



## CITY OF WACONIA

### DATA PRACTICES PROCEDURES

**1. 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. It is the intent of the City of Waconia (“City”) to remain in compliance with the Act. These procedures shall be supplemented by the requirements of the Act as needed and if any procedure contained herein is inconsistent with those requirements, as they may be amended, the specific provisions of the Act shall be controlling.

**2. Responsible Authority.** The City Administrator is the Responsible Authority and Compliance Official responsible for the collection, use and distribution of government data and is accountable for City compliance with the Minnesota Government Data Practices Act. The Responsible Authority has designated certain other City employees to collect, maintain, disseminate and otherwise assist in complying with the Act. These Designees are listed on attached Exhibit 1. The Responsible Authority shall provide training to Designees and staff at such times and in such a manner as the designated Responsible Authority determines is appropriate to inform them of their obligations under the Act. The designated Responsible Authority shall also be authorized to amend or supplement the Exhibits as attached to these procedures as needed to further the intent of these procedures and the City’s compliance with the Act. For the purposes of carrying out these procedures, the term Responsible Authority shall include Designees unless the context in which it is used indicates a different intent.

**3. 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:

<b>Data on Individuals*</b>	<b>Data on Decedents</b>	<b>Data not on Individuals*</b>
MS 13.02, Subd. 5	MS 13.10, Subd. 1	MS13.02, Subd. 4
<b>Public</b> Accessible to anyone MS 13.02, Subd. 15	<b>Public</b> Accessible to anyone MS 13.02, Subd. 15	<b>Public</b> Accessible to anyone MS 13.02, Subd. 14
<b>Private</b> Accessible to the data Subject; Not accessible to the public MS 13.02, Subd. 12	<b>Private**</b> Accessible to the representative of the decedent; Not accessible to the public MS 13.10 Subd. 1B	<b>Nonpublic</b> Accessible to the data subject; Not accessible to the public MS 13.02, Subd. 9

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<b>Confidential</b>	<b>Confidential**</b>	<b>Protected Nonpublic</b>
Not accessible to the data subject; Not accessible to the public	Not accessible to the representative of the decedent; Not accessible to the public	Not accessible to the data subject; Not accessible to the public
MS 13.02, Subd. 3	MS 13.10, Subd. 1A	MS 13.02, Subd. 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.

**A. People Entitled to Access.** Any person has the right to inspect or view 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. The Responsible Authority may ask a person to provide identifying or clarifying information for the sole purpose of facilitating access to the data. Examples of when identifying information may be requested include, but are not limited to, obtaining a mailing address when the person has requested that copies be mailed or requesting identification when copies have been paid for by check. Additionally, any person has the right to obtain a copy of public data except in the case of copyrighted materials in the possession of the City for which the City does not have express written permission to reproduce (Exhibit 10).

Copyrighted public documents may be shown to anyone but shall not be reproduced or photocopied without express written permission from the copyright holder.

- The Responsible Authority reserves the right to refuse to provide copies of copyrighted data in accordance with the copyright law of the United States (Title 17, United States Code) which governs the making of photocopies or other reproductions of copyrighted material.
- Public documents created by the City of Waconia and/or its officials and employees on behalf of the City do not qualify for copyright protection and shall be available for viewing and reproduction in accordance with the Act. In certain cases, the City may enforce a copyright or acquire a patent for a computer software program or components of a program created by the City. In such cases, the data shall be treated as trade secret information.

**B. Form of Request.** The request for public data may be verbal or written. The Responsible Authority or designee may require a verbal request to be made in writing whenever a written request will assist the Responsible Authority or Designee in performing his or her duties. (Exhibit 4).

**C. Identification of Requesting Party.** The Responsible Authority may not require the requesting party to provide identification to view public documents unless contact information is required in order to clarify the request. The Responsible Authority must verify the identity of the requesting party as a person entitled to reproductions when reproductions of copyrighted public data are requested. Identity can be established through personal knowledge, presentation of photo 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. Form of Copies.** Where public data is maintained in a computer storage medium, the Responsible Authority shall provide copies of the public data in electronic form upon request, provided a copy can reasonably be made in that form. The Responsible Authority is not required to provide the data in an electronic format or program that is different from the format or program in which the Responsible Authority maintains the data. The Responsible Authority may charge a fee for the actual cost of providing the copy.

**E. 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.

Whenever possible, the Responsible Authority will immediately allow the person to inspect the public data. Where providing immediate copies would unreasonably interfere with the efficient performance of the City's operations, the Responsible Authority may require that the requesting person make an appointment or return at a later time to inspect or to pick up copies of the requested data. When public data on individuals is requested by the individual data subject and an immediate response is not possible, the Responsible Authority or Designee will provide the data within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays.

**F. Fees.**

Anyone may inspect or view public data for any reason without charge. 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.

**4. Access to Private and Confidential 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 for any reason.
- **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 9, 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 the subject of the data, but may be given or shown 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 data verbally or in writing. Data will be released depending on whether or not the City has stored data requested and whether the data is classified as public, private, or confidential.

All requests to see private or confidential information must be in writing. All requests to see private or confidential information must be made in writing in order to verify identity. The Responsible Authority will provide the Information Disclosure Request form, attached as Exhibit 5, which must be completed to document the requesting party's identity, the information requested, and the City's response; however, any individual may request data verbally or in writing as long as the request is accompanied by documentation of the requesting party's identity and a detailed description of the information requested.

**C. Identification of Requesting Party.** The Responsible Authority or Designee must verify the identity of the requesting party as a person entitled to access when private or confidential data is requested. Identity can be established through personal knowledge, presentation of photo 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. Access to the data will be provided as soon as is reasonably possible.

Data requested by the individual data subject will be provided within ten (10) days of the date of the request, excluding Saturdays, Sundays and legal holidays if an immediate response is not possible.

**E. Fees.** Fees may be charged in the same manner as for public information and are summarized in Exhibit 2.

**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 reveal 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 the preparation. The Responsible Authority or Designee must notify the requesting party about the estimated costs and collect these costs before preparing or supplying the summary data. This should be done within ten (10) days after receiving the request. If the summary data cannot be prepared within ten (10) days, the Responsible Authority must notify the requester of the anticipated time schedule and the reason for the delay. (Exhibit 6).

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 7.

**G. Records of Minors and Incapacitated Persons** as defined in Minnesota Statutes 524.5-102, subdivision 6. The following applies to private (not confidential) data about people under the age of 18 and about those persons who are incapacitated as defined by Minnesota Statutes 524.5-102, subdivision 6.

- Parental/Guardian 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 or incapacitated person. For the purposes of these procedures "Parent" shall include guardians and individuals acting as a parent or guardian in the absence of a parent or guardian. The Parent is presumed to have this right unless the minor has requested the Responsible Authority or Designee to withhold the data and withholding the data would be in the best interest of the minor, or it has been given evidence that there is a state law, court order, or other legally binding document, which prohibits this right.
- Notice to Juvenile and Incapacitated Persons. Before requesting private data from juveniles and incapacitated persons, city personnel must notify the juveniles and incapacitated persons 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 8.
- Denial of Parental/Guardian Access. The Responsible Authority or Designee may deny parental/guardian access to private data when the individual requests this denial and the Responsible Authority or Designee determines that withholding the data would be in the best interest of the individual. The request from the individual must be in writing, stating the reasons for the request. In determining the best interest of the individual, the Responsible Authority or Designee will consider:
  - Whether the individual is of sufficient age and maturity to explain the reasons and understand the consequences,
  - Whether denying access may protect the individual from physical or emotional harm,
  - Whether there are reasonable grounds to support the individual'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 individual.

The Responsible Authority or Designee may also deny parental access without a request from the juvenile or incapacitated person under Minnesota Statutes Section 144.335.

**5. Access to Private and Confidential Data on Decedents.** Private data on decedents means data which, prior to the death of the data subject, were classified by statute, federal law, or temporary classification as private data. Confidential data means data which, prior to the death of the data subject, were classified by statute, federal law, or temporary classification as confidential data. A list of private and confidential data information maintained by the City is contained in Appendix A. Information about individuals who are deceased will be treated the same as data that is about individuals who are living except that private and confidential data on decedents will become public data ten (10) years after the death of the data subject and 30 years after the creation of the data in accordance with Minnesota Statutes Section 13.10, subd. 2. An individual is presumed dead if either 90 years elapsed since the creation of the data or 90 years have elapsed since the individual's birth, whichever is earlier, except that an individual is not presumed to be dead if the Responsible Authority has information readily available to it indicating the individual is still living.

**A. People Entitled to Access.**

- **Public information** about a decedent may be shown or given to anyone for any reason.
- **Private information** about a decedent may be shown or given to:
  - The representative of the decedent, but only once every six months, unless a dispute has arisen or additional data has been collected. A "representative of the decedent" means a personal representative of the estate of the decedent during the period of administration, or if no personal representative has been appointed or after discharge, the surviving spouse, any child of the decedent, or, if there is no surviving spouse or children, the parents of the decedent.
    - A person who has been given access by the express written consent of the decedent prior to their expiration or by the express written consent of the legal representative of the decedent.
    - People who are authorized access by the federal, state, or local law or court order.
    - People about whom the decedent or legal representative 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 the legal representative of the decedent, but may be given or shown 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 data verbally or in writing. Data will be released depending on whether or not the City has stored data requested and whether the data is classified as public, private, or confidential.

All requests to see private or confidential information must be in writing. All requests to see private or confidential information must be made in writing in order to verify identity. The Responsible Authority will provide the Information Disclosure Request form, attached as Exhibit 5, which must be completed to document the requesting party's identity, the information requested, and the City's response; however, any individual may request data verbally or in writing as long as the request is accompanied by documentation of the requesting party's identity and a detailed description of the information requested.

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**C. Identification of Requesting Party.** The Responsible Authority or Designee must verify the identity of the requesting party as a person entitled to access when private or confidential data is requested. Identity can be established through personal knowledge, presentation of photo 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 will be immediate, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays and legal holidays if an immediate response is not possible.

**E. Fees.** Fees may be charged in the same manner as for public information and are summarized in Exhibit 2.

**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 reveal 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 the preparation. The Responsible Authority or Designee must notify the requesting party about the estimated costs and collect these costs before preparing or supplying the summary data. This should be done within ten (10) days after receiving the request. If the summary data cannot be prepared within ten (10) days, the Responsible Authority must notify the requester of the anticipated time schedule and the reason for the delay. (Exhibit 6).

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 7.

**6. Access to Data Not on Individuals.** Information not about individuals is classified by law as public, nonpublic, and protected nonpublic. Information that is not about individuals will generally be treated the same as data about individuals. Nonpublic and protected nonpublic information, except for security information, becomes public either ten (10) years after it was created by the City or ten (10) years after the data was received or collected by the City unless the Responsible Authority reasonably determines that if the information was made public or the data subject that the harm to the public or the data subject would outweigh the benefit to the public or the data subject.

**A. People Entitled to Access. Public information** not about an individual may be shown or given to anyone for any reason. **Copyrighted documents** will not be reproduced or photocopied without express written permission from the copyright holder.

- **Nonpublic information** not about an individual may be shown or given to:
  - The legal representative of the subject entity of the data, 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 legal representative of the entity which is the subject of the data.
  - People who are authorized access by the federal, state, or local law or court order.
  - People about whom the legal representative of the subject entity 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.
- **Protected nonpublic information** may not be given to the legal representative of the subject entity, but may be given or shown 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 data verbally or in writing. Data will be released depending on whether or not the City has stored data requested and whether the data is classified as public, nonpublic, protected nonpublic, or is copyrighted.

All requests to view or receive a reproduction of nonpublic or protected nonpublic information must be in writing in order to verify identity. All requests to receive a reproduction of copyrighted public, nonpublic or protected nonpublic information must be made in writing in order to determine if the request for copyrighted material qualifies for release under copyright law of the United States (Title 17, United States Code). The Responsible Authority will provide the Information Disclosure Request form, attached as Exhibit 4, which must be completed to document the requesting party's identity, the information requested, and the City's response; however, any individual may request data verbally or in writing as long as the request is accompanied by documentation of the requesting party's identity and a detailed description of the information requested.

**C. Identification of Requesting Party.** The Responsible Authority or Designee must verify the identity of the requesting party as a person entitled to access when nonpublic or protected nonpublic data is requested. The Responsible Authority must also verify the identity of the requesting party as a person entitled to access when copies of copyrighted private, nonpublic, or protected nonpublic data is requested. Identity can be established through personal knowledge, presentation of photo 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 will be immediate, if possible, or within ten (10) days of the date of the request, excluding Saturdays, Sundays and legal holidays if an immediate response is not possible.

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**E. Fees.** Fees may be charged in the same manner as for public information and are summarized in Exhibit 2.

**F. Summary Data.** Summary data refers to statistical records and reports derived from data on individuals but which does not identify an individual by name or reveal 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 the preparation. The Responsible Authority or Designee must notify the requesting party about the estimated costs and collect these costs before preparing or supplying the summary data. This should be done within ten (10) days after receiving the request. If the summary data cannot be prepared within ten (10) days, the Responsible Authority must notify the requester of the anticipated time schedule and the reason for the delay. (Exhibit 6)

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 7.

**7. Temporary Classification.** If the Responsible Authority determines information not expressly classified by law should be protected, that person may apply to the Commissioner for permission to classify information as private, confidential, nonpublic or protected nonpublic for its own use and for the use of other governmental entities on a temporary basis. The application and the classification of the information shall be in accordance with Minnesota Statutes Section 13.06.

**8. 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 that as possible. 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.

**9. 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 the programs specifically authorized by the state legislature, city council, or federal government.

**A. Tennesen Warning.** When an individual is asked to supply private or confidential information about the individual, the City employees requesting the information must give the individual a Tennesen 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,
- The data subject is not an individual (e.g., the data subject is a corporation or partnership,
- The data subject offer information that has not been requested by the City.
- The information requested from the individual is about someone else, or
- The information requested from the subject is classified as public data.

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 11.

**B. Data Quality Procedures.** The City is required to establish procedures that data on individuals are accurate, complete and current. The Responsible Authority shall work with employees that collect, use, or disseminate data on individuals to implement the following procedures:

- At the time that the data is collected from the individual data subject, the individual should be advised of his or her right to review and contest the accuracy or completeness of public or private data concerning him/herself.
- An individual data subject should be encouraged to review his/her file for accuracy, completeness and currency.
- Whenever possible and practical, collect data about an individual from the individual subject of the data rather than from third parties (e.g., birthdate, address, etc.). (This directive does not prohibit employees from collecting information from third parties.)
- Design forms to collect objective types of data elements whenever possible, rather than data which calls for an opinion or conclusion or other subjective entry. Forms for the collection of data on individuals should request only necessary data.
- Department Heads should periodically review forms used to collect data on individuals. Data elements that are not necessary or that lend themselves to ambiguity or subjectivity should be removed and the forms redesigned.
- Department Heads should periodically conduct quality/validity checks on sample case files that contain data on individuals.

**10. Challenge to Data Accuracy or Completeness.** 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.

**11. 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, on an annual basis, 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 State of Minnesota General 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 anyone who is not authorized to access the data including 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 13.



**GUIDELINES AND PROCEDURES FOR THE  
MINNESOTA GOVERNMENT DATA PRACTICES ACT**

**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 Waconia (“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.

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

Responsible Authority and Compliance Official:

City Administrator  
City of Waconia  
201 South Vine Street  
Waconia, MN 55387  
(952) 442-2184

Positions appointed as Designees in system administration are as follows:

City Clerk  
City of Waconia  
201 South Vine Street  
Waconia, MN 55387  
(952) 442-2184

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

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**GUIDELINES AND PROCEDURES FOR THE  
MINNESOTA GOVERNMENT DATA PRACTICES ACT**

**Exhibit 2**

**PHOTOCOPYING CHARGES**

(If conflicts with the current City of Waconia fee schedule exist, the current fee schedule shall prevail.)

The City of Waconia charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, Section 13.03, subd. 3 (c). You must pay for copies before we will give them to you.

The following rates shall apply for request of standard materials:

**STANDARD CHARGES**

Photo Copies	25 cents/8.5" x 11" single-sided, b/w page, 100 or fewer copies; The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data and making the copies.
DVD or VHS Reproduction	\$5.00 per disk
Mailing	Current USPS fees or Actual Cost of Courier
Duplication Fee *	In determining the actual cost of making paper or electronic copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.) and mailing costs, if any. If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.
Document Research Fee **	the cost of employee time to search for data, retrieve data, and make copies is on an hourly basis as established in Chapter 1100 of the Waconia City Code. If, because of the subject matter of your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate the search and retrieval portion of the copy charge at the higher salary/wage.
Other Services	Fees for other services can be found in Chapter 1100 of the Waconia City Code.

\* Applicable for all requests resulting in more than 100 pages of copied documents and for all requests for electronic data requiring more than one (1) hour of staff time.

\*\* Available only as time and staffing levels permit.

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**GUIDELINES AND PROCEDURES FOR THE  
MINNESOTA GOVERNMENT DATA PRACTICES ACT**

**Exhibit 3  
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)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Costs for duplication of standard materials are included on Exhibit 3. Please use this section to calculate fees for other data requests.

		Estimated Cost	Actual Cost
A.	LABOR		
	_____ x _____	_____	_____
	# Hours      Hourly Rate		
	_____ x _____	_____	_____
	# Hours      Hourly Rate		
B.	PHOTOCOPY		
	_____ x _____	_____	_____
	Rate            # of 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. _____	_____	_____
	<b>TOTAL CHARGES</b>	_____	_____
	<b>AMOUNT TO BE PREPAID</b>	_____	_____
	(50% of est. total if exceeds \$50)		
	<b>AMOUNT DUE UPON COMPLETION</b>	_____	_____

Prepared by: \_\_\_\_\_

Department: \_\_\_\_\_ Date: \_\_\_\_\_

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**GUIDELINES AND PROCEDURES FOR THE  
MINNESOTA GOVERNMENT DATA PRACTICES ACT  
Exhibit 4  
GENERAL DATA ACCESS REQUEST**

**Notice:** *You may cancel this request at any time prior to the release of information. You may be required to pay the actual costs of making copies and/or compiling data, if your request exceeds 100 pages. Smaller requests cost 25 cents per page.*

**Note:** *The subject of the data request must authorize the release of private information to the subject's agent or another agency. A "Consent to Release Private Data" must be completed by the subject of the data.*

**Completed by Requester**

Name (Last, First, MI)	Date of Request
Street Address	Phone Number
City, State, ZIP	E-mail Address

You do not have to provide contact information to view or obtain public data. However, if you want us to mail you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information we will not be able to begin processing your request until you contact us.

All requests to view or receive private or confidential data must be made in writing to verify identity.

**I am requesting access to data in the following way** (Note: inspection is free but the City of Waconia charges for copies.)

- Inspection                     
 Copies                             
 Both inspection and copies

Description of the information requested: (attach additional sheets if necessary)

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**Completed by the City of Waconia**

Information classified as:

- Public                     
 Non-Public                     
 Private                     
 Protected Non-Public                     
 Confidential

**Action:**                     
 Approved                     
 Approved in part (explain below)                     
 Denied (explain below)

Remarks or basis for denial including MN Statute, if applicable:

---

**Charges:**

\_\_\_\_ None  
\_\_\_\_ Photocopy:  
\_\_\_\_ Pages x .25 cents = \_\_\_\_\_  
\_\_\_\_ Special Rate: \_\_\_\_\_

Explanation: \_\_\_\_\_

Other: \_\_\_\_\_

Explanation: \_\_\_\_\_

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Authorized Signature

Date

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**GUIDELINES AND PROCEDURES FOR THE  
MINNESOTA GOVERNMENT DATA PRACTICES ACT  
Exhibit 5  
CLASSIFIED DATA ACCESS REQUEST (Data Subject)**

**Notice:** *You may cancel this request at any time prior to the release of information. In any event, this request form will expire 90 days after signing.*

*You may be required to pay the actual costs of making copies and/or compiling data.*

*After being shown private data on individuals and informed of its meaning, this data need not be disclosed again for six months unless additional information has been collected or an action is pending.*

**Note:** *If the requester is not the data subject, the subject of the data request must authorize the release of private information to the subject's agent or another agency. A "Consent to Release Private Data" must be completed by the subject of the data.*

**Completed by Requester**

Data Subject Name (Last, First, MI)	Date of Request	
Parent/Guardian Name (if applicable)		
Street Address	Phone Number	E-mail Address
City, State, ZIP	Signature of Requester, Data Subject or Parent/Guardian <i>If not the subject of the data requested, see note above.</i>	

*All requests to view or receive private or confidential data must be made in writing to verify identity.*

**I am requesting access to data in the following way** (Note: inspection is free but the City of Waconia charges for copies.)

- Inspection                       Copies                       Both inspection and copies

Description of the information requested: (attach additional sheets if necessary)

**Completed by the City of Waconia**

Information classified as:

- Public             Non-Public             Private             Protected Non-Public             Confidential

**Action:**             Approved             Approved in part (explain below)             Denied (explain below)

Remarks or basis for denial including MN Statute, if applicable:

**Charges:**

\_\_\_\_\_ None  
 \_\_\_\_\_ Photocopy:  
 \_\_\_\_\_ Pages x .25 cents = \_\_\_\_\_  
 \_\_\_\_\_ Special Rate: \_\_\_\_\_

**Identity Verified for Private Information:**

**To request data as a data subject, you must show a valid state ID.**

\_\_\_\_\_ Identification: Driver's License, etc.  
 \_\_\_\_\_ Comparison with Signature on File  
 \_\_\_\_\_ Personal Knowledge  
 \_\_\_\_\_ Other: \_\_\_\_\_

Explanation: \_\_\_\_\_

\_\_\_\_\_ Other: \_\_\_\_\_

Explanation: \_\_\_\_\_

Authorized Signature

Date

MAY 2009





**GUIDELINES AND PROCEDURES FOR THE  
MINNESOTA GOVERNMENT DATA PRACTICES ACT**

**Exhibit 6**

**SUMMARY DATA REQUEST**

Request for Private Data without Data Subject Identification

**Notice:** *Within ten (10) days of the receipt of this request, you will receive an estimate of charges and time required to prepare the summary data. The City of Waconia must be reimbursed for these costs. You may be required to pay these charges before the data will be prepared.*

**Completed by Requester**

Name (Last, First, MI)	Date of Request
Street Address	Phone Number
	E-mail Address
City, State, ZIP	

You do not have to provide contact information to view or obtain public data. However, if you want us to mail you copies of data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information we will not be able to begin processing your request until you contact us.

Description of the information requested: (attach additional sheets if necessary)

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**Completed by the City of Waconia**

Preparation Charges:	Estimated	Actual
<b>A. Labor</b>		
Rate per hour *      X Hours      =	_____	_____
Rate per hour *      X Hours      =	_____	_____
<b>B. Photocopies:</b> Rate per Page .25      x Pages      =	_____	_____
<b>C. Mailing:</b> _____ =	_____	_____
<b>D. Printing:</b> _____ =	_____	_____
<b>E. Other:</b> <i>Include computer time, programming time, terminal access, etc.</i>		
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
Total Charges      =	_____	_____

\* See rate in Chapter 1100 of the Waconia City Code

**Action:**       Approved       Approved in part (explain below)       Denied (explain below)

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Handled by \_\_\_\_\_

Authorized Signature \_\_\_\_\_

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**GUIDELINES AND PROCEDURES FOR THE  
MINNESOTA GOVERNMENT DATA PRACTICES ACT**

**Exhibit 7  
GOVERNMENT DATA ACCESS AND NONDISCLOSURE AGREEMENT**

1. **AUTHORIZATION.** The City of Waconia (“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 the Attached Exhibit 2 and Exhibit 3.

\_\_\_\_\_  
Signature of Requestor

\_\_\_\_\_  
Date

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, 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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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 Authorized 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. **ACCESS 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): \_\_\_\_\_

**REQUESTOR OF SUMMARY DATA:**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Title (if applicable) \_\_\_\_\_

**CITY OF WACONIA:**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Its: \_\_\_\_\_



**GUIDELINES AND PROCEDURES FOR THE  
MINNESOTA GOVERNMENT DATA PRACTICES ACT**

**Exhibit 8**

**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: \_\_\_\_\_

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**GUIDELINES AND PROCEDURES FOR THE  
MINNESOTA GOVERNMENT DATA PRACTICES ACT**

**Exhibit 9**

**CONSENT TO RELEASE PRIVATE DATA**

I, \_\_\_\_\_, authorize the City of Waconia 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 purpose or purposes of:

\_\_\_\_\_  
\_\_\_\_\_

This authorization is dated \_\_\_\_\_ and expires on \_\_\_\_\_.

**I understand that my records are protected under state privacy regulations and cannot be disclosed without my written consent unless otherwise provided for by law. I also understand that I may cancel this consent at any time prior to the information being released and that in any event, this consent expires automatically 90 days after signing. By signing this document, I give my full and voluntary consent to the City to release the above-listed data to the persons identified in this release, and I waive any and all claims against the City for the disclosure of private data about me in accordance with this document.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature of parent or guardian  
(if data subject is under 18 years of age)

**Identity verified by:**

- Witness** X \_\_\_\_\_
- Identification: Driver's License, State ID, Passport, Other:** \_\_\_\_\_
- Comparison with signature on file**
- Other:** \_\_\_\_\_

**Responsible Authority/Designee:** \_\_\_\_\_

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**GUIDELINES AND PROCEDURES FOR THE  
MINNESOTA GOVERNMENT DATA PRACTICES ACT**

**Exhibit 10**

**CONSENT TO RELEASE COPYRIGHTED DATA**

I, \_\_\_\_\_, certify that I have the authority to authorize the City of Waconia to release the following copyrighted data of which I am the copyright holder: \_\_\_\_\_

\_\_\_\_\_

to the following person or people: \_\_\_\_\_

\_\_\_\_\_

The person or people receiving the copyrighted 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.*

I, the undersigned, 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.

\_\_\_\_\_

Print Name Title

\_\_\_\_\_

Complete Address Street City State ZIP

\_\_\_\_\_

Notarized Signature Date

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public within and for said County, personally appeared \_\_\_\_\_, known to me to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

\_\_\_\_\_ My Commission Expires on: \_\_\_\_\_

Notary Public

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**GUIDELINES AND PROCEDURES FOR THE  
MINNESOTA GOVERNMENT DATA PRACTICES ACT**

**Exhibit 11**

**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 public or the subject of the data.

Our purpose and intended use of this information is:

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You \_\_\_\_\_ ARE \_\_\_\_\_ ARE NOT legally required to provide this information.

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

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

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**GUIDELINES AND PROCEDURES FOR THE  
MINNESOTA GOVERNMENT DATA PRACTICES ACT**

**Exhibit 12  
SAMPLE TENNESSEN WARNING**

**It is the City of Waconia's responsibility to inform potential employees of their privacy rights. Please carefully read the Tennesen Warning provided below. Sign and date the form and return it with your application. Your signature indicates that you have received information regarding your rights as they pertain to the Minnesota Government Data Practices Act.**

In accordance with the Minnesota Government Data Practices Act, the City of Waconia is required to inform you of your rights as they relate to the private information collected from you. Private data is information that is available to you, but not to the public; the personal information we collect about you is private. Minnesota Statutes 13.04 and 13.43 are two sections that govern what affects you as an applicant for employment at the City of Waconia. All data collected is considered private except for the following:

- Veteran status
- Relevant test scores
- Rank on eligibility list
- Job history
- Education and training
- Work availability

Your name is considered to be private information; however, if you are selected to be interviewed as a finalist, your name becomes public information.

The data supplied by you may be used for such other purposes as may be determined to be necessary in the administration of personnel policies, rules, and regulations of the City of Waconia. Furnishing social security numbers is voluntary for applicants to the City of Waconia, but refusal to supply other requested information would mean that your application for employment might not be considered.

Private data is available only to you, to appropriate city employees, and others as provided by state and federal laws who have a bona fide need for the data. Public data is available to anyone requesting it and consists of all data furnished in the application for employment that is not designated in this notice as private data.

The information you give about yourself is needed to identify you and to assist the City of Waconia in determining your suitability for the position for which you are applying.

**I have read and understand the information given above regarding the Minnesota Data Practices Act.**

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

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**GUIDELINES AND PROCEDURES FOR THE  
MINNESOTA GOVERNMENT DATA PRACTICES ACT**

**Exhibit 13**

**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 obligation 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.

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## GUIDELINES AND PROCEDURES FOR THE MINNESOTA GOVERNMENT DATA PRACTICES ACT

### Exhibit 14

#### BUILDING PERMIT DATA PRACTICES ADVISORY

You may be required to submit building plans with your building permit application so that the City of Waconia can determine whether or not your building permit application should be approved. If you do not submit plans when they are required, your building permit will not be approved. The Minnesota Government Data Practices Act establishes a presumption that all government data are public and are accessible by the public for both inspection and copying unless there is a federal law, state statute, or temporary classification of data that provides that certain data are not public.

Minnesota Statutes Section 13.01 defines government data as being all data collected, created, received, maintained, or disseminated by the City.

The Government Data Practices Act allows building plans to be classified as nonpublic **ONLY** if they contain the following information:

**Security Information** defined by Minnesota Statutes Section 13.37 as being “government data the disclosure of which 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.”

#### **AND/OR**

**Trade Secret Information** defined by Minnesota Statutes Section 13.37 as being “government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means, by other persons who can obtain economic value from its disclosure or use.”

Building plans submitted to the City of Waconia are generally public information and will be presumed to be available for copying and release to the public. **If you hold a copyright to the plans and do not want them copied for the public, you will need to indicate as such below.** Also, if you believe that your building plans qualify for the classification of nonpublic data, you must provide documentation verifying your claim. The Responsible Authority for the City of Waconia will determine whether or not the plans qualify for nonpublic data classification within ten (10) business days of the request. If you do not agree with the determination of the Responsible Authority, you may file an application for a temporary classification of nonpublic data with the State of Minnesota Commissioner of the Department of Administration who will either grant or disapprove of the application within 45 days after it has been filed with the Office of the Administration.

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Building plans and related documents submitted to the City of Waconia are presumed to be public. By submitting them to the City and by signing this document, you are expressly giving permission to the City to make copies for the City’s use and to make available to the public upon request, unless you indicate otherwise as follows:

- The building plans I have submitted are **COPYRIGHTED** under and protected by the Federal Copyright Act and I do not give permission for them to be copied for release to the public. However, I understand the plans are considered public information under Minnesota law and may be viewed by the public.
  
- The building plans I have submitted contain **TRADE SECRET INFORMATION** as defined by Minnesota Statutes Section 13.36, subd. 1 (a) and are to be treated as protected nonpublic data. I understand I must provide an explanation (below) to support my claim that the information I am providing constitutes trade secret information under law.
  
- The building plans I have submitted contain **SECURITY INFORMATION** as defined by Minnesota Statutes Section 13.37, subd. 1 (a) and are to be treated as protected nonpublic data. I understand I must provide an explanation (below) to support my claim that the information I am providing constitutes security information under law.

Explanation:

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\_\_\_\_\_  
Name of Applicant (Please Print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Property Address

\_\_\_\_\_  
Contact Address

\_\_\_\_\_  
Contact Phone

\_\_\_\_\_  
E-mail Address



**GUIDELINES AND PROCEDURES FOR THE  
MINNESOTA GOVERNMENT DATA PRACTICES ACT**

**APPENDIX A**

**NON PUBLIC, PRIVATE AND CONFIDENTIAL DATA MAINTAINED BY THE  
CITY OF WACONIA**

**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, in addition to salary
- Job title
- Job description
- Education and training background
- Previous work experience
- Date of first and last employment

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- The existence and status (but not nature) of any complaints or charges against the employee, regardless of whether or not the complaint or charge resulted in disciplinary action
- Final disposition of any disciplinary action, with specific reasons for the action and date documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body
- 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 award received
- Payroll time sheets or 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

***Applicants to a Public Body***

**Minn. Stat. § 13.601**

Generally, all data about people who are or were an applicant to or an appointed member of a public body is private, with the exceptions noted below. The following data on applicants to members of a public body are public:

- Name
- City of Residence
- Education and Training
- Employment History
- Volunteer Work
- Awards and Honors
- Prior Government Service

***Appointed (Not Elected) Members to a Public Body***

**Minn. Stat. § 13.601**

Generally, all data about people who are or were appointed, not elected, to a public body is private, with the exceptions noted below. The following data on applicants to members of a public body are public:

- Name
- City of Residence
- Education and Training
- Employment History
- Volunteer Work
- Awards and Honors
- Prior Government Service
- Residential Address
- Either a telephone number or electronic mail address where the appointee can be reached, or both, at the request of the appointee

***Undercover Law Enforcement Officer***

All personnel data about an undercover 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.

***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 pre-petition screening team in the commitment process, and (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 (nuisance complaints).

**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 (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.

**5. ABSENTEE BALLOTS (NONPUBLIC)**

**Minn. Stat. § 13.37**

Sealed absentee ballots before opening by an election judge.

**6. SEALED BIDS (NONPUBLIC)**

**Minn. Stat. § 13.37**

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

**7. LABOR RELATIONS INFORMATION (NONPUBLIC)**

**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 (NONPUBLIC)**

**Minn. Stat. § 13.34**

Completed versions of personnel and licensing examinations shall be accessible to the individuals who completed the examination, unless the Responsible Authority determines that 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 is private data on individuals, but may be made public by either the sender or the recipient.

**11. BENEFIT DATA (PRIVATE)**

**Minn. Stat. § 13.462**

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

**12. CIVIL INVESTIGATIVE DATA (PRIVATE)**

**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 **protected nonpublic**, except that a complainant's statement is **private**.

**13. APPRAISAL DATA (PRIVATE/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

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Income information on individuals used to determine eligibility of property for classification 4d under Minn. Stat. § 273.13 and 273.126.

The following data regarding income properties:

- Detailed income and expense figures,
- Average vacancy factors,
- Verified net rentable or useable areas,
- Anticipated income and expenses,
- Projected vacancy factor, and
- Lease information

Social Security numbers (Minn. Stat. §13.355).

#### **15. TRANSPORTATION SERVICE DATA (PRIVATE)**

**Minn. Stat. § 13.72**

Personal, medical, financial, familial or location 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, 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 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.

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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

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.

#### **18. CITY ATTORNEY RECORDS (CONFIDENTIAL)**

**Minn. Stat. § 13.393**

Statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility govern the use, collection, storage, and dissemination of data by the city attorney.

#### **19. COUNCIL MEETINGS HAVING DATA CLASSIFIED AS NONPUBLIC**

**Minn. Stat. § 13D.05**

Any portion of a meeting must be closed if expressly required by other law or if the following types of data are discussed:

1. data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;
2. active investigative data as defined in Section 13.82, subdivision 7, or internal affairs data relating to allegations of law enforcement personnel misconduct collected or created by a state agency, statewide system, or political subdivision; or
3. educational data, health data, medical data, welfare data, or mental health data that are not public data under Section 13.32, 13.3805, subdivision 1, 13.384, or 13.46, subdivision 2 or 7.

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