



## DATA PRACTICES POLICY

### **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 shall be appointed by Resolution of the City Council. The responsible authority may designate certain other City employees to assist in complying with the Act. These designees are 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 that gives it a different classification. Categories of classification are as follows:

| <b>Data on<br/>Individuals<br/>(Natural<br/>Persons)</b> | <b>Data Not on<br/>Individuals</b> | <b>Degree of Accessibility</b>   |
|--|------------------------------------|--|
| Public   | Public                             | Accessible to anyone   |
| Private  | Nonpublic                          | Accessible to data subjects and to government officials whose duties reasonably require access |
| Confidential   | Protected<br>Nonpublic             | Accessible only to government officials whose duties reasonably require access                 |

The City General Records Retention Schedule (adopted Minnesota General Records Retention Schedule) lists data series maintained by the City and their classifications.

- 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 must be submitted in writing on a form supplied by the City of Anoka (see Exhibit 9).
- C. Time Limits.**

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

**Response.** If a response is not able to be provided immediately, it shall be responded to as soon as reasonably possible, but no later than 15 working days. For larger or difficult requests, the City may have an additional 15 working days to respond if it notifies the requesting person that it cannot comply within the initial 15 working days. If the request will take a substantial amount of time to compile, the City must notify the requestor of an estimated time that the information will be available. Such time limit must be reasonable.

- 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 for requests less than 100 pages in length according to the City's standard photocopying policy in place at the time of the request, unless significant time is required. In that case, the fee will include the actual cost of searching for, retrieving, copying, mailing, 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, or a form reasonably similar.
  - 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 Tennessee 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 anyone, including 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, which must be in writing, on a form supplied by the City (Exhibit 9), whether 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, on a form supplied by the City. 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.

**C. Identification of Requesting Party.** The responsible authority or designee must verify the identity of the requesting party, of data not classified as public, 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. If a response is not able to be provided immediately, it shall be responded to as soon as reasonably possible, but no later than 15 working days. For larger or difficult requests, the City may have an additional 15 working days to respond if it notifies the requesting person that it cannot comply within the initial 15 working days. If the request will take a substantial amount of time to compile, the City must notify the requestor of an estimated time that the information will be available. Such time limit must be reasonable.

**E. Fees.** Fees maybe 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 of preparing and supplying the summary data within 10 days of receiving the request. Following receipt of the costs, the summary data shall be prepared and supplied to the requestor within 10 days after receiving payment. 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 guardian of a juvenile data subject, or individual acting as a parent or guardian in the absence of a parent or 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). 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 as possible thereafter. 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 that 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.

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 personal information to the appropriate supervisor, City Clerk, or Finance Director, 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.
- ◆ Department heads 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 that 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 Anoka (“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 Anoka has appointed the following position to administer this system.

Responsible Authority

City Manager  
Anoka City Hall  
2015 First Avenue North  
Anoka MN 55303  
(763) 576-2718

Position(s) appointed as Designee(s) assisting in system administration are as follows:

City Clerk  
Anoka City Hall  
2015 First Avenue North  
Anoka MN 55303  
(763) 576-2712

Other positions responsible for maintenance of City records are as apparent or assigned. Each Department Head shall be responsible for the maintenance and dissemination of information that pertains to their department. Questions relating to the classification of information should be directed to the Responsible Authority’s Designee.

Complaints regarding a person(s) access to information should be filed with:

City Clerk  
Anoka City Hall  
2015 First Avenue North  
Anoka MN 55303  
(763) 576-2712

Exhibit 2

**CITY OF ANOKA  
DATA REQUEST & COST CALCULATION FORM**

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

Date of Request:

\_\_\_\_\_

Description of Information Requested: (please be specific)

\_\_\_\_\_

\_\_\_\_\_

Please use this section to calculate fees for data requests over 100 pages in length, and that exceed 1 hour to prepare.

|   |   |             | Estimated Cost | Actual Cost |
|---|---|-------------|----------------|-------------|
| A. LABOR  | # hours   | Hourly Rate |                |             |
|   | # hours   | Hourly Rate |                |             |
| B. PHOTOCOPY  | Rate:   | # pages     |                |             |
| C. MAILING  |   |             |                |             |
| D. PRINTING COSTS   |   |             |                |             |
| E. OTHER COSTS  | (May include computer time, programming, terminal access microfilming and any other costs not listed above) |             |                |             |
| 1.  |   |             |                |             |
| 2.  |   |             |                |             |
| 3.  |   |             |                |             |
| 4.  |   |             |                |             |
| 5.  |   |             |                |             |
| <b>TOTAL CHARGES</b>  |   |             |                |             |
| <b>AMOUNT TO BE PREPAID (50% of Est. total if exceeds \$50)</b> |   |             |                |             |
| <b>AMOUNT DUE UPON COMPLETION</b>                               |   |             |                |             |

PREPARED BY: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

DATE: \_\_\_\_\_

Exhibit 3

**CONSENT TO RELEASE PRIVATE DATA**

I, \_\_\_\_\_ authorize the City of Anoka 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, 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 ANOKA**

**INFORMATION DISCLOSURE REQUEST**

*(For information other than “public” information)*  
**Minnesota Government Data Practices Act**

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:                             |                                    | ACTION:                                    |  |
| <input type="checkbox"/>                               | Confidential                       | <input type="checkbox"/>                   | Non-Public                                     |
| <input type="checkbox"/>                               | Private                            | <input type="checkbox"/>                   | Protected Non-Public                           |
| <input type="checkbox"/>                               | Protected Non-Public               | <input type="checkbox"/>                   | Approved                                       |
| <input type="checkbox"/>                               |                                    | <input type="checkbox"/>                   | Approved in Part (explain below)               |
| <input type="checkbox"/>                               |                                    | <input type="checkbox"/>                   | Denied (explain below)                         |
| REMARKS OR BASIS FOR DENIAL INCLUDING STATUTE SECTION: |                                    |  |  |
| CHARGES:   |                                    | IDENTITY VERIFIED FOR PRIVATE INFORMATION: |  |
| <input type="checkbox"/>                               | None                               | <input type="checkbox"/>                   | Identification: Drivers License, State ID, etc |
| <input type="checkbox"/>                               | Photocopy:                         | <input type="checkbox"/>                   | Comparison with Signature on File              |
| <input type="checkbox"/>                               | Special Rate: (attach explanation) | <input type="checkbox"/>                   | Personal Knowledge                             |
| <input type="checkbox"/>                               | Other: (attach explanation)        | <input type="checkbox"/>                   | Other:   |
| AUTHORIZED SIGNATURE:                                  |                                    | DATE:                                      |  |

Exhibit 5

**GOVERNMENT DATA ACCESS AND NONDISCLOSURE AGREEMENT**

1. AUTHORIZATION. City of Anoka (“City”) hereby authorizes \_\_\_\_\_ (“Authorized Party”) access to the following government data:

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

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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 the 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 that 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 that 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 ANOKA:**

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 that generally cannot be given to the public but can be given to the subject of the data. Confidential data is information that 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 people 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.

## Exhibit 9

(obtain actual form from Administration Department)



### DATA REQUEST FORM

Submit to:

City of Anoka - Administration  
2015 First Avenue  
Anoka, MN 55967

#### A. To be Completed by Requester

*Note: According to MS § 13.05, subd. 12, persons are not required to identify themselves, or state a reason for, or justify a request for public data. Completion of this section is voluntary. Providing us with this information provides direction on where to supply the requested data to. If you choose not to complete this section, please make note on how the requested data will be retrieved by the Requester.*

|  |                  |
|--|------------------|
| Requester Name (Last, First):  | Phone Number:    |
| Street Address:  | Fax Number:      |
| City, State, Zip Code:   | Email Address:   |
| Signature:   | Date of Request: |
| Description of the Information Requested:  |                  |
|  |                  |
|  |                  |
|  |                  |
| <i>Please provide data:</i> <input type="checkbox"/> by mail <input type="checkbox"/> by fax <input type="checkbox"/> by email (if possible) <input type="checkbox"/> Requester or designee will pick up at City Hall  |                  |
| <i>Note: According to MS § 13.03, subd. 3, authorizes us to charge fees to recover costs to provide copies of data, including costs associated with searching, compiling (employee time is calculated as wage + benefits), copying, mailing, or otherwise transmitting data. We do not charge for inspection of data or for separating not public data from public data.</i> |                  |
| <b><i>NOTICE:</i></b> Upon submitting this request for data, you are hereby agreeing to pay all costs associated with the request, as allowed per Minnesota Statutes.  |                  |

#### B. To be Completed by Administration

|   |  |
|---|--|
| Effected Department   | Date Request Sent to effected department:  |
| Request sent to:  |  |
| Information Classified as:<br><input type="checkbox"/> Public <input type="checkbox"/> Non-Public<br><input type="checkbox"/> Private <input type="checkbox"/> Protected Non-Public<br><input type="checkbox"/> Confidential  | Action:<br><input type="checkbox"/> Approved<br><input type="checkbox"/> Approved in Part (Explain below)<br><input type="checkbox"/> Denied (Explain below) |
| Remarks or basis for denial including statute section:  |  |
|   |  |
| Identity Verified for Private Information:<br><input type="checkbox"/> Identification: Driver's License, State I.D., etc.<br><input type="checkbox"/> Comparison with Signature on File<br><input type="checkbox"/> Personal Knowledge<br><input type="checkbox"/> Other: _____ | Date Data Request Received:<br><br>Date Data Supplied to Requester:<br><br>COMMENTS:   |
| Authorized Signature: _____   | Date: _____  |

## APPENDIX A

### PRIVATE AND CONFIDENTIAL DATA MAINTAINED BY CITY

#### 1. 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
- 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
- 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
- Work location
- Work telephone number
- Badge number
- Honors and awards received
- 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
- City and county of residence

### ***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.

### **2. 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.

### **3. PLANNING QUESTIONNAIRES (PRIVATE).** Minn. Stat. § 13.59.

Names, addresses, and legal descriptions of property, that are collected in questionnaires or surveys of individuals and businesses for the purposes of planning, development, or redevelopment.

### **4. SECURITY INFORMATION (PRIVATE).** 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.

### **5. ABSENTEE BALLOTS (PRIVATE).** Minn. Stat. § 13.37.

Sealed absentee ballots before opening by an election judge.

### **6. SEALED BIDS (PRIVATE).** Minn. Stat. § 13.37.

Sealed bids, including the number of bids received, prior to opening.

### **7. 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.

**8. FIREARMS DATA (PRIVATE).** Minn. Stat. § 13.87.

Data about the purchase or transfer of firearms and applications for permits to carry firearms.

**9. EXAMINATION DATA.** 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. ELECTED OFFICIALS CORRESPONDENCE (PRIVATE).** Minn. Stat. §13.601.

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

**11. BENEFIT DATA (PRIVATE).** Minn. Stat. §13.462.

All data about individuals participating in the City's housing rehabilitation program.

**12. CIVIL INVESTIGATIVE DATA.** 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.

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

Appraisals made for the purpose of selling or acquiring land.

**14. 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.

Social Security numbers (Minn. Stat. § 13.49).

**15. TRANSPORTATION SERVICE DATA (PRIVATE).** Minn. Stat. §13.72.

Personal, medical, financial, familial or locational information, except name, of applicants or users of transportation services for the disabled or elderly.

**16. 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.

**17. LAW ENFORCEMENT DATA.**

Minn. Stat. §§13.80 and 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 that 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 that 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, and 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.

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 that 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 (Mm. Stat. §13.87).

Deliberative processes or investigative techniques are confidential.

**18. CITY ATTORNEY RECORDS.**

Minn. Stat. §13.393.

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

**Policy History**

Initially Adopted: 06.02.2008

Revised: 07.21.2025