both of your parents/legal guardians. Please complete the form below if you wish to have information withheld.

Your request does not automatically mean that the information will be withheld. State law requires the City to determine if honoring the request would be in your best interest. The City is required to consider:

- Whether you are of sufficient age and maturity to explain the reasons and understand the consequences,
- Whether denying access may protect you from physical or emotional harm,
- Whether there is reasonable grounds to support your reasons, and
- Whether the data concerns medical, dental, or other health service provided under Minnesota Statutes Sections 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize your health.

NOTICE GIVEN TO: _____ DATE: _____

BY: _____
(name) (title)

REQUEST TO WITHHOLD INFORMATION

I request that the following information: _____

Be withheld from: _____

For these reasons: _____

Date: _____ Print Name: _____ Signature: _____

Exhibit 7

**DATA PRACTICES ADVISORY
(Tennessee Warning)**

Some or all of the information that you are asked to provide on the attached form is classified by State law as either private or confidential. Private data is information which generally cannot be given to the public but can be given to the subject of the data. Confidential data is information which generally cannot be given to either the public or the subject of the data.

Our purpose and intended use of this information is: _____

You are / are not legally required to provide this information.

If you refuse to supply the information, the following may happen: _____

Other persons or entities authorized by law to receive this information are:

Exhibit 8

SAMPLE CONTRACT PROVISION

Data Practices Compliance. Contractor will have access to data collected or maintained by the City to the extent necessary to perform Contractor's obligations under this contract. Contractor agrees to maintain all data obtained from the City in the same manner as the City is required under the Minnesota Government Data Practices Act, Minn. Stat. Chap. 13 (the "Act"). Contractor will not release or disclose the contents of data classified as not public to any person except at the written direction of the City. Contractor agrees to defend and indemnify the City from any claim, liability, damage or loss asserted against the City as a result of Contractor's failure to comply with the requirements of the Act or this contract. Upon termination of this contract, Contractor agrees to return data to the City, as requested by the City.

APPENDIX A

PRIVATE AND CONFIDENTIAL DATA MAINTAINED BY CITY (alphabetical order)

1. **ABSENTEE BALLOTS (PRIVATE).** Minn. Stat. §13.37.

Sealed absentee ballots before opening by an election judge.

2. **APPRAISAL DATA (CONFIDENTIAL).** Minn. Stat. §13.44.

Appraisals made for the purpose of selling or acquiring land.

3. **ASSESSOR'S DATA (PRIVATE).** Minn. Stat. §13.51,

Data on sales sheets from private multiple listing service organizations.

Income information on individuals used to determine eligibility of property for classification 4c under Minn. Stat. §273.13, Subd. 25 (c).

The following data regarding income properties:

- income and expense figures for current year and past three years,
- average vacancy factors for past three years,
- net rentable or useable areas,
- anticipated income and expenses for current year,
- projected vacancy factor for current year, and
- lease information.

4. **AUDITING DATA.** Minn. Stat. §13.392

Data, notes, and preliminary drafts of audit reports are protected nonpublic or confidential until the final report has been published.

5. **BUSINESS DATA.** Minn. Stat. §13.591

Financial information and business plans submitted to the city by a business requesting financial assistance or benefit financed by public funds are private or nonpublic data. That information becomes public when public financial assistance is provided or the business receives a benefit , except that the following data remain private or nonpublic: business plans, income and expense projections not related to the assistance, customer lists, income tax returns and design, market and feasibility studies not paid for with public funds.

6. CIVIL INVESTIGATIVE DATA. (CONFIDENTIAL) Minn. Stat. §13.39.

Data collected as part of an active investigation undertaken to commence or defend pending civil litigation, or which are retained in anticipation of pending civil litigation is confidential, except that a complainant's statement is private.

7. CITY ATTORNEY RECORDS. (CONFIDENTIAL) Minn. Stat. §13.393

The use, collection, storage, and dissemination of data by the city attorney are governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility. Data, which is the subject of attorney-client privilege, is confidential. Data, which is the subject of the "work product" privilege, is confidential.

8. ELECTED OFFICIALS CORRESPONDENCE (PRIVATE). Minn. Stat. §13.601.

Correspondence between individuals and elected officials, but either may make it public.

9. EXAMINATION DATA (PRIVATE/CONFIDENTIAL). Minn. Stat. §13.34.

Completed versions of personnel and licensing examinations are private, unless the responsible authority determines that they should be confidential because access would compromise the objectivity, fairness, or integrity of the examination process.

10. HOUSING DATA (PRIVATE) Minn. Stat. §13.462.

Names and addresses of applicants and recipients for housing, home ownership, and rehabilitation programs is public. All other information is private.

11. LABOR RELATIONS INFORMATION (PRIVATE). Minn. Stat. §13.37.

Management positions on economic and non-economic items that have not been presented during the collective bargaining process or interest arbitration, including information collected or created to prepare the management position.

12. LAW ENFORCEMENT DATA. Minn. Stat. §13.80 & 13.82

Data collected under the domestic abuse act is confidential.

The audio recording of a 911 call is private regarding the individual making the call, but a written transcript is public.

Certain arrest data, request for service data, and response or incident data is public under Minn. Stat. §13.82. Otherwise, investigative data collected to prepare a case against a person for the commission of a crime or civil wrong is confidential while the investigation is active. Photographs, which are part of inactive investigation files, are private if they are clearly offensive to common sensibilities. Booking photographs are public.

The identity of a victim of child abuse or neglect is private. The identity of a reporter of child abuse or neglect is confidential. Inactive investigative data, which relates to the alleged abuse or neglect of a child by a person responsible for the child's care is private. Videotapes of child abuse victims may not be released under any circumstances without a court order.

The following are private:

- The identity of undercover law enforcement officers.
- The identity of criminal sexual conduct victims.
- The identity of certain informants.
- The identity of victims, witnesses, people making a 911 call whose personal safety or property would be threatened by disclosure.
- The identity of a person making a 911 call to receive help in a mental health emergency.
- The identity of any juvenile in any case, except arrests certified to stand trial as an adult or in the case of restitution.
- Reward program data.

Unique descriptions of stolen, lost, confiscated, or recovered property are private.

Identities of customers of licensed pawnshops and secondhand goods dealers are private.

Detention data, which would disclose personal, medical, psychological or financial information or endanger an individual's life, is private (Minn. Stat. §13.85).

Criminal history data is private, except convictions of crimes within the past 15 years (Minn. Stat. §13.87).

Deliberative processes or investigative techniques are confidential.

Data in arrest warrants or search warrants is confidential until the individual has been taken into custody, served with a warrant, or appears before the court, except when the law enforcement agency determines that the public purpose is served by making the information public.

13. MEDICAL DATA(PRIVATE)

Minn. Stat. §13.384

Unless the data is summary data or a statute specifically provides a different classification, medical data are private , and shall not be disclosed to others accept as provided for by Statute

14. PERSONNEL DATA (PRIVATE).

Minn. Stat. §13.43.

Generally, all data about people who are or were an employee, applicant for employment, volunteer, independent contractor, or member of or applicant for a board or commission is private, with the exceptions noted below.

Public Data - Applicants

The following data on current and former applicants is public:

- Veteran status
- Relevant test scores
- Rank on eligible list
- Job history
- Education and training
- Work availability
- Name, after being certified as eligible for appointment to a vacancy or when considered a finalist for a position of public employment (which occurs when the person has been selected to be interviewed by the appointing authority)
- Names and addresses of applicants for and members of an advisory board or commission.

Public Data: Employees

The following data on current and former employees, volunteers, independent contractors, and members of advisory boards and commissions are public:

- Name
- Job Title
- Work Location
- Work Telephone Number
- Actual gross salary
- Salary range

- Contract fees
- Actual gross pension
- Value and nature of employer paid fringe benefits
- Basis for and amount of added remuneration, including expense reimbursement
- Job description
- Education and training background
- Previous work experience
- Date of first and last employment
- Badge number
- Employee number
- Honors and awards received
- The existence and status (but not nature) of any complaints or charges against the employee, whether or not resulting in discipline
- Final disposition of any disciplinary action, with specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees
- Terms of any agreement settling any dispute arising from the employment relationship, including a “buyout” agreement
- Payroll time sheets or other comparable data that are only used to account for employee’s work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee’s reasons for the use of sick or other medical leave or other non-public data

Undercover Law Enforcement Officer

All personnel data about a law enforcement officer is private until no longer assigned to those duties. Then the officer is subject to the same rules applicable to other employees unless the law enforcement agency determines that revealing the data would threaten the officer’s safety or jeopardize an active investigation.

Access by Labor Organizations

Personnel data may be given to labor organizations or the Bureau of Mediation Services to the extent this is necessary to conduct elections, notify employees of fair share fee assessments, or to implement state labor laws.

Employee Assistance Programs

All data associated with employee assistance programs is private.

Harassment

When there is a harassment complaint against an employee, the employee may not have access to data that would identify the complainant or other witnesses if this would threaten the personal safety of the complainant or witness, or subject them to harassment. However, this information will be provided to the employee in order for him/her to prepare for a disciplinary proceeding that has been initiated.

Peer Counseling Debriefing

Data acquired by a peer group member in a public safety peer counseling debriefing is private data on the person being debriefed.

Protection of Employee or Others

If it is reasonably necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, information that is relevant to the safety concerns may be released to (1) the person who may be harmed or to the person's attorney when relevant to obtaining a restraining order, (2) a prepetition screening team in the commitment process, or (3) a court, law enforcement agency or prosecuting authority.

15. PLANNING QUESTIONNAIRES (PRIVATE/NONPUBLIC). Minn. Stat. §13.59.

The following data collected in surveys of individuals conducted by the City for the purpose of planning, development and redevelopment as classified as private or nonpublic: names and addresses and the legal descriptions of property owned by the individuals, and the commercial use of the property to the extent disclosure of the use would identify a particular business.

16. PROPOSALS (PRIVATE/NONPUBLIC) Minn. Stat. §13.591.

Proposals submitted in response to a Request for Proposals are private or nonpublic until the responses are opened. Once opened, the name becomes public, but all other data is private or nonpublic data until completion of the evaluation process. After the process is completed, all remaining data are public with the exception of trade secret data. If all responses to an RFP are rejected, see Minnesota Statute or various scenarios.

17. PROPERTY COMPLAINT DATA (CONFIDENTIAL). Minn. Stat. §13.44.

The identities of individuals who register complaints concerning violations of state laws or local ordinances concerning the use of real property.

18. PUBLIC EMPLOYEES RETIREMENT ASSN. DATA (PRIVATE) Minn. Stat. §13.63

Data on beneficiaries and survivors of members are private: home address, date of birth, direct deposit account number, tax-withholding data.

19. RECREATION DATA (PRIVATE). Minn. Stat. §13.548.

For people enrolling in recreational or other social programs: name, address, telephone number, any other data that identifies the individual, and any data which describes the health or medical condition of the individual, family relationships, living arrangements, and opinions as to the emotional makeup or behavior of an individual.

20. SALARY BENEFIT DATA (NONPUBLIC). Minn. Stat. §13.435.

Salary and personnel benefit survey data purchased from consulting firms.

21. SEALED BIDS (NONPUBLIC). Minn. Stat. §13.37 & 13.591, Subd. 3.

Sealed bids, including the number of bids received, prior to opening. After opening, only name and dollar amount is public until city has evaluated and ranked bids. If all bids are rejected before ranking is completed, then remaining information is not public until a re-solicitation has been accepted, until a decision is made to abandon, or until one year has passed.

22. SECURITY INFORMATION (PRIVATE/NONPUBLIC). Minn. Stat. §13.37.

Data which if disclosed would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury. This includes crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home addresses and telephone numbers, but these may be disseminated to other volunteers participating in crime prevention programs.

23. SOCIAL SECURITY NUMBERS (PRIVATE). Minn. Stat. §13.355

24. TRADE SECRET INFORMATION (PRIVATE). Minn. Stat. §13.37.

Information that has been kept generally protected by the supplier and that has economic value. Examples: unique building plans, copyrighted questionnaires prepared by consultants (such as for comparable worth), computer programs.